

EXHIBIT A

(November 1, 2024

Supplemental Appeal Letter)

MONTECITO PLANNING COMMISSION

Coastal Zone Staff Report for Music Academy of the West CUP Revision

Hearing Date: March 15, 2023
Staff Report Date: March 7, 2023
Case Nos.: 21RVP-00000-00109 and
21CDP-00000-00129
Environmental Document: EIR
Addendum (03-EIR-06)

Deputy Director: Travis Seawards
Division: Development Review
Supervising Planner: Alex Tuttle
Supervising Planner Phone #: 805-884-6844
Staff Contact: Steve Conner
Staff Contact Phone #: 805-568-2081

OWNER / APPLICANT:

Music Academy of the West
Mimi Do
1070 The Fairway
Santa Barbara, CA 93108
(805) 969-4726

AGENT:

SEPPS
Heidi Jones
1625 State St.
Santa Barbara, CA 93101
(805) 966-2758 Ext.117



REQUEST

Hearing on the request of the Music Academy of the West to consider:

- Case Nos. 21RVP-00000-00109 and 21CDP-00000-00129 for approval of a Revised Conditional Use Permit (CUP) to Case No. 90-CP-111 RV01 and associated Coastal Development Permit to update the CUP and revise operational conditions with no new structural development or increase in annual or daily attendance caps, in compliance with Sections 35-172.11.3 and 35-169 of Article II, on property zoned Single Family Residential (1-E-1); and,
- Approve the Addendum to Environmental Impact Report (03-EIR-06) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. There are no new significant environmental impacts as a result of this modification request. The original EIR identified significant effects on the environment in the following categories: aesthetics/visual resources, archaeological resources, biological resources,

grading/drainage, fire protection, land use compatibility, noise, solid waste generation, transportation/circulation, and water quality.

The Addendum to the EIR and all documents may be reviewed at the Planning and Development Department, 123 East Anapamu Street, Santa Barbara or on-line at <https://cosantabarbara.box.com/s/27z5pp8sdxbf4jptncaru92eut60eajv>.

The application involves Assessor Parcel Nos. 009-282-029 and -030, located at 1070 Fairway Road, in the Montecito Community Plan area, First Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Your Commission's motion should include the following:

1. Make the required findings for approval of the project specified in Attachment A of this staff report, including CEQA findings.
2. After considering the environmental review documents included as Attachments C and D (Addendum to 03-EIR-06, dated March 7, 2023 together with the previously certified Final EIR [03-EIR-06] for the Music Academy of the West Master Plan Revised Conditional Use Permit 90-CP-111 RV01), determine that as reflected in the CEQA findings, no subsequent Environmental Impact Report or Negative Declaration shall be prepared for this project.
3. Approve the project, Case Nos. 21RVP-00000-00109 and 21CDP-00000-00129, subject to the conditions included as Attachment B.

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

3.0 JURISDICTION

This project requires a Revised Conditional Use Permit (CUP) pursuant to Sections 35-172.5.2 and 35-172.11.3 of the Article II Coastal Zoning Ordinance, which requires a Major CUP for an Educational facility in the 1-E-1 (Single Family Residential) Zone District, and an associated Coastal Development Permit to be processed concurrently with the CUP pursuant to Section 35-172.6

This project is being considered by the Montecito Planning Commission based on Article II, Section(s) 35-172.3 which states:

The Zoning Administrator shall have jurisdiction for all Minor Conditional Use Permits and the Planning Commission shall have jurisdiction for all Major Conditional Use Permits.

4.0 ISSUE SUMMARY

The Music Academy of the West (MAW) has been operating under various Conditional Use Permits at the subject site since 1951. The most recent CUP revision (90-CP-111 RV01) was approved in 2004 for various operational changes and a phased construction of the MAW Master Plan. A Final Environmental Impact Report (03-EIR-06) was prepared for the 2004 Revised CUP and approved by the Board of Supervisors. The final phase of the Master Plan was completed in 2017.

In approving the 2004 Revised CUP, the Board of Supervisors made the following advisory statement in the findings for approval:

In granting this permit, the Board of Supervisors advises future decision-makers that based on the evidence in the record at this time, the operation and site development at the Music Academy have reached a maximum level able to be found consistent with the health, welfare, safety, and convenience of the neighborhood and the Board of Supervisors recommends that no further increase in use, density, or development be allowed.

The primary objectives of the current MAW request are to update and simplify the CUP document, revise several of the CUP conditions to better serve its current and foreseeable needs, and create operational flexibility while also maintaining maximum CUP restrictions set forth in 2004. Further, it is the express intent of the MAW to balance the proposed CUP changes in a manner that results in no new environmental impacts. Thus, where a change is sought to seating in one recital hall, a reduction of seats is proposed in another; where a new activity for public use is proposed, another existing public use is eliminated. Additionally, no new structural development is proposed.

Two programmatic developments have occurred since the 2004 Revised CUP that consequently reduced the demand for events to be located on-site. MAW has reprogrammed some of its larger events to occur off-site, including concert series at the Granada and Lobero Theatres, and annual Community Concerts at the Granada Theatre, La Playa Stadium (Santa Barbara City College), and the Santa Barbara Bowl. During the pandemic in 2020-2021, the MAW's *Remote Learning Institute and Innovation* online seminars required very few administrators to be on campus during regular business hours and more programming for online activities is anticipated to continue in the future. These have allowed more events and activities without increasing activity on the MAW campus (site).

Key changes being requested as part of the current proposal include:

- 1) Eliminating the distinction between summer and non-summer attendance caps, while maintaining the overall annual cap of 47,000 visitors.

- 2) Increasing the any-given-time cap from 330 visitors to 410 visitors while continuing to adhere to the currently established daily cap and annual cap.
- 3) Eliminating the on-site retail shops and reintroducing residential uses to the corresponding structures.
- 4) Increasing student enrollment from 150 to 175 students.
- 5) Re-introducing weddings and other “Significant Life Events” that had previously been eliminated as part of the prior approval, all of which would count towards the daily and annual cap.
- 6) Allowing greater use of amplified spoken word and non-amplified acoustic music outdoors while adhering to existing activity hours and sound level requirements at the property lines.

The project includes previously instituted measures to address potential concerns with noise, circulation, privacy, and general neighborhood compatibility, and also includes new measures to ensure the proposed changes do not cause new impacts to the surrounding community. These include maintaining the daily cap of 900 visitors and the annual cap of 47,000 visitors, eliminating retail shop uses, repurposing of the Rack and Treasure House buildings (a reduction in traffic and parking demands), and implementing new noise control measures during outdoor events to protect surrounding sensitive noise receptors.

Noise and Traffic studies (Attachments I and H) were also prepared to evaluate the effects of the proposed operational changes, as summarized below.

Noise

The existing CUP allows up to two outdoor events per year with amplified sound in a single area of the campus. The applicant desires to have weddings and other “Significant Life Events” (SLEs) with amplified speech and non-amplified music in more campus areas than previously approved, up to 15 additional times per year with up to 225 attendees.

As discussed in detail in Section 6.1 of this staff report, the proposed project will be compatible with the adjacent sensitive receptor neighborhoods and comparable to the noise conditions associated with the existing CUP approval. The acoustic analysis (45dB Associates, LLC, Attachment I) considered the 2004 EIR and noise studies, as well as the proposed new outdoor amplified and non-amplified sound on noise levels at the property lines, and the resulting analysis recommends the implementation of self-management tools in the applicant’s project description for the revised CUP. With utilization of the self-management tools, the proposed project is not expected to generate noise levels in excess of the 65 dB CNEL threshold or result in an increase of more than three (3) decibels over ambient noise levels (an increase in noise levels of less than three (3) decibels is generally considered imperceptible). Thus, the proposed project is consistent with the 2004 EIR analysis and the mitigation measures therein applied to the current project, and no additional mitigation is required.

Traffic and Circulation

The 2004 EIR identified potentially significant, but mitigable impacts associated with traffic and circulation. A Traffic, Parking and VMT Analysis (Associated Transportation Engineers, Attachment H) was provided to evaluate the effects of the proposed project on traffic levels, and the consultant concluded there will be no significant increase in roadway volumes and/or intersection delay as a result of the proposed operational changes. Existing mitigation measures will continue to lessen potential traffic and circulation impacts to a level of less than significance.

Although the 2004 EIR analysis assumed that SLEs would be discontinued, the Revised CUP will reintroduce up to 15 SLEs per year and a maximum attendance of up to 225 people per event. The consultant noted that there will be no change in overall traffic generation because the number of people attending SLEs will be subject to the annual attendance cap of 47,000, which was the same attendance cap from the 2004 Revised CUP and 2004 EIR. Additionally, these events will be subject to the daily cap of 900 visitors and will typically occur outside of peak traffic periods.

The traffic study evaluated the increase in the number of students (not subject to the maximum public attendance cap) and the change in use at the resale shops (The Rack and the Treasure House) from retail to residential (including remodels to convert structures from retail uses to two residential units). The change from retail to residential will reduce estimated Average Daily Trips (ADT) from 32 (previously generated by the retail use) to 13 (associated with the two rental units). The proposed changes were estimated to result in an increase of up to 20 Average Daily Trips, five AM Peak Hour Trips (PHT) and five PM PHT. Based on these results, the traffic analyses states that these increases are less than significant and will not generate new impacts or substantially increase the severity of traffic impacts as compared to the previously approved project. Although the addition of 25 students will not be subject to the maximum daily and annual public attendance limits, the analysis further found that the traffic associated with the addition of 25 students will not cause an exceedance of the adopted roadway volumes or intersection delay. Additionally, the report concluded that parking availability on the campus is adequate to accommodate the increase in any-given-time use from 330 to 410 visitors without necessitating the use of shuttling or off-site parking arrangements.

Public Comment

Planning and Development Staff has received inquiries and comments from interested parties regarding the current proposal. Among the comments received, additional western access was suggested as a means to reduce existing and proposed MAW traffic along Hill Road and Butterfly Road. The suggested routes included either use of Monte Cristo Lane, or for MAW to obtain an access easement through the existing driveway and maintenance yard along the northern portion of the adjacent parcel owned by the Montecito Sanitary District. This same issue was raised during the prior 2004 CUP approval hearings. Public Works Transportation Division Staff indicated that previous efforts to secure these western access routes had not been successful and were still unlikely. In addition, Planning and Development Staff previously provided a memo, dated

December 10, 2003, regarding access via the Montecito Sanitary District property as part of the prior approval. The memo indicated that the Montecito Sanitary District had provided a letter, dated December 3, 2003, stating that the District was not interested in having their property used as an access option for Music Academy traffic. Ultimately, it was not required as part of the prior approval, though it was left open as an option for the Music Academy to consider in the future. On February 17, 2023, District Staff correspondence with Planning and Development indicated that the District’s position remains unchanged regarding access through the northern portion of their property. The District would potentially be amenable to shared use of Monte Cristo Lane, pending clarification/confirmation of road ownership, willingness of the various residential landowners along Monte Cristo Lane to grant an easement to the Music Academy, and road widening and maintenance requirements. However, Music Academy Staff has confirmed that they do not currently wish to seek an easement across Monte Cristo Lane.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	<i>Urban, Coastal, Educational Facility</i>
Ordinance, Zone	1-E-1 Single Family Residential (<i>minimum lot size 1 acre gross</i>)
Site Size	9.08 acres
Present Use & Development	Educational Facility
Surrounding Uses/Zone(s)	North: Railroad and Highway 101 South: Single Family Residential, 1-E-1 East: Single Family Residential, 20-E-1 West: Single Family Residential, 7-R-1
Access	Fairway Road
Public Services	Water Supply: Montecito Water District Sewage: Montecito Sanitary District Fire: Montecito Fire Protection District Police Services: Santa Barbara County Sheriff’s Office

5.2 Background Information

The project site is a music conservatory that is located within a residential area, and therefore a CUP is required for the existing and proposed uses. The Music Academy has operated in its current location since 1951 and obtained its first Conditional Use Permit that year, Case No. 51-CP-1. Prior to MAW operation, the site was used as a private estate and as part of a country club. The most recent CUP revision (90-CP-111 RV01) was approved in 2004 for a phased construction of the Master Plan for the Music Academy of the West (MAW). The final phase of the Master Plan was

completed in 2017. The MAW has complied with the project conditions of approval, including monitoring and reporting. No neighbor complaints have been filed with the County Planning and Development Department since the revision was approved, nor have there been any recorded zoning violations. Two Substantial Conformity Determinations (15SCD-00000-00038/15LUP-00000-00220 and 16SCD-00000-00005/16LUP-00000-00046) were subsequently approved for modifications to the Main House landscaping, pavers, doors, windows and lighting.

5.3 Description

The project is a request for a Revised CUP to 90-CP-111 to allow the following project components associated with the MAW Master Plan¹:

- Increase the maximum seating capacity in Hahn Hall from 300 permanent seats and 50 temporary seats during the summer to 350 permanent seats year-round. As required under the CUP, 330 seats will continue to be the maximum available to the public and the 20 remaining seats will continue to be used by students, staff, and volunteers.
- Decrease the permanent seats in Yzurdiaga Hall (formerly Stewart Hall) from 92 to 42 seats.
- Increase the maximum any-given-time public attendance from 330 to 410 people. This will allow more than one public event in a location other than Hahn Hall (350 seats). There will be no change in the daily attendance cap of 900 people.
- Increase the attendance cap for meetings and seminars from 175 to 350 participants per event.
- Eliminate the seasonal caps of “summer” (22,000 people) and “non-summer” (25,000 people) and maintain the existing annual cap of 47,000 people.
- Change reporting requirements from biannual to annual.
- Increase the number of parking spaces available to students from 10 to 20 spaces.
- Increase the instructional student population from 150 to 175 students.
- Increase the total allowances of use of the amplified spoken voice from twice a year to 17 times per year.
- Change in use to allow weddings and other special events known as Significant Life Events (SLEs).
 - Examples of SLEs include weddings, memorial services, quinceaneras, birthday and anniversary celebrations, bridal/baby showers and other individual private parties.
 - A maximum of 15 SLEs shall be allowed per year.
 - Reception attendance related to each SLE shall be limited to 225².
 - Parking shall be limited to the MAW parking lots.

¹ For complete detail, see Attachment B.1.

² Based on the maximum standing capacity (223) of Lehmann Hall.

- Amplified music shall be limited to indoor locations in Lehmann Hall or Weinman Hall and shall commence no earlier than 4:30 PM and end no later than 10:00 PM.
- Outdoor amplified sound for SLEs shall be limited to spoken voice.
- SLEs may take place in any appropriately-sized indoor space, with the exception of Hahn Hall. Outdoor amplified spoken word and unamplified/acoustic music shall be limited to the following areas: Zone 1 Anne’s Garden, Zone 2/2.5 Holden Encore Society Garden/Presidents Garden, Zone 3/4 Bock Garden/Williams Garden, Zone 5 Kuehn Court, Zone 7 Towbes Court, Zone 9 Lind Patio, and Zone 11 Kinnear Fountain (See Figure 1 Map of MAW Outdoor Zones).
- The following tools for self-management of sound levels shall be implemented for SLEs and other activities with outdoor amplified spoken word and/or unamplified/acoustic music:
 - The SLE facility renter must provide personnel to manage each SLE. The manager(s) shall be present from set up to break down of the event, shall not be considered a guest, and shall not drink alcohol during the event.
 - At Zones 1, 3, 4, and 5 (i.e., areas near the southern property lines): acoustic music programming and/or amplified spoken voice shall be limited to no more than two hours total.
 - At Zones 2, 2.5, 7, and 9: acoustic music programming and/or amplified spoken voice shall be limited to no more than four hours total.
 - PA systems shall be pointed away from neighbors whenever and wherever possible.
 - SLEs shall only occur within the hours of 9:00 AM to 9:00 PM.
 - A MAW staff member shall be designated as a point-of-contact for any potential neighbor concerns.
 - An additional MAW-approved security officer shall be present for the duration of all SLEs to help ensure that guests comply with MAW policies and requirements.
 - The SLE facility renter shall provide an assistant dedicated to ride share assistance at the end of each event to decrease the potential neighborhood nuisance caused by lost/confused ride share drivers. Note: ride share drivers’ ability to locate the correct entrance to the MAW is often dependent on how the rider(s) enter(s) their pick up location into the ride share app.
- Change in use to discontinue operation of retail shops (The Treasure House and the Rack) and allow residential use of these spaces for alumni, faculty members, local organizations, guest artists and other community-related uses such as rehearsal space and SLE preparation space. It is anticipated the residential component would be utilized in the summer months for 8-10 weeks for Festival-related personnel. In non-summer months, durations of stay may range from 1-night to 30-days at a time, and with a 1–4-person maximum occupancy for The Rack, and 1–2-person maximum occupancy for the Treasure House. This request further supports the fiscal health of the MAW in generating revenue

and off-setting rental expenses otherwise paid for off-site rentals for MAW guest artists, alumni, and faculty members.

- Change in use to allow the “caretaker” residential unit to be used by other MAW employees.
- Change in use to convert existing administrative storage building/Marjorie Crispin Annex (formerly known as Harger Studio) to allow for future use for MAW administrative offices.
- Modification in community use of the studio spaces to allow other art- and wellness-related uses, including dance, yoga, meditation, visual and performing arts, etc.
- Updates to conditions of approval related to the Cut-Through Reduction Plan (CTRP), for which reporting requirements were discontinued as of 2009. The CTRP Condition will be revised to reflect the implemented gate closure program.
- Update several references to MAW campus building names.
- Project-related parking demand shall be accommodated on the project site (not in overflow lots or on-street).



Figure 1 Map of MAW Outdoor Zones

5.4 Summary Table of Operational Changes

The following table summarizes the operational changes and lists the corresponding Conditions of Approval that will be revised as a result of the changes.

Item	Existing	Proposed	Condition of Approval (COA ³)
Hahn Hall (formerly Abravanel Hall) Seating Capacity	300 (+50 temporary-summer)	350 permanent	COA #1, COA #48
Yzurdiaga Hall (formerly Stewart Hall) Seating Capacity	92	42	COA #1
Public Attendance ⁴ Cap – Any-Given-Time	330	410	COA #1 & COA #28
Seminars and Meeting Attendance Cap	175	350	COA #1 & COA #38
Flexible Annual Public Attendance Cap	22,000 Summer/ 25,000 Non-Summer	47,000 Annual (No seasonal attendance cap)	COA #1 & COA #28
Daily Public Attendance Cap	900	900 (no change)	COA #1
Reporting Frequency	Bi-annual	Annual	COA #34
Increase Student Parking	10	20	COA #49
Increase Student Population	150	175	COA #1
Reintroduce Significant Life Events (SLEs)	No weddings, etc.	Allow up to 15 Significant Life Events, maximum attendance 225	COA #1
Eliminate resale shop use	Resale shop use allowed	Convert shops back to residential uses (Casitas East and West) and uses accessory to mission-driven activities	COA #1, COA #26, COA #32 & COA #40

³ 2004 Revised CUP.

⁴ Public attendance not to include faculty, staff, students, other performers or employees or people attending administrative functions.

Item	Existing	Proposed	Condition of Approval (COA ³)
Amplified Music/Outdoor Sound	Amplified Sound Limited to indoor and outdoor limited to spoken voice in “cloistered outdoor courtyard”; Limited to twice annually (2-hr max.)	Allow amplified spoken voice and non-amplified music in outdoor areas ⁵ . Maximum 17 events/year. Proposed Acoustics Self-Mgt ⁶ .	COA #1, COA #29 & COA #55
Use Flexibility - Caretaker Residence (Lehrer Studio 2 nd Floor)	Caretaker use only	Allow other employee use of unit	COA #1
Use Flexibility - Storage Building/Marjorie Crispin Annex (formerly Harger Studios)	Storage of resale items	Allow admin. office use	COA #1, COA #18, COA #26 & COA #46
Public use of Studios for Other Artistic and Wellness Endeavors	Limited to music practice and recordings	Allow dance, yoga, meditation, visual and performing arts, etc.	COA #1 & COA #47
Update Conditions 30-33 (Cut-Through Reduction Plan/CTRP)	Reporting required with Phase I Occupancy and CTRP Reporting	Implement final gate closure program and eliminate reporting	COA #1, COA #30, COA #31, COA #32 & COA #33
Parking	293 spaces ⁷ , 10 space maximum allotted for students	Maximum 293 spaces, 20 space maximum allotted for students	COA #49

⁵ Zone 1 (Z1) Anne’s Garden, Z2 Holden Encore Society Garden/Z2.5 Presidents Garden, Z3 Bock Garden, Z4 Williams Garden, Z5 Kuehn Court/Kinnear Fountain, Z7 Towbes Court, Z9 Lind Patio.

⁶ Zones near southern property line (Z1, Z3, Z4, Z5); not more than two total hours (allowing for intermission break) acoustic music programming and/or amplified spoken voice. Other zones (Z2, Z2.5, Z7, Z9); not more than four total hours (allowing for intermission break) of acoustic music programming and/or spoken voice. PA systems to be pointed away from neighbors whenever and wherever possible.

⁷ 332 spaces required by Article II Section 35-109, but a modification for a reduction to 293 spaces was granted in 2004 CUP revision (90-CP-111 RV01).

6.0 PROJECT ANALYSIS

6.1 Environmental Review

In accordance with CEQA Guidelines Section 15164, a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions requiring a subsequent EIR have occurred. An Addendum (Attachment C) to the Environmental Impact Report (03-EIR-06/Attachment D) was prepared for the proposed revision to the Music Academy of the West CUP and associated Coastal Development Permit (21RVP-00000-00109 and 21CDP-00000-00129). The Addendum includes a brief explanation of the County’s decision not to prepare a subsequent EIR pursuant to CEQA Guidelines Section 15162. In summary, the proposed changes to the project are within the scope of the previously certified EIR and modification to conditions of approval to facilitate those changes will not create new or more severe environmental impacts, and all applicable previously-implemented mitigations from the EIR (as modified by the current proposal) will remain in effect. Those mitigations that are no longer necessary (e.g. construction-related) will not be applicable to the proposed CUP revisions. The Montecito Planning Commission shall consider the Addendum with the Final EIR as part of the decision on the proposed revision to the CUP.

6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
ADEQUATE SERVICES	
<p><i>Coastal Plan Policy 2-4: Within designated urban areas, new development other than that for agricultural purposes shall be serviced by the appropriate public sewer and water district or an existing mutual water company, if such service is available.</i></p> <p><i>Coastal Plan Policy 2-6: Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of</i></p>	<p>Consistent: The proposed project is consistent with the policy requirement to provide adequate services. The applicant provided service availability letters for the proposed change of resale shop use to residential/accessory use, including a Certificate of Water Service Availability (Attachment E, Montecito Water District), and a Sewer Availability Letter (Attachment F, Montecito Sanitary District). The proposed project was reviewed by the Subdivision Review Development Committee (SDRC) on November 17, 2022, including staff from the Montecito Fire Protection District (MFPD) and the Public Works Transportation Division. Although no conditions of approval were required from either department, MFPD staff specified that any event held on site will need</p>

<p><i>available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan . . .</i></p> <p>MCP Policy F-M-2.1: <i>The County shall cooperate with the Montecito Fire Protection District while reviewing Fire District requirements applied to ministerial and discretionary development projects regarding access, vegetation clearance, and improvements with the intent of protecting development from fire hazards while maintaining community character and quality of life and preventing adverse environmental impacts.</i></p>	<p>to receive the proper permit through the Fire District and that sprinklers will be required for the change in use of resale shops. There is no proposed increase in the annual or daily visitation caps currently in place and increases in some uses are being offset by reductions in others. According to the attached traffic analysis, the proposed closure of the retail shops will reduce traffic on to the site. In addition, implementation of the interim Cut Through Reduction Plan (CTRP) was found to be successful in substantially reducing cut through traffic and CTRP reporting ceased in 2009 with the completion of Phase I construction. The applicant provided a Traffic, Parking, and VMT Analysis (Attachment H), which concludes that there will be no significant percentage increase in roadway volumes and/or intersection delay as a result of the proposed changes in uses and programs, and therefore existing roads and access are adequate for the project. The Department of Public Works Transportation Division Staff reviewed the Traffic, Parking and VMT Analysis and concurred with the analysis and conclusions.</p>
LAND USE	
<p>MCP Policy LUED-M-1.1: <i>All educational, institutional, and other public and quasi-public uses shall be developed in a manner compatible with the community's residential character.</i></p> <p>MCP Policy LUG-M-1.1: <i>The County shall recognize that the Montecito Planning Area is a community nearing its full buildout potential, and shall require that development respect its small town, semi-rural character.</i></p>	<p>Consistent: The proposed project is consistent with the policy requirement to be compatible with the community's residential, small town, semi-rural character. MAW has operated in its current location since 1951 and its use remains compatible with the surrounding residential character of the neighborhood. The proposed change of uses will not exceed the current allotted daily or maximum annual public attendance, nor will it result in a further increase in the uses allowed. The proposed changes are designed to maintain the current level of use and compatibility with the semi-rural residential character of the community while providing greater operational flexibility and adapting to current needs. In accordance</p>

	<p>with the monitoring and reporting that was required as a condition of approval for the latest revision of the CUP (2004 Revised CUP, 90-CP-111 RV-01), the maximum attendance number has not been exceeded and there have been no reported violations on the property. The proposed use limitations will ensure continued compatibility with surrounding residential development.</p>
NOISE	
<p>Noise Element Policy 1: <i>In the planning of land use, 65dB Day-Night Average Sound Level should be regarded as the maximum exterior noise exposure compatible with noise-sensitive uses unless noise mitigation features are included in the project design.</i></p> <p>Noise Element Policy #2: <i>Noise-sensitive land uses should be considered to include:</i></p> <p>(a) <i>Residential, including single and multifamily dwellings, mobile home parks, dormitories, and similar uses.</i></p> <p>(b) <i>Transient lodging, including hotels, motels, and similar uses.</i></p> <p>(c) <i>Hospitals, nursing homes, convalescent hospitals, and other facilities for long-term medical care.</i></p> <p>(d) <i>Public or private educational facilities, libraries, churches, and places of public assembly.</i></p> <p>Noise Element Policy #5: <i>Noise-sensitive uses proposed in areas where the Day-Night Average Sound Level is 65 dB or more should be designed so that interior noise levels attributable to exterior sources do not exceed 45 dB LDN when doors and windows are closed. An analysis of the noise insulation effectiveness of proposed construction should be required, showing that the building design and construction specifications are adequate to meet the prescribed interior noise standard.</i></p>	<p>Consistent: The proposed project is consistent with the policy requirement to be compatible with noise-sensitive land uses and maintain sound levels that do not exceed 65 decibels or existing ambient noise levels. The applicant has provided an Acoustics Analysis and a proposed list of management strategies to manage acoustic levels associated with the proposed addition of Significant Life Event (SLE) uses, amplified spoken voice for outdoor SLEs, and non-amplified acoustic music for outdoor SLEs. Along with limits on the size, frequency, and timing of events, the strategies will include trained/designated MAW staff who will use commercially-available methods (such as the Audio Tools application for Apple devices) to monitor events, and a designated point-of-contact to receive complaints and address issues. The applicant provided an acoustical analysis of the proposed sound levels at seven designated outdoor areas (Attachment I). The analysis concluded that sound levels will not exceed the 24-hour equivalent exterior noise limit of 65 dBA CNEL at the property lines, in accordance with the County’s CEQA Thresholds and Guidelines Manual. The project is further conditioned to comply with the recommendations of the acoustical analysis (Attachment I).</p> <p>The proposed project is consistent with the policy requirement to restrict the hours of</p>

<p><i>MCP Development Standard N-M-1.1.1:</i> All site preparation and associated exterior construction activities related to new residential units including remodeling, demolition, and reconstruction, shall take place between 7:00 a.m. and 4:30 p.m., weekdays only.</p>	<p>exterior construction activities related to the remodeling of the two resale shops (Treasure House and The Rack) because the project is conditioned to limit construction activities to the hours between 7:00 a.m. and 4:30 p.m. (Attachment B.2, Condition 34).</p>
<p>RECREATION</p>	
<p><i>MCP Development Standard PRT-M-1.6.1:</i> In approving new development, the County shall make the finding that the development will not adversely impact recreational facilities and uses.</p> <p><i>MCP Policy PRT-M-1.2:</i> Bikeways, equestrian and walking paths within road rights-of-way and equestrian and walking paths along creek channels and through open spaces should be provided in Montecito for recreation as well as for an alternative means of transportation.</p>	<p>Consistent: The project is consistent with the policy requirement to avoid adverse impacts to recreational facilities and uses. There are no recreational facilities or uses within the project site, but the roadway network in the project vicinity is used regularly by cyclists and pedestrians. There is no change to the internal circulation system, which was established with prior approvals and designed to minimize conflicts with the community’s use of area roadways, and involves ingress from Fairway Road and egress from Butterfly Lane. The applicant has provided a Traffic, Parking, and VMT Analysis (Attachment H), which concludes that the proposed operational changes will not result in significant increases in traffic affecting the local roadway network and implementation of a final (access) gate closure program will reduce cut-through traffic to insignificant levels. The proposed elimination of the Cut Through Reduction Plan (CTRP) and adoption of a final gate closure program will formalize the decision of the Montecito Planning Commission (in 2009) to discontinue monitoring and reporting because the MPC found the interim CTRP condition was satisfied and effective with Phase I Occupancy and the Phase I CTRP reporting. Therefore, no adverse impacts to any recreational use (i.e. bicyclists and pedestrians passing through) will occur. Furthermore, MAW provides a student information packet to students and encourages</p>

	students' use of bicycle and pedestrian entry as an alternative means of transportation.
TRANSPORTATION/CIRCULATION	
<p>MCP Policy CIRC-M-1.5: A determination of project consistency with the standards and policies of this Community Plan Circulation Section shall constitute a determination of consistency with Local Coastal Plan Policy #2-6 and LUDP #4 with regard to roadway and intersection capacity.</p> <p>MCP Policy CIRC-M-1.6: The minimally acceptable Level of Service (LOS) on roadway segments and intersections in the Montecito Planning Area is "B". Exceptions to this are: <u>Roadways</u></p> <ul style="list-style-type: none"> • Hot Springs Rd/Sycamore Cyn to Coast Village – LOS D is acceptable • Olive Mill Rd/Coast Village to Channel Dr – LOS C is acceptable <p>MCP Policy CIRC-M-3.10: New Major Conditional Use Permits shall be required to demonstrate that the proposed use will not potentially result in traffic levels higher than those anticipated for that parcel by the Community Plan and its associated environmental documents. If higher traffic levels could potentially result from the proposed Major Conditional Use Permit, in order to approve the project, a finding must be made that:</p> <ol style="list-style-type: none"> 1. The increase in traffic is not large enough to cause the affected roadways and/or intersections to exceed their designated acceptable capacity levels at buildout of the Community Plan, or 2. Road improvements included as part of the project description are consistent with the 	<p>Consistent: The proposed project is consistent with policies regarding the adequacy of roadways and intersections to serve a project as well as the requirement that Conditional Use Permit projects will not cause roadways or intersections to exceed their acceptable capacity levels. There is no change to the internal circulation pattern for the campus and the proposed changes in operation at the site will not result in a significant percentage increase in roadway volumes and/or intersection delay (Traffic, Parking, and VMT Analysis in Attachment H). The analysis concluded that most of the changes in use and programs (with the exception of the addition of 25 students) will be limited by the maximum annual public attendance and therefore will not increase overall traffic at the campus on an annual basis. In addition, the analysis concluded that the project will generate a net increase of up to 20 Average Daily Trips, five AM Peak Hour Trips (PHTs), five PM PHTs associated with the increase in the student population and elimination of the resale shops. These increases will not cause affected roadways or intersections to exceed their designated acceptable capacity levels. The Department of Public Works Transportation Division Staff reviewed the Traffic, Parking and VMT Analysis and concurred with the analysis and conclusions.</p>

<i>community plan and are adequate to fully offset the identified potential increase in traffic.</i>	
--	--

6.3 Zoning: Article II

6.3.1 Compliance with Article II, Coastal Zoning Ordinance

The property is zoned Single Family Residential, 1 acre minimum lot size (1-E-1) pursuant to Article II, the Coastal Zoning Ordinance. The purpose and intent of the 1-E-1 Zone District is to reserve appropriately located areas for family living at a reasonable range of population densities consistent with sound standards of public health, welfare, and safety. The district is intended to protect the residential characteristics of the area and to promote a suitable environment for family life.

Educational institutions such as the Music Academy are permitted in any zone district with a Major CUP in accordance with Section 35-172 of Article II. The music conservatory has been permitted as a conditionally permitted use pursuant to a number of Conditional Use Permits that have been issued for the site since 1951. The existing revised CUP (90-CP-111 RV01) was approved in 2004 and the Montecito Planning Commission and Board of Supervisors found the proposed development and operational use to be compatible with the predominantly single family neighborhood at that time. No new structural development is included with the proposed revision to the CUP, the daily and annual maximum public attendance limitations will not be changed, there will be no significant traffic impacts, and the addition of amplified and acoustic sound outdoors will be monitored and managed to maintain compliance with existing CUP conditions and the 65 dBA CNEL maximum at property lines. Therefore, the proposed CUP revision will be consistent with the purpose and intent of the 1-E-1 Zone District.

Section 35-109 Required Number of Parking Spaces: Miscellaneous Non-Residential

A modification to the number of required parking spaces was granted as part of the existing revised CUP (90-CP-111 RV-01) in 2004. The Coastal Zoning Ordinance would normally require the provision of 362 spaces, but 290 spaces (285 permanent + 5 stacked) were approved as part of the Final Master Plan. There are currently 293 parking spaces (275 marked/18 stacked) provided at the MAW campus. The Traffic, Parking, and VMT Analysis (Attachment H) indicated that reserve parking was available at the MAW campus during peak summer concert and masterclass events. Peak demands ranged from 107 to 242 spaces with 51 to 186 reserve spaces available during peak periods.

Only two of the components of the proposed CUP revisions will generate an additional parking demand of 50 spaces. These components will include 40 spaces associated with the increase of

80 persons in maximum attendance at any-given-time and 10 spaces associated with 25 additional students.

Compliant:

The Traffic, Parking and VMT analysis (Attachment H) indicated that reserve parking capacity provided on the MAW campus (ranging from 51 to 186 spaces) will accommodate the additional demand of 50 spaces because the parking surveys indicated that there were at least 51 empty parking spaces available during any given day over the course of the survey period. No new structural development is proposed as part of this CUP revision. Therefore, there is no change to the project’s compliance with the required minimum lot area, setbacks, or height limits.

6.4 Subdivision/Development Review Committee

The proposed project was reviewed by the Subdivision Review Development Committee (SDRC) on November 17, 2022, including staff from the Montecito Fire Protection District (MFPD), Community Services Parks Division, Environmental Health Services, and the Public Works Transportation Division, Water Resources Division, and Surveyor Division. None of the agencies provided comments or required conditions of approval, with the exception of MFPD. MFPD staff specified that any event held on site will need to receive the proper permit through the Fire District and that sprinklers will be required for the change in use of the resale shops to residential use.

7.0 APPEALS PROCEDURE

The action of the Montecito Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days of said action. For developments that are appealable to the Coastal Commission under Section 35-182.6, no appeal fee will be charged.

The action of the Board of Supervisors is subject to appeal to the Coastal Commission within ten (10) working days of receipt by the Coastal Commission of the County’s notice of final action.

ATTACHMENTS

- A. Findings
- B. Conditions of Approval
 - B-1. Conditions of Approval for Case No. 21RVP-00000-00109
 - B-2. Conditions of Approval for Case No. 21CDP-00000-00129
- C. 15164 Letter Addendum to EIR
- D. Final EIR (03-EIR-06) for the Music Academy of the West Master Plan Revised Conditional Use Permit 90-CP-111 RV01 – Electronic Copy
<https://cosantabarbara.box.com/s/27z5pp8sdxbf4jptncaru92eut60eajv>
- E. Certificate of Water Service Availability, dated March 16, 2022

- F. Sewer Availability letter, dated March 1, 2022
- G. Project Plans
- H. Traffic, Parking, and VMT Analysis, dated July 5, 2022
- I. Music Academy of the West Conditional Use Permit Revision: Acoustics/Noise Study, dated July 6, 2022

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

1.1.1.1 ADDENDA TO ENVIRONMENTAL IMPACT REPORT

Findings pursuant to Public Resources Code section 21081 and the California Environmental Quality Act Guidelines Sections 15162 and 15164:

The Montecito Planning Commission has considered the Addendum dated February 7, 2023, together with the previously certified EIR (03-EIR-06) for the Music Academy of the West Master Plan Conditional Use Permit Revision project. The Addendum reflects the independent judgment of the Montecito Planning Commission and has been completed in compliance with CEQA. The Addendum, together with the EIR 03-EIR-06, is adequate for this proposal. On the basis of the whole record, including the Addendum, the previously certified CEQA document, and any public comments received, the Montecito Planning Commission finds that the project changes described in the Addendum will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment nor present new information of substantial importance pursuant to State CEQA Guidelines Sections 15162 and 15164.

Please see Attachment C, 03-EIR-06 Addendum, incorporated herein by reference.

1.1.2 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Montecito Planning Commission of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101. The document is also available at: <https://cosantabarbara.box.com/s/27z5pp8sdxbf4jptncaru92eut60eajv>.

1.1.3 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

1.1.4 FINDINGS ADDRESSING ADDENDUM ISSUE AREAS

The Addendum prepared for the project addressed the following issues: land use compatibility, noise, and transportation/circulation. All other issue areas were determined to be unaffected by the proposed project.

2.0 ADMINISTRATIVE FINDINGS

2.1.1 CONDITIONAL USE PERMIT FINDINGS

A. Findings required for all Conditional Use Permits. In compliance with Section 35-172.8 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Major or Minor Conditional Use Permit the review authority shall first make all of the following findings:

- 1. That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.**

The Montecito Planning Commission finds that the project site is adequate in size, shape, location and physical characteristics to accommodate the proposed program and operational use changes. The subject property is 9.07 acres in size and is located in a built-out, urban neighborhood. As discussed in Sections 6.1, 6.2 and 6.3 of this staff report, dated March 7, 2023 and incorporated herein by reference, no new structural development is included with the proposed revision to the CUP, the daily and annual maximum public attendance limitations will not be changed, there will be no significant traffic impacts, and the addition of amplified and acoustic sound outdoors will be monitored and managed to be consistent with current ambient noise levels and maintain compliance with the 65 dBA maximum at property lines where applicable.

- 2. That adverse environmental impacts are mitigated to the maximum extent feasible.**

The Montecito Planning Commission finds that the project will have no adverse environmental impacts and no further environmental review is required under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15164. Mitigation measures from the prior EIR, 03-EIR-06, that remain applicable have been carried over to the current proposal to ensure that any project-related impacts will be reduced to the maximum extent feasible. In addition, as discussed in the Sections 4.0, 6.2 and 6.3 of this staff report, dated March 7, 2023 and incorporated herein by reference, the project is designed to maintain daily and annual public attendance caps, utilize best practices for

managing sound level requirements at property lines and balance the proposed CUP changes in a manner that results in no new environmental impacts.

3. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

The Montecito Planning Commission finds that streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed Conditional Use Permit revisions. By adhering to the daily and annual attendance caps, the project will not result in a significant increase in traffic beyond that which is already generated by the existing educational/institutional uses, as discussed in Section 6.2 of the Montecito Planning Commissions staff report dated March 7, 2023, and incorporated herein by reference; and as discussed in the Traffic, Parking and VMT Analysis (Attachment F of the staff report). Additionally, there is no change to the circulation pattern as part of the project and the area roadways continue to function within acceptable capacities.

4. That there will be adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

The Montecito Planning Commission finds that there will be adequate public services available to serve the project. As discussed in Section 6.2 of the Montecito Planning Commissions staff report dated March 7, 2023, and incorporated herein by reference, the subject property is currently served by the Montecito Water District, Montecito Sanitary District, Montecito Fire Protection District, and Santa Barbara County Sheriff's Office. The applicant provided service availability letters for the proposed change of resale shop use to residential/accessory use, including a Certificate of Water Service Availability from the Montecito Water District and a Sewer Availability Letter from the Montecito Sanitary District (Attachments E and F to the Montecito Planning Commission staff report dated March 7, 2023, incorporated herein by reference).

5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.

The Montecito Planning Commission finds that the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area. The proposed project will be compatible with the community's residential, small town, semi-rural character because the change of uses will not exceed the existing maximum annual or daily public attendance caps of 900 and 47,000,

respectively, nor will it result in a further increase in the uses allowed. The proposed changes include shifting a portion (50 seats) of the maximum allowed seating capacity in one venue (Yzurdiaga Hall) to another (Hahn Hall), eliminating seasonal maximum public attendance (while maintaining the annual maximum public attendance), increasing the “any given time” maximum public attendance from 330 to 410 while maintaining the daily cap of 900, increasing the maximum participants per seminars/meetings from 175 to 350 (consistent with the proposed maximum seating capacity of Hahn Hall), increasing the instructional student population from 150 to 175, reintroducing Significant Life Events and associated outdoor sound, repurposing the resale shops (Treasure House & The Rack) for mission-driven activities (residencies and event support), allowing administrative office use of the resale shop storage building (no associated increase in staff/population), allowing other MAW employees to occupy the caretaker residence, and adding artistic and wellness purposes (dance, yoga, meditation, visual and performing arts, etc.) to the allowed public use of the studio spaces (music practice and recording). In accordance with the monitoring and reporting that was required as a condition of approval for the latest revision of the CUP (90CP-111 RV01) in 2004, the maximum attendance number has not been exceeded and there have been no reported zoning violations on the property. Additionally, no new structural development is proposed. With the restrictions that remain in place to regulate use of the campus, the proposed project will not be incompatible with the health, welfare, safety and convenience of the neighborhood.

6. That the project is in conformance with the applicable provisions and policies of this Article and the Coastal Land Use Plan.

The Montecito Planning Commission finds that, as discussed in Sections 6.2 and 6.3 of this staff report, dated March 7, 2023, and incorporated herein by reference, the proposed project will comply with all applicable requirements of Article II and the Comprehensive Plan, including the Coastal Land Use Plan and the Montecito Community Plan.

7. That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.

The Montecito Planning Commission finds that the proposed project is not located in a designated rural area and therefore this finding is not applicable to the proposed project.

8. That the project will not conflict with any easements required for public access through, or public use of the property.

The Montecito Planning Commission finds that the project will not conflict with any easements required for public access through, or public use of the property. There are no public easements on the property. No new structural development is proposed and the internal circulation system will remain unchanged.

9. That the proposed use is not inconsistent with the intent of the zone district.

The Montecito Planning Commission finds that the proposed use is not inconsistent with the intent of the zone district. The Music Academy has operated on the subject site with various Conditional Use Permits since 1951. As discussed in Section 6.3 of this Staff Report, dated March 7, 2023, and incorporated herein by reference, the proposed use is consistent with the intent of the subject lot's 1-E-1 zoning designation with the Conditional Use Permit.

2.1.2 COASTAL DEVELOPMENT PERMIT FINDINGS

- A. Findings required for all Coastal Development Permits.** In compliance with Section 35-60.5 of the Article II Coastal Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.

The Montecito Planning Commission finds that adequate services are available to serve the project, as discussed in Section 6.2 of the staff report dated March 7, 2023, herein incorporated by reference and Finding 2.1.1.A(4).

- B. Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission.** In compliance with Section 35-169.5.3 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:

1. **The proposed development conforms:**
 - a. **To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan;**

The Montecito Planning Commission finds that the project conforms to applicable policies of the Comprehensive Plan, including the Coastal Land Use

Plan and Montecito Community Plan, as discussed in Section 6.2 of the Staff Report dated March 7, 2023, and incorporated herein by reference.

- b. **The applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 161 (Nonconforming Use of Land, Buildings and Structures).**

The Montecito Planning Commission finds that the project conforms to applicable provisions of the Article II Coastal Zoning Ordinance, as discussed in Section 6.3 of the staff report dated February 7, 2023, herein incorporated by reference.

2. **The proposed development is located on a legally created lot.**

The Montecito Planning Commission finds that the proposed development is located on legally created lots, as shown in the 1971 Parcel Map 11,424.

3. **The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).**

The Montecito Planning Commission finds, as discussed in Section 6.3 of the staff report dated March 7, 2023, and incorporated herein by reference, the proposed project will comply with all applicable requirements of Article II, the Coastal Zoning Ordinance. There are no zoning or building violations recorded against the subject parcel. As conditioned, the subject property is, and the proposed project will be, in full compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and all other applicable provisions of Article II and all processing fees have been paid to date.

4. **The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.**

The Montecito Planning Commission finds, as discussed in Section 6.2 of the staff report, dated March 7, 2023, and incorporated herein by reference, the proposed development will not significantly obstruct public views from the Highway 101/railroad corridor, Butterfly Road, Fairway Road or from a public recreation area to, and along the coast. The project consists of changes to the permitted existing educational/institutional land use and operations on the lot. No new structural development is proposed.

5. **The proposed development will be compatible with the established physical scale of the area.**

The Montecito Planning Commission finds, as discussed in Sections 6.2 and 6.3 of the staff report, dated March 7, 2023, and incorporated herein by reference, the proposed development is compatible with the established physical scape of the area. No new structural development or physical alterations are proposed as part of the project.

6. **The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.**

The Montecito Planning Commission finds that the proposed development is located in an existing developed urban neighborhood and entirely within the parcel boundaries of the subject parcel. The proposed project will not impact public access to or along the beach along this area of the coast as there are no vertical or lateral access points to the beach on or adjacent to this parcel.

C. **Additional findings required for sites within the Montecito Community Plan area.**

1. **In compliance with Section 35-215 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Major Conditional Use Permit on sites within the Montecito Community Plan area the decision-maker shall first make all of the following findings:**

a. **That the project meets all the applicable development standards included in the Montecito Community Plan of the Coastal Land Use Plan.**

The Montecito Planning Commission finds that, as discussed in Section 6.2 of the staff report dated March 7, 2023, and incorporated herein by reference, the project complies with applicable development standards of the Montecito Community Plan.

b. **The project will not potentially result in traffic levels higher than those anticipated for the parcel by the Montecito Community Plan and its associated environmental documents; or if the project will result in higher traffic levels, that the increase in traffic is not large enough to cause the affected roadway(s) and/or intersection(s) to exceed their designated acceptable capacity levels at buildout of the Montecito Community Plan or that road improvements included as part of the project description are consistent with provisions of the Comprehensive Plan (specifically the**

Montecito Community Plan) and are adequate to fully offset the identified potential increase in traffic.

The Montecito Planning Commission finds that, as discussed in Section 6.2 of the staff report dated March 7, 2023, and incorporated herein by reference, the project will not result in traffic levels higher than those anticipated for the parcel by the Montecito Community Plan since the Music Academy has been operating on this site since 1951 and has had higher levels of use at times throughout its history. As such, the traffic levels associated with operation of the Music Academy were properly accounted for in the Montecito Community Plan as part of the baseline traffic conditions. The change in traffic associated with the proposed operational changes will not cause an exceedance of the adopted roadway volumes or intersection delay. No road improvements are proposed or necessary as part of the project.

c. That the development will not adversely impact recreational facilities and uses.

The Montecito Planning Commission finds that, as discussed in Section 6.2 of the staff report dated March 7, 2023 and incorporated herein by reference, the proposed project will not adversely impact recreational facilities and uses. No recreational facilities exist on the subject lot, existing circulation patterns will not change as a result of this project, and traffic levels will be similar to existing conditions to ensure that recreational use of roadways in the project vicinity will not be adversely impacted.

ATTACHMENT B.1

SANTA BARBARA COUNTY CONDITIONAL USE PERMIT
ARTICLE ~~IIII~~, CHAPTER 35
CASE NO. 21RVP-00000-00109

I. A Conditional Use Permit is Hereby Granted:

TO: The Music Academy of the West

APN: 009-282-029, -030

PROJECT ADDRESS: 1070 Fairway Rd

ZONE: 1-E-1

AREA: Montecito

SUPERVISORIAL DISTRICT: First

FOR: Music Conservatory

~~**Advisory statement from the Board of Supervisors with regard to neighborhood compatibility and its intent in approving 90-CP-111 RV01:** In granting this permit, the Board of Supervisors advises future decision makers that based on the evidence in the record at this time, the operation and site development at the Music Academy have reached a maximum level able to be found consistent with the health, welfare, safety, and convenience of the neighborhood and the Board of Supervisors recommends that no further increase in use, density, or development be allowed.~~

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

1. This Conditional Use Permit is based upon and limited to compliance with the project description and revised conditions of approval below. Physical development is as previously approved by 90-CP-111 RV01 (the hearing exhibits marked A-L, with Planning Commission hearing stamp date of June 16, 2004 (plans dated May 2004 except plan PL-2 dated 1/30/04)). Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The Music Academy of the West Conditional Use Permit has been revised to:

- a) Revise the conditions of approval to reflect completion of the final phase of Master Plan construction, update items for the purpose of clarity, and update building names;

- b) Revise various operational elements of the project and several of the conditions of approval to better serve its current and foreseeable needs and create operational flexibility while also maintaining maximum CUP restrictions set forth in 2004.

The Music Academy of the West (MAW) Revised CUP, 21RVP-00000-0010990-CP-111-RV01, (also referred to as the MAW “Master Plan” or “Renaissance Plan”) includes both physical components that have already been constructed as part of build-out of the prior CUP, 90-CP-111 RV01, and operational components as revised by the current CUP. A summary of these components is listed immediately below, with specific details described later in this section. Project components that have been completed as part of the physical development of the Master Plan, along with conditions of approval that have been satisfied, have been marked [COMPLETED]. Revisions to project components and conditions of approval are indicated by strikethrough and underline. This CUP (90-CP-111-RV~~21RVP-00000-00109~~) represents a revision to the previous Music Academy of the West CUP (90-CP-111~~ez~~ RV01) and supersedes the prior CUP.

Summary of Physical Changes (Approved under 90-CP-111 RV01):

- [COMPLETED] ~~Remove 61 mature trees and plant a minimum of 203 replacement trees; four (4) oak trees are proposed to be (removed and) transplanted;~~
- [COMPLETED] ~~Modify existing landscape components including the entrance alley, garden pathways and courtyards;~~
- [COMPLETED] ~~Earthwork necessary to accommodate new structures, circulation and parking. Earthwork would involve 11,089 cubic yards cut, 10,670 cubic yards fill. Approximately 419 cubic yards of excess fill would need to be exported off of the site;~~
- [COMPLETED] ~~Construct a secondary (emergency only) access from Fairway to the motor court in front of Miraflores;~~
- [COMPLETED] ~~Widen, regrade and otherwise modify internal access roads and parking areas¹;~~
- [COMPLETED] ~~Alter campus wide development with a net increase of 50,630 square feet of structural development and a net increase in overall building footprints of 15,900 square feet;~~
- [COMPLETED] ~~Provide 290 surface parking spaces;~~
- [COMPLETED] ~~Add 2,790 SF through reconstruction of Hahn Hall (formerly Abraham Hall). Abraham Hall will have a total of 300 fixed seats~~

¹No grading to occur within the easternmost section of the internal roadway, which is a paved easement not owned by the MAW.

~~plus 50 temporary seats in the summer season only. No more than 300 of the total 350 seats shall be sold to/used by the public (defined as anyone not a student, faculty or staff);~~

- ~~[COMPLETED] Demolish Harger Studio and storage building north of Harger Studio and Wood 1 as well as Wood 2 Practice Studios (including the employee apartment);~~
- ~~[COMPLETED] Construct a new Instructional Building in the general location of existing Wood 2 practice studio building and not extending north of existing Wood 2;~~
- ~~[COMPLETED] Construct a new Practice Studio Building including a residential unit between Abravanel Hall and the new Instructional Building in the general location of existing Wood 1;~~
- ~~[COMPLETED] Construct a new Student Services Building that would link Miraflores (the historic main residence) and the new Instructional Building;~~
- ~~Construct a new maintenance & storage building in the northwest corner of the site; and~~
- ~~Construct a new storage building between Treasure House and The Rack.~~

Summary of Operational Changes:

- ~~Relocate p-Primary instruction for the (up to) 50 vocal and accompanying students to the on-site campus. These, along with the up to 100 instrumental students historically receiving instruction exclusively on-site, will bring total enrollment allowed to no more than 150175 students. The number of vocal and instrumental students is to be determined by the MAW, but cannot exceed 150175 total students.~~
- Students would continue to reside off-site but all (up to 150175) students would receive lunch and dinner at the proposed new and improved catering kitchen and indoor dining facilities at the Music Academy. (The existing terrace on the east side of Marilyn Horne Main House (formerly Miraflores) would remain as well);
- Limit public attendance for all activities² as follows: Any-given-time (330410), Daily (900), ~~eight week Summer Season (22,000) and 44 week Non-Summer Season (25,000)~~ ~~for an~~ and Annual Public Attendance Maximum of 47,000. The limitations would not apply to staff, faculty, other employees, summer music students, other performers, or people attending or performing administrative functions (e.g., volunteers);

² ~~The exception to this would be one, 1 day fundraiser per year, held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).~~

- Activities related to a music conservatory shall be subject to the proposed attendance caps and other restrictions (conservatory uses/activities would no longer be unrestricted as under 90-CP-111cz);
- ~~Weddings~~ Significant Life Events shall ~~not~~ be an allowed use on-site;
- Educational programs in the arts shall be subject to (and included within) the proposal for campus-wide any- given- time, daily, and ~~non-summer season~~ annual public attendance limitations;
- Meetings/seminars and non-profit benefits, *taken together*, shall total no more than 41 events annually to occur ~~during the non-summer season only~~. Any given time attendance for meetings and seminars shall be limited to ~~175~~350 participants and otherwise subject to the daily and ~~non-summer~~ attendance limits. Non-profit benefits shall be subject to the any given time, daily and annual ~~non-summer season~~ public attendance caps;
- Provide all project generated parking on-site;
- [COMPLETED] ~~Provision of 285 parking spaces plus an additional 5 spaces using stacked parking (per the approved modification to the standard Zoning Ordinance requirement for 332 spaces for this use),;~~
- [COMPLETED] ~~Allow for parking lot paving in the north end of the property within the sideyard setback from the western property line;~~
- [COMPLETED] ~~Allow for modification to the Zoning Ordinance height limitation of 25 feet for the renovated Abravanel Hall (existing Hall is currently 34.8 feet, no change to height is proposed);~~
- ~~The hours of operation for Treasure House and The Rack shall be Monday-Saturday, 12:00-3:00 p.m. During the non-summer period the same hours shall apply;~~
- The MAW will discontinue its resale shops uses (The Treasure House & The Rack), which are currently allowed to operate six days per week from 12:00 pm to 3:00 pm, and repurpose these spaces for MAW mission-driven activities such as guest artist accommodations and rehearsal space, significant life event preparation space, and residential use for alumni, faculty members, local organizations and community use. The Academy has made a commitment with local performing arts organizations such as the Santa Barbara Symphony to share this valuable resource.
- The proposed residential component reintroduces the historical uses of these buildings and does not result in an intensification of use. It is anticipated the residential

component would be utilized in the summer months for 8-10 weeks for Festival-related personnel. In non-summer months, durations of stay may range from 1-night to 30-days at a time, and with a 1-4-person maximum occupancy for The Rack, and 1-2-person maximum occupancy for the Treasure House. This request further supports the fiscal health of the MAW in generating revenue and off-setting rental expenses otherwise paid for off-site rentals for MAW guest artists, alumni, and faculty members.

- The existing 1,380 sq. ft. storage building, constructed during the Master Plan build-out, and located west of the Treasure House and Rack will become flex space to allow for future use for MAW administrative offices and rehearsal space. When used for activities which would likely generate nuisance noise for neighbors (e.g., any type of amplification, brass band practice, etc.), any north or east facing windows in the rooms shall be closed. No intensification of use, increase in staff, or change in allowed populations is proposed with this change. In addition, no added square footage or changes to the exiting configuration or footprint of this structure is proposed.
- ~~Implement-Maintain a Cut-Through Reduction Plan (CTRP) to discourage vehicles coming to the MAW for no reason other than to gain access to the east of the site (Butterfly Lane and beyond) using the MAW internal road as a circulation "short-cut." The plan as proposed by the applicant would require cut through traffic to pay a substantial fee (\$10.00 minimum) to exit the campus;~~
- ~~[COMPLETED] In the short term implement a more simple cut through program prior to implementing the more elaborate long term program.~~
- ~~Provide summer student bus remote control access for entry at gates on Butterfly Lane and implement a cell phone system allowing large delivery truck (and other non-summer student buses) entry at Butterfly Lane (some trucks would continue to enter on Fairway).~~

Following is a more detailed discussion of the proposed Master Plan Revised Conditional Use Permit project description:

[COMPLETED] Landscaping

~~The Landscape Master Plan includes landscape enhancements throughout the property, such as new screening elements along The Fairway, and new slope planting north and east of Miraflores. The design goals of the landscape plan are to: 1) honor the historic landscape by restoring critical design elements to the allee and by using historically accurate plantings and skyline trees, 2) effectively enhance vegetation and trees along the perimeter of the site to screen MAW building improvements from the street and neighboring properties, so that the site appears substantially unchanged to the immediate neighbors (with retention of many existing trees and following establishment of new landscaping) and 3) to supplement and enhance landscaping in the~~

~~southeast corner of the site, in an attempt to attract monarch butterflies back to this historic roosting area, behind the main house (Miraflores). These landscape improvements would result in landscape coverage of approximately 197,040 SF (~ 4.75 acres) of the 9 acre project site. Of this total, approximately 12,000 SF (~ .28 acres) would be lawn and non drought tolerant landscaping with the balance, approximately 185,040 SF (~ 4.47 acres), made up of a combination of mature landscaping and trees, as well as new drought tolerant plantings.~~

~~With incorporation of project conditions, 61 trees will be removed (including two oak tree), a minimum of 203 new trees will be planted, and 4 oak trees will be transplanted elsewhere on-site. Planting of 106 new oaks (5 gallon, 15 gallon and 24 inch box) is included in the project landscape plan.~~

[COMPLETED] Building Revisions/Physical Changes

SITE PLAN REVISIONS [COMPLETED]						
BUILDINGS	EXISTING FOOTPRINT (SF)	PROPOSED FOOTPRINT (SF)	EXISTING FLOOR AREA (SF)	PROPOSED FLOOR AREA (SF)	NET CHANGE FOOTPRINT (SF)	NET CHANGE FLOOR AREA(SF)
CAMPUS TOTAL	34,730	49,270	44,370	95,920 93,500	+15,900 14,900	+50,630 49,900
<u>HAHN HALL</u> (formerly ABRAVANEL HALL)— Additions	7,290	10,080	11,340	14,130	+2,790	+2,790
COMBINED NEW PRACTICE STUDIO BLDG/INSTRUCTIONAL CENTER, (including ~1,900 sf residential unit) - replaces Wood 1 and Wood 2 practice studio (and ex. apartment) bldgs	6,440	13,670	7,900	39,480	7,230	31,580

SITE PLAN REVISIONS [COMPLETED]						
BUILDINGS	EXISTING FOOTPRINT (SF)	PROPOSED FOOTPRINT (SF)	EXISTING FLOOR AREA (SF)	PROPOSED FLOOR AREA (SF)	NET CHANGE FOOTPRINT (SF)	NET CHANGE FLOOR AREA(SF)
STUDENT SERVICES	N/A	3,980 *	N/A	14,530 *	+3,980*	+14,530*
THE RACK	1,200	Same	1,600	Same	No Change	No Change
TREASURE HOUSE	940	Same	940	Same	No Change	No Change
NEW MAINTENANCE/STORAGE	N/A	1,610	N/A	1,470	+1,610	+1,470
RESIDENCE (near Treasure)	1,270	Same	1,270	Same	No Change	No Change
NEW STORAGE	N/A	1,080	N/A	950	+1,080	+950
<u>MARILYN HORNE MAIN HOUSE</u> (formerly MIRAFLORES (former/ residence))	11,250	Same	14,980	Same	No Change	No Change
CLAEYSSENS STUDIOS	4,650	Same	4,650	Same	No Change	No Change
<u>HARGER CRISPIN ANNEX</u> (formerly <u>HARGER BRASS STUDIO & MAINTENANCE ADDITION</u>)	1,690	N/A Same	1,690	N/A Same	-1,690 No Change	-1,690 No Change

			EXISTING AREA (SF)	PROPOSED AREA (SF)	NET CHANGE FOOTPRINT (SF)	NET CHANGE AREA (SF)
--	--	--	--------------------	--------------------	---------------------------	----------------------

LANDSCAPE	N/A	N/A	259,280	197,040		-62,240
PAVING))	N/A	N/A	80,380 SF	115,670		+35,280
			EXISTING	PROPOSED		
PARKING	N/A	N/A	214³ SPACES	285 SPACES (+5 w/stacked parking)		+76

Rehearsal/Recital Hall (Reconstruction of Hahn Hall – formerly Abravanel Hall)

Hahn Hall (formerly Abravanel Hall (the main recital hall) would be was reconstructed, featuring raked, fixed seating with a maximum permanent seating capacity of 300 plus allowance for an additional 50 removable seats during the summer season only. Under this CUP revision, the fixed seating in Hahn Hall will be increased from 300 to 350 and there will no longer be a need to set up removable seats in the summer. The number of permanent seats in Yzurdiaga Hall (formerly Stewart Hall) shall be decreased from 92 to 42 seats. No more than 300330 of the total 350 seats shall be sold to/used by the public⁴. The hall would have improved acoustics, optimized for chamber music and would remain the indoor venue with the largest seating capacity. The MAW will continue to schedule events off-site that will be attended by more members of the public than the maximum allowed in the replacement-hall.

[COMPLETED] Based on the County’s methodology for calculating building height, the existing building is 34.8 feet. Because there is a 25-foot height limitation in this zone district, pursuant to Section 35-172.12 of the Coastal Zoning ordinance, this revised CUP includes approval of a modification to allow the reconstructed hall to remain at its current height, as the proposed changes to the hall will not alter the existing exterior roof height in any way. The finished floor elevation of the lower lobby for both the existing and reconstructed recital hall will be at approximately the same elevation.

[COMPLETED] Parking

A new expanded parking area is included in the northwest corner of the property. A total of 285 parking spaces plus 5 additional spaces using stacked parking (see Civil Plan) are included, most will be located in the northwest portion of the property.

[COMPLETED] Wood Practice Studio Replacement Building (Instructional Building)

³ The 214 spaces include the 31 temporary parking spaces approved in the northwest corner. Use of the temporary gravel parking area is proposed to continue until the new parking is developed.

⁴ The public is anyone who is not a student, faculty, or staff, including, but not limited to MAW donors, students’ friends and family, etc.

~~Wood 2 practice studio building will be removed and replaced with a new instructional building which will provide expanded and improved practice studio spaces for individual students and a range of ensembles, including vocal students' preparation for opera performance. The height of the new building will be 25 feet. The new Instructional building would be lower in height (above sea level) than *Miraflores*, to which it will be linked (via the proposed student services building). (The floor plans, including specific uses and spaces specified for the new Instructional, Practice Studio and Student Services Buildings, may be rearranged within these three buildings as part of the final building plans, to reflect the physical revisions to these buildings during the MPC hearings on the project.)~~

[CONSTRUCTION ELEMENT COMPLETED] *Student Services* (Link building between the new Instructional Building and *Miraflores*)

~~Linking the proposed Wood Replacement/Instructional Building with the main house (*Miraflores*) is a building dedicated primarily to administrative offices supporting student services. The student services building (*Luria Education Center*) will include a basement storage area, a catering kitchen (not an industrial or commercial type of kitchen) and a faculty and student dining area. The Music Academy will continue to have all meals catered under the proposed plan (caterers typically prepare food off-site, but some limited on-site food preparation is permitted). Catered meals will be provided to Music Academy students, faculty and staff as well as to those groups attending some of the permitted activities on-site (meetings/seminars, non-profit benefits, and MAW administrative functions such as Council dinners etc.) When these aforementioned activities are not occurring, the kitchen uses and foodstuffs will be limited to a typical office lounge (popcorn, heating or keeping cold food brought from home, etc.) The dining room will not be open to the general public and the improved MAW facilities will not serve as a restaurant or snack bar to the general public. (Caterers will be used to provide and serve food on-site. The MAW will not hire a chef or other kitchen employees to staff the kitchen/dining facilities). For specific allowances /restrictions for the kitchen/dining facilities, refer to condition of approval 40.~~

~~In joining together the Instructional Building, *Miraflores*, the Student Services Building, and the new Practice Studio Building, a new "interior" courtyard is created in the heart of the campus. Outdoor MAW gatherings could occur here in an insulated and well screened area. (The floor plans, including specific uses and spaces specified for the new Instructional, Practice Studio and Student Services Buildings, may be rearranged within these three buildings as part of the final building plans, to reflect the physical revisions to these buildings during the MPC hearings on the project.)~~

[COMPLETED] *New Practice Studio Building*

~~A new, larger practice studio building is included in the area where the existing Wood 1 practice studio building is located. This structure will contain approximately 20 teaching studios, ensemble rooms and individual practice rooms. A residential unit to replace the one being~~

~~removed from Wood 2 will also be located in this structure. (The floor plans, including specific uses and spaces specified for the new Instructional, Practice Studio and Student Services Buildings, may be rearranged within these three buildings as part of the final building plans, to reflect the physical revisions to these buildings during the MPC hearings on the project.)~~

New Storage & Maintenance Buildings

~~A 1,610 SF structure is proposed in the northwest portion of the site and will be used for campus maintenance and storage. The building will have a maximum height of 18.6 feet. A storage building of 1,380 with a height of 13 feet is proposed between the Rack and Treasure House at the toe of the slope on which these buildings are located.~~

Operational Changes

The physical changes described above are intended to improve the quality of the existing instructional, practice and performance facilities on the MAW campus and to accommodate instruction for all ~~150~~175 summer students at the project site. ~~The revised CUP maintains the same total number of students in the summer program, but will relocate primary instruction for the vocal and vocal accompanying students from Cate to the MAW campus.~~

1. Revise the project description condition (#1), to reflect the revised CUP approval;
2. ~~Eliminate weddings~~ Allow a maximum of 15 Significant Life Events (SLEs) as a permitted use onsite per year. Examples of SLEs include weddings, memorial services, quinceaneras, birthday and anniversary celebrations, bridal/baby showers and other individual private parties;
3. Reception attendance related to each SLE shall be limited to 225.
4. SLEs may take place in any appropriately-sized indoor space, with the exception of Hahn Hall. Outdoor amplified spoken voice and unamplified/acoustic music shall be limited to the following areas: Zone 1 Anne's Garden, Zone 2/2.5 Holden Encore Society Garden/Presidents Garden, Zone 3/4 Bock Garden/Williams Garden, Zone 5 Kuehn Court, Zone 7 Towbes Court, Zone 9 Lind Patio, and Zone 11 Kinneer Fountain.
5. The SLE facility renter shall provide a monitor dedicated to ride share assistance at the end of each event to decrease the potential neighborhood nuisance caused by lost/confused drivers. Note: ride share drivers' ability to locate the correct entrance to the MAW is often dependent on how the rider(s) enter(s) their pick up location into the ride share app.
6. The following tools for self-management of sound levels shall be implemented for SLEs with outdoor amplified spoken word and/or unamplified/acoustic music:

- a. Facility renter must provide personnel to manage each SLE. The manager(s) shall be present from set up to break down of event, shall not be considered a guest, and shall not drink alcohol during the event.
 - b. At Zones 1, 3, 4, and 5 (i.e., areas near the southern property lines): acoustic music programming, and/or amplified spoken voice shall be limited to no more than two hours total.
 - c. At Zones 2, 2.5, 7, and 9: acoustic music programming and/or amplified spoken voice shall be limited to no more than four hours total.
 - d. Outdoor amplified sound for SLEs shall be limited to spoken voice.
 - e. PA systems shall be pointed away from neighbors whenever and wherever possible.
 - f. SLEs shall only occur within the hours of 9:00 AM to 10:00 PM. Guests and related vehicle traffic shall vacate the site by 10:30 PM.
 - g. Outdoor amplified spoken word and/or unamplified/acoustic music related to SLEs shall end no later than 9:00 PM.
 - h. A MAW staff member shall be designated as a point-of-contact for any potential neighbor concerns.
 - i. An additional MAW-approved security officer shall be present for the duration of all SLEs to help ensure that guests comply with MAW policies and requirements.
7. Amplified music shall be limited to indoor locations in Lehmann Hall or Weinman Hall and shall commence no earlier than 4:30 PM and end no later than 9:00 PM.
 8. Increase the total allowances of use of amplified spoken voice from twice per calendar year to 17 per calendar year.
 9. Parking shall be limited to the MAW parking lots.
 10. Allow meetings/seminars and non-profit events, taken together, to total no more than 41 events and limit these to the non-summer season. Public attendance at these events shall be subject to and included within the campus-wide attendance caps: any given time (~~330410~~), daily (900) and ~~non-summer season (25,000) limitations annual (47,000)~~, with the exception that meetings/seminars shall be restricted to no more than ~~175350~~ participants/event (~~consistent with historic levels~~); and

11. ~~Upon completion of on-site parking improvements (290 spaces), p~~ Project related parking demand shall be accommodated on the project site (not in overflow lots or on-street).

Attendance Limitations

In addition to Hahn Hall (formerly Abravanel Hall), the other existing indoor venues that can accommodate group gatherings are ~~two~~ large rooms in Marilyn Horne Main House (formerly Miraflores) ~~that will remain (~~ Lehmann Hall and Yzurdiaga (formerly Stewart Hall) and one in ~~the Wood studio building (Singher Studio) Weinman Hall in the Luria Education Center (formerly Instructional Building/Lehrer Studios), which will be removed with the demolition of the Wood practice studio building. Singher Studio will be replaced by two larger rooms in the proposed Instructional Building. During the summer, one of these new rooms is proposed to normally be reserved for use by the vocal students for the blocking of operas (rehearsing where to stand on the stage) and vocal instruction and orchestra practice will take place in the other room. During the non-summer period, these rooms can be used for instruction, practice, rehearsals, auditions and meetings associated with music. The rooms/spaces in the Luria Education Center building complex shall be used for musical practice, instruction, auditions, rehearsals, meetings and other performing arts uses (dance) and wellness activities (yoga, art, etc.) Rental of these spaces to others for these same activities will also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes.~~

The maximum allowable capacities of the proposed venues are identified in table below.

Venue	Floor Area (SF)	Maximum Allowable Seating Capacity
<u>Hahn Hall (formerly Abravanel Hall)</u>	14,130	350 MAX (300 350 fixed public seats +50 removable seats - no more than 300 330 seats for public use/sale)
Lehmann Hall	1,761	195
<u>Yzurdiaga (formerly Stewart Hall)</u>	972	<u>924</u> 2
Instructional Bldg Lower Level	1,800	171
Instructional Bldg Upper Level	2,700	257
New Practice Studio Building Rooms	N/A	N/A

<p>Master Plan Maximum Indoor Seating Capacity with Public Attendance Caps (330410-Any-Given-Time Public Attendees) (with 50 removable seats in Abravanel Hall for summer use only)</p>		<p>330 max public attendees (Summer & Non-Summer)</p>
--	--	--

Attendance shall be limited through restrictions on the maximum number of members of the public who can be on the Academy campus. Faculty, staff, summer music program students, performers and non-staff attendees at administrative activities on-site (including volunteers) will not be counted toward the proposed maximum attendance limits. Fundraisers shall be subject to the any given time, daily and ~~seasonal~~-annual attendance caps and are not considered administrative functions. ~~The exception to this is the one day fundraiser to be held during the non-summer period, which is not subject to any of the attendance caps.~~

The specific public attendance limitations proposed are as follows:

1. Any given time (~~330410~~) - this will apply to either individual or conjunctive use of multiple venues on-site (indoor and outdoor).
2. Daily 900; and
3. Annual (47,000) ~~based on the following seasonal attendance caps:~~
 - a) ~~Summer (22,000)~~
 - b) ~~Non-Summer (25,000) season~~
 - a) Figures do not include faculty, staff, students, other performers or employees or people attending administrative functions.
 - b) To avoid parking and other conflicts, special administrative functions (board meetings, dinners, etc.) shall not occur concurrently with high attendance events. Therefore, administrative activities are not expected to increase occupancy of the site over and above the proposed any-one time attendance maximum. Also, special administrative functions are not be subject to the daily, ~~seasonal~~-at any given time and annual attendance limits either under baseline conditions or the proposed project scenarios (Fundraisers shall not count as administrative functions).
 - c) ~~Seasonal attendance caps limit the number of days where the daily maximum could be reached.~~
 - d) ~~The new summer public attendance caps will result in a 39% increase in public audience members (est. 15.5% increase in traffic) for the summer period.~~
 - e) When more than 95 performers and staff are present for a maximum capacity non-summer event, staff or performers above this number shall be bused to the MAW campus.

These limitations shall apply to all activities and events conducted on campus and shall apply 7 days a week. Any exceptions to these limitations are identified below.

~~[COMPLETED] The Music Academy shall not seek an upward revision of the maximum attendance caps for a period of at least ten (10) years from the date of occupancy of the student services, instructional, or practice studio buildings.~~

Non-Summer Season

The proposed typical non-summer attendance limit activities shall include participants at both conservatory activities (musical classes, rehearsals, recitals, recording and concerts, classes and meetings sponsored by the Music Academy related to education in music, meetings related to music not sponsored by the Music Academy), MAW fundraisers, and rental activities (meetings, seminars, and non-profit benefits). ~~The rental activities/special events (seminars, meetings, non-profit benefits and educational programs in the arts⁵) shall only occur during the non-summer season.~~

Existing audience attendance ~~in the non-summer season~~ has been ~~reduced~~ limited under this permit to provide assurance to the community that the Academy does not become a commercial endeavor. Activities subject to the attendance limitations shall include all music conservatory activities associated with the Music Academy, community groups, and other members of the public (e.g., concerts, meetings related to music, rehearsals, workshops and instruction, public use of practice studios, recording sessions, etc.) and all special events/rental activities (conferences, meetings, seminars, non-profit benefits, educational programs in the arts). Special events/rental activities shall be permitted as follows:

1. Seminars/meetings and non-profit benefits, *taken together*, shall be restricted to a total of 41 events, subject to, and included within, the campus-wide attendance restrictions. The exception to this will be that the seminars and meetings will be further restricted to the historic maximum of no more than ~~175~~350 participants per activity/event.
2. Educational programs in the arts are be subject to the attendance caps, with all non-summer students, faculty, and/or instructors (other than those performing at a concert) counted toward the maximum attendance limitations.
3. ~~Weddings shall not be a permitted use.~~ Significant Life Events (e.g. weddings, memorial services, quinceaneras, birthday and anniversary celebrations, bridal/baby showers and other individual private parties.

⁵ Educational programs in the arts are defined as “programs or classes in the performing arts that are not sponsored or directed by the Music Academy.”

4. Studio rentals for music and other artistic and wellness activities (e.g. yoga, art, dance, performing arts, wellness)⁶.

Music Academy administrative activities will remain unchanged under the new permit and are specifically not included within these attendance limits. However, the Academy shall schedule any special administrative activities⁷, such that they shall not occur at the same time as large events on-site. The intent of this is to avoid the combination of event and administrative attendance at levels that would challenge traffic circulation and on-site parking demand or that will create other logistical problems.

Summer Season (8 weeks, mid-June to mid-August) Site Attendance ~~Maximums~~

The attendance maximums ~~for the summer season~~ shall not include up to 89 staff/faculty (including all conservatory, administrative, maintenance, service and other staff), up to ~~150~~175 students/performers, or attendees at administrative activities on-site such as MAW board meetings, auxiliary meetings, council dinners, etc. As with the non-summer period, Music Academy administrative activities shall remain unchanged under the new permit and shall not be included within the proposed attendance limits. However any special administrative activities⁸, involving greater numbers of people, shall not occur at the same time as large events on-site. Fundraisers, subject to the any given time, daily and ~~seasonal~~ annual attendance caps may occur during the summer. ~~However, the one day per year fundraiser, which is not subject to the attendance caps as well as rentals, special events, and non-profit benefits shall not occur during the 8-week summer season.~~

~~Attendance at the Music Academy's Summer Festival shall be limited to a total of 22,000 persons.~~

The Music Academy shall provide a copy of its Summer School and Festival program to the owners of 87 Butterfly Lane upon their request, as well as notification of all special events exceeding 250 participants.

Summer Instructional Program

⁶ The Other non-conservatory uses allowed on-site shall be limited to meetings, seminars, non-profit benefits, educational programs in the arts, MAW administrative functions, maintenance activities, fundraisers subject to attendance caps (except one day per year not subject to the caps) ~~and the resale shops (as conditioned)~~. Inclusion of an accessory musical component in an activity other than the above allowed uses shall not convert a non-permitted use to a permitted use simply because music has been included (e.g., rental for a reception which has musicians for entertainment).

⁷ Defined as administrative activities, such as board meetings, auxiliary member meetings, etc., which involve more people than regular staff activities.

⁸ Defined as administrative activities, such as board meetings, auxiliary member meetings, etc., which involve more people than regular staff activities.

~~Reconstruction of Hahn Hall (formerly Abravanel Recital Hall): A renovated recital hall is proposed to will~~ enhance the educational experience of the students as well as improve the facilities for MAW patrons and the public. *Off-Campus Master Classes:* The MAW will continue to schedule selected Master Classes off campus, as necessary (e.g., to accommodate a concert with more public attendance than is permitted on-site and/or in specific venues on-site).

Summer School: Instructional activities for the Summer School consist of individual and group instruction, individual and group rehearsals and practice sessions, orchestra rehearsals (no orchestra performances), and other school activities. The ~~150~~175-maximum number of students in the overall summer music program shall not change under the revised CUP. However, up to 50⁹ vocal and vocal accompanying students, that have received primary instruction at ~~Cate School~~Westmont College, shall receive all instruction at the Music Academy upon completion of new facilities onsite. Following project implementation, all ~~150~~175 students will receive both lunch and dinner (catered meals, not prepared on-site) at the Music Academy campus. The number of vocal and instrumental students is to be determined by the MAW, but cannot exceed ~~150~~175 total students.

Other Music Academy Operations

Fundraising Events Open to the General Public (no attendance cap): One, 1-day fundraiser (e.g., May Madness) will not be subject to the attendance caps. This event is to take place during the non-summer period. Other fundraising activities will be subject to the attendance caps.

~~Resale Shop Hours:~~ The hours for the resale shops will be Monday-Saturday, 12:00-3:00 p.m....

On-Site Residences: Both the caretaker's residence and an employee apartment (~~replacing the existing apartment being removed in Wood 2~~) will be retained on site.

Caretaker residence use allows flexibility of the "caretaker" residential unit in order to provide the opportunity for other MAW employees or guests (e.g. visiting artists) to occupy the onsite residence located east of the Treasure House.

[COMPLETED] Modifications to the Coastal Zoning Ordinance Standards

~~As discussed earlier in this section, the revised CUP includes modifications to the following standards in Article II:~~

- ~~1. Modification to the 25-foot height limit (Section 35-172.12) for the proposed renovation of Abravanel Recital Hall, which will remain at its existing height (34.8 feet).~~

⁹ These 50 students would continue to be part of (not in addition to) the ~~150~~175 maximum students in the summer program.

- ~~2. Modification to the number of parking spaces required by Division 6 Parking Regulations (Section 35-109). The MAW will provide a total of 285 parking spaces (plus 5 more using stacked parking) on site. The Zoning Ordinance will normally require provision of 332 spaces.~~
- ~~3. Modification to the side yard setback for the 1 E 1 zone district, to allow parking lot paving within two feet of the western property line.~~

[COMPLETED] Project Phasing

~~The phasing of proposed Master Plan improvements is to be contingent upon several factors, with adequate funding a primary consideration. The Master Plan has been conceived as one continuous project and ideally will be finished as such. If it is necessary to break the proposed development into phases (due to funding or operational issues), the MAW will still complete the Miraflores remodel, the Phase 2 components identified below, and grading for Phase 3 during the first phases of construction.~~

Anticipated Phase 1a

- ~~• Miraflores Restoration/Remodel~~

Anticipated Phase 1b

- ~~▪ New Parking Areas~~
- ~~▪ New Storage~~
- ~~▪ New Maintenance & Storage~~
- ~~▪ Main entrance driveway~~
- ~~▪ Motor Court~~
- ~~▪ Remove Wood 1 and 2~~
- ~~▪ New Student Services Building~~
- ~~▪ New Instructional Center~~
- ~~▪ Realign the internal roadway~~
- ~~▪ Remove Harger Studio~~
- ~~▪ Install perimeter and interior screening landscaping~~
- ~~▪ Grading for the New Practice Studio Building~~

Anticipated Phase 2

- ~~▪ Construction of New Practice Studio Building w/apartment~~

Anticipate Phase 3

- ~~▪ Reconstruction of Abravanel Hall~~

[COMPLETED] Grading

The preliminary grading and drainage plan (Figure 7) estimates earth work quantities as follows:

Grading/Phasing Calculations

Phase	Cut	Fill	Export/ (Possible Import)	Total Construction Period	Duration for Grading Component
1a	None	None	None	10 months	None
1b	10,907	10,625	282 (cut)	20 months	6-8 weeks
2				10 months	None
3	182	45	137 (cut)	10 months	2 weeks
1-4 Totals	11,089	10,670	419 (export cut)	42 months	9-13 weeks

* Pursuant to the project grading plan, these quantities are approximate in place volumes calculated from the existing ground (per topographic contours or spot elevations on the grading plan) to the proposed finish grade or sub-grade (per the design surface elevations on the grading plan). The quantities have not been factored to include allowances for bulking, clearing and grubbing, subsidence, shrinkage, over excavation and recompaction, underground utility and substructure spoils and construction methods. (Based on other County projects, staff believes it is appropriate to assume that actual quantities may be up to 30% greater than shown, particularly with regard to exportation of excess fill material).

If the funding is available, the total construction period is expected to be shortened, as additional equipment and crews will be able to work simultaneously in the various areas of the site (Steve Metsch, project architect). The staging area for all construction vehicles will be along the northern property boundary near the UPRR right of way. Excess fill is proposed to be exported off-site using the adjacent railroad right of way to access Channel Drive near Cabrille Boulevard, subject to issuance of a right of way agreement with Union Pacific. Any use of this route for exportation of excess fill or other construction vehicle traffic will reduce construction traffic on the immediate neighborhood streets.

Utilities and Services

The site is currently served by the Montecito Water District, Montecito Sanitary District, the Montecito Fire Protection District, and the Santa Barbara County Sheriff. The additional facilities identified as part of this application will also be served by these Districts.

[COMPLETED] Short-term Cut-Through Traffic Reduction Program (CTRP)

~~The MAW will take traffic roadway counts in the beginning of their summer 2004 music program. In approximately the third week in July 2004, the MAW will implement a simple, initial CTRP. This will involve temporary traffic controls, such as person present at the exit explaining and handing out information about not using the MAW private drive as a cut-through route, closing gates when activities are not occurring on-site, etc.)~~

~~The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.~~

~~Within three years after granting this permit, construction and/or the use shall commence. (Three years is measured from expiration of a 10 day appeal period, or 10 working days after the California Coastal Commission (CCC) receipt of Board of Supervisor's final action, if appealed to the Board of Supervisors. If appealed to the CCC, the date shall be measured from CCC final action.~~

~~2. Any activity, event, use, or development of the site that is not expressly allowed under this permit or expressly exempt from CDPs under the Zoning Ordinance shall be and is prohibited and that all provisions of the permit shall be strictly construed. Subsequent to occupancy clearance, modifications to the CUP (other than those that would be exempt from permits) shall be subject to MPC review and approval.~~

Conditions Derived from EIR Mitigation Measures

Aesthetics

3. **[CONSTRUCTION ELEMENT COMPLETED]** Compliance with the Tree Protection Plan (Condition 13). The following shall be added to the Tree Protection Plan to reduce aesthetic impacts:
 - a. The TPP shall emphasize the protection (and retention, where feasible) of existing trees and shrubs that are critical to screening the property from off-site (e.g., particularly those trees that provide screening of the site when viewed from the north and east). In addition, the primary goal of tree maintenance activities (trimming, pruning) shall focus on maintaining the long-term health (and retention) of the trees. However, wherever possible, the maintenance activities shall also consider the goal of maintaining maximum screening provided by tree foliage. Trimming or thinning of trees that provide screening as viewed from off-site shall

be limited to activities necessary to protect the health of the trees, in response to mandatory fuel management standards directed by Montecito Fire Protection District, due to serious safety concerns, and/or due to serious threats to structures (e.g., significant, unstable limb expected to damage roof of structure, etc.).

Plan Requirements and Timing: ~~The applicant shall revise the Tree Protection Plan to include this requirement and submit this for P&D review and approval prior to approval of CDPs.~~ Applicant shall maintain copies of arborist documentation of arborist recommendation for tree thinning/limbing for screening trees. P&D shall check the Tree Protection Plan for compliance with this measure.

MONITORING: Permit Compliance shall site inspect ~~during construction activities~~ to ensure compliance.

4. **[CONSTRUCTION ELEMENT COMPLETED]** Night-lighting and its intensity shall be minimized to the extent feasible for security and safety purposes and night-lighting should be reduced following the close of activities on-site any given day. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. The height of night-lighting shall also be minimized to reduce its visibility from off-site. This would apply to both the height of light fixtures as well as minimizing the location of night lighting in the upper portions structures, particularly those at the highest elevations on-site (e.g., recital hall, instructional building). ~~Applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming. Lights shall be dimmed after 10:00 p.m., except when activities end at or later than 10:00 p.m. For these exceptions, lighting shall be dimmed to the maximum extent feasible and at the earliest possible time after 10:00 p.m. At a minimum, the lighting plan shall show all proposed lighting on or along structures, roads, walkways, and garden and patio areas.~~ Special consideration shall be given to lighting of perimeter development and pathways, driveway entrances and exits and all existing and proposed indoor and outdoor lighting on the sides of structures facing the property perimeter (e.g., the north and east sides of ~~the student services building~~ Luria Education Center and ~~new instructional building~~ Lehrer Studio Building and the north sides of ~~the new practice studio building~~ Hind Hall and renovated Hahn Hall – formerly Abravanel Hall) as well as the northern parking area to minimize visibility from off-site. ~~Plan Requirements and Timing:~~ ~~The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the MBAR prior to approval of CDPs for grading.~~

MONITORING: ~~P&D and MBAR shall review a Lighting Plan for compliance with this measure prior to approval of a CDPs for structures or prior to CDPs for grading (if~~

~~trenching for lighting is required). Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.~~

5. ~~**[COMPLETED]** Use and approval of earth tone colors (i.e., colors which blend with surrounding vegetation, soils, rocks, etc.) and muted colors for structural development, walls, signs, etc., unless the MBAR and P&D (with architectural historian input) conclude that alternative colors would be more compatible with the historic estate setting for specific structures. **Plan Requirements and Timing:** The color of the new storage and maintenance buildings shall specifically be considered to minimize the visibility of these structures from the north. Colors for all structures shall be reviewed and approved by the MBAR and P&D for compliance with this measure prior to approval of CDPs for structures. The applicant shall present color boards for the specific structures at the architectural meetings and to P&D. Buildings shall be painted prior to occupancy clearance.~~

~~**MONITORING:** Permit Compliance shall site inspect for conformance to submitted color boards during construction activities and prior to occupancy clearance.~~

6. ~~**[COMPLETED]** The landscape plan and tree disposition plan shall be revised to maximize the screening ability of site vegetation and to minimize the timeframe for new landscaping to provide such screening. At a minimum, the revised landscape and tree disposition plan shall include the following:~~

- a. ~~The plans shall include existing mature trees, perimeter shrubs and historic gardens that are proposed to remain as well as new plantings identified in the landscape plan. The Music Academy shall include in its landscape plan the installation and maintenance of irrigation for the hedge along the northerly boundary of the Music Academy property which abuts 87 Butterfly Lane, which installation shall occur concurrently with the planting and irrigation of trees along the northerly perimeter of the site abutting 87 Butterfly Lane pursuant to Condition No. 14. Normal maintenance activities are expected, however, tree maintenance trimming should not exceed that explicitly recommended for tree health by the arborist and vegetation modification for fire fuel management purposes should not exceed that explicitly required by the MFPD¹⁰, as these activities also reduce vegetative screening of the site. This should be noted on the landscape plan as well as in contracts for any landscape maintenance, tree service work, or related work on site.~~

¹⁰ MFPD will limit fuel modification north of the instructional building to removal of decadent (dead) vegetation and to limbs of live foliage extending within 10 feet of the building (per 5/11/04 Jim Langhorne site visit and 5/27/04 MFPD letter).

- ~~b. — An attractive, hardy, drought resistant vine should be planted to screen all portions of the proposed storage and maintenance buildings, which would be visible from Hwy 101. This vine treatment shall also be considered for portions of all new structures in the Master Plan that would be visible from off-site (subject to MBAR review and approval), at least until other proposed landscaping reaches sufficient height to provide screening for these buildings (and taking into account proposed regular pruning and trimming of the eucalyptus windrow along the northern property line).~~
- ~~c. — Screening landscaping shall be incorporated along the northern property line and the northern portion of the western property line and additional parking lot trees shall be added (with the goal in the parking lot area of accomplishing 50% canopy cover in 10-12 years) to provide screening from the north, to minimize the effects of night lighting in the parking area, as well as to break up the expanse of parking area as viewed from the historic property interior.~~
- ~~d. — Clinging vines and/or vertical planting shall be provided on trash enclosure walls and any other masonry walls where appropriate, as determined by MBAR and P&D, to soften the visual effects of the structures and to discourage the occurrence of graffiti.~~
- ~~e. — A six foot wall or fence shall be installed along the eastern property line, between the northeast corner and the exit driveway, to provide visual screening and so avoid land use conflicts (e.g., vehicle headlights in the new parking area shining onto the residential properties to the east).~~
- ~~f. — The largest feasible size of replacement plantings (for trees, shrubs: 15 gallon minimum, but also using 24 inch+ box sizes) and/or fast growing plants from the landscape plan palette shall be incorporated into the landscape plan where screening or immediate visual effect are at issue. This may include, but would not be limited to, inclusion of vines on structures that would be visible from off-site and specific (new) tree locations where the short-term screening¹¹ is more critical than long term growth due to other existing and proposed plantings in the immediate area (e.g. loss of windrow eucalyptus and need for immediate replacement for screening).~~
- ~~g. — The final landscape plan shall augment landscaping near the proposed emergency access on Fairway to minimize views into the site.~~

¹¹ Sometimes installation of larger trees addresses short term screening, but installation of smaller plantings may result in faster establishment and overall growth.

- ~~h. Vines shall be planted on the roof of Hahn Hall (formerly Abravanel Hall) in a manner which allows them to “spill” over the top of this structure (or alternatively, vines may be designed to grow up Abravanel Hahn Hall from plantings on the northern face balcony). The goal of placing vines on the north face of Abravanel Hall would be to provide screening of the structure from the north, until new plantings north of the new parking area are mature. The vines would serve to break up the massing and to provide partial screening of this structure as viewed from off-site.~~
- ~~i. The final landscape plan shall include additional trees or shrubs between the western property line from Fairway Road to the northern extent of the El Montecito Verde condominiums and the entrance drive.~~
- ~~j. Additional trees (and potentially shrubs) consistent with the historic designed landscape (possibly acacia, oaks, pittosporum) shall be planted between the reflection pool garden and any new access road to the west of this garden to ensure its screened setting is maintained.~~
- ~~k. Protection of the existing trees and planting of additional trees and shrubs north of the instructional building and east of the student services building shall be emphasized to provide maximum screening of these new structures from off-site. Planting of additional screening vegetation on the slope above the exit drive and on the slope west of Butterfly Lane shall begin no later than the fall of 2004, in coordination with the project landscape architect and an arborist, butterfly expert and architectural historian with landscape expertise. These experts shall be consulted to review proposed plantings consistent with project conditions that address new plantings on site (e.g. tree protection plan, landscape plan, butterfly enhancement plan, perimeter landscaping requirements, and requirements that address the historic nature of the site landscaping). The applicant shall document these plantings and shall identify the plantings on the proposed final landscape plan (when applying for project CDPs). (This planting would occur prior to the MAW applying for CDPs for Master Plan implementation and a separate CDP would not be required for installation of these plantings).~~

~~**Plan Requirements/Timing:** Prior to approval of CDPs for grading, the applicant/owner shall enter into an agreement with the County to install required landscaping and water-conserving irrigation systems and maintain required landscaping for the life of the project. The applicant shall also submit four copies of a final landscape and water-conserving irrigation plan to P&D for review and approval. Prior to occupancy clearance, landscape and irrigation shall be installed.~~

~~**MONITORING:** Prior to occupancy clearance, Permit Compliance staff shall photo document installation. Permit Compliance staff shall check maintenance as needed. Release of any performance security requires Permit Compliance signature.~~

7. Future structures shall not exceed the heights (including maximum height above sea level as indicated by story poles erected prior to the MPC hearing of 5/19/04) or the overall sizes of structures identified in the project description and on the project plans. Post discretionary approval changes to proposed building heights which do not exceed, but rather reduce the heights or sizes identified in the project description and on the project plans would also be acceptable. **Plan requirement:** This measure shall be included on building plans. **Timing:** Plans shall be submitted prior to approval of Coastal Development Permits for structures.

MONITORING: Height of building(s) shall be checked by Building and Safety during frame/inspection approval.

8. ~~**[CONSTRUCTION ELEMENT COMPLETED]** The graffiti on the remaining section of the northern wall shall be removed and the wall shall be painted in a color which blends in with the surrounding landscape. This wall shall be repainted within 72 hours, as necessary, if there is new graffiti in the future. If feasible, this wall section shall also be planted with a vine to reduce re-occurrence of graffiti or the wall may be permanently removed subject to compliance with tree protection measures and replaced with a vine covered fence, railing, or wall. **Plan Requirement/Timing:** The applicant shall submit proposed wall color for review and approval by MBAR and P&D and shall subsequently submit photo documentation to show that this measure has been implemented prior to approval of CDPs for structures.~~

MONITORING: P&D shall site inspect. If new graffiti is observed, Permit Compliance shall direct Music Academy to repaint this wall section

Air Quality

9. ~~**[COMPLETED]** If any portion of the project site is graded and left undeveloped for over 30 days, 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 the Air Pollution Control District and/or P&D.~~

~~If grading activities are discontinued for over six weeks, applicant shall contact both Permit Compliance staff and the Grading Inspector to site inspect revegetation/soil binding. **Plan Requirements:** These requirements shall be noted on the grading plan. **Timing:** The final grading plan shall be submitted to P&D for review and approval prior to approval of CDPs for grading.~~

~~**MONITORING:** Permit Compliance staff and Grading Inspector shall perform periodic site inspections.~~

10. ~~**[COMPLETED]** Dust generated by the development activities shall be retained onsite and kept to a minimum by following the dust control measures listed below. Reclaimed water should be used whenever possible.~~

~~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. (Wetting of soil shall be sufficient to minimize dust only and should not be to an extent that soil is washed off the site or into storm drains).~~

~~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 the wind speed 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.~~

~~d) Trucks transporting soil, sand, cut or fill materials and/or construction debris to or from the site shall be tarped from the point of origin.~~

~~e) The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to P&D and the Air Pollution Control District prior to land use clearance.~~

~~**Plan Requirements:** All requirements shall be shown on grading and building plans prior to approval of CDPs for grading. **Timing:** This condition shall be adhered to throughout all grading and construction periods.~~

~~**MONITORING:** P&D shall ensure measures are on plans. Permit Compliance, Grading, and Building inspectors shall spot check; Grading and Building shall ensure compliance on site. Permit Compliance and APCD inspectors shall respond to nuisance complaints.~~

11. ~~**[COMPLETED]** The applicant shall secure a Right of Way Agreement from the Union Pacific Railroad, if UPRR will grant such access for a 90 day period and, if available, an extension at a reasonable cost. **Plan Requirements and Timing:** Prior to approval of a Coastal Development Permit for grading, the applicant shall provide P&D with a copy of the Right of Way Agreement for access purposes, indicating ability to utilize the railroad right of way to export fill offsite (for a minimum 90 day period). Large truck deliveries of building supplies shall also utilize this access while it is available.~~

~~**MONITORING:** P&D shall ensure the Agreement has been secured.~~

Archaeology

12. ~~**[COMPLETED]** All contractors and construction personnel shall be alerted to the potential for disturbing unknown archaeological artifacts and remains during grading. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans.~~

~~**MONITORING:** P&D shall check plans prior to issuance of Coastal Development Permits for grading and shall spot check in the field.~~

Biological Resources

13. ~~**[COMPLETED]** A Butterfly Habitat Restoration and Enhancement Plan shall be prepared by a P&D approved monarch butterfly specialist in coordination with the preparer of the landscape plan. This plan shall be included as a separate component of the final landscape plan. The goal shall be to plant a circle of tall trees that enclose an open space, generally on the south and east sides of Miraflores. The maximum area shall be restored and enhanced on this slope (the restoration area shall not be limited by the designated area on the preliminary landscape plan).~~
 - a) ~~The plan shall be coordinated with the Montecito Fire Protection District (MFPD) to ensure that fire safety vegetation clearance is accounted for and designed into the proposed planting program. The specific plantings shall also be discussed with MFPD as~~

~~proper placement (in relation to structures) may minimize the need for extensive pruning and other maintenance activities. In order to ensure coordination, the applicant shall provide written documentation from Montecito Fire Protection District stating specific requirements for tree trimming in this area following a meeting with the Music Academy and a specialist on monarch butterflies, acceptable to the County. To ensure that habitat enhancement is maximized in this area, vegetation clearance for fire safety shall not exceed the requirements identified by MFPD;~~

- ~~b) Approximately 10 eucalyptus trees or other trees including oaks, sycamores, ironwood bay trees or other trees deemed acceptable by the monarch specialist and P&D shall be planted in front of the existing eucalyptus row, behind (south and east of) Miraflores to provide adequate density;~~
- ~~c) The slope plantings shall be planted in a manner that will contribute to the creation of a protected circle;~~
- ~~d) Additional eucalyptus or a combination of sycamores, tall coast live oak trees or other tall trees identified in b) above shall be incorporated to increase the density of trees in this area;~~
- ~~e) Trimming of trees and shrubs near Miraflores to allow ocean views shall be prohibited, given this area's designation as a butterfly enhancement area. Trimming in this area would run counter to this goal. Trimming shall only be allowed to address mandatory Fire District requirements and/or to address imminent health threats to the trees (as identified by an arborist report). In the unlikely event that trees must be substantially trimmed or removed to address imminent health threats (e.g., concern that the tree likely to fall on the structure), replacement trees shall be planted;~~
- ~~f) The enhancement area shall be planted in a manner which provides for a perimeter of dense, tall trees;~~
- ~~g) Some of the new trees in the enhancement area (5-10% of total trees in this area, or as determined appropriate by P&D biologist) shall be larger, 24 inch box trees that have been shaped for height to accelerate immediate replacement of foraging and nesting habitat on site for smaller bird species and roosting habitat for monarch butterflies. It is understood that the majority of trees planted would be from smaller containers, which provide benefits over the long term. The restoration plan shall specify the type and size of trees to be planted, taking into account the proposed planting location and species;~~
- ~~h) Where space permits, the landscape plan shall be modified (and expanded in area) to include more clusters or groves of native plantings to enhance their habitat value. This is particularly applicable on the slope areas south and east of Miraflores, where there~~

~~may be room to cluster more oaks adjacent to existing oaks. In addition, native under-story plants (e.g., groundcovers and low growing shrubs) could be used to increase habitat complexity and diversity (i.e. value to wildlife) and to help compensate for the fact that space will not allow a replacement ratio of 3:1 for non-native trees. It is possible to accommodate this goal as well as maintaining a butterfly enhancement area that includes tall trees on the perimeter and a sort of opening in the center, a typical component of monarch aggregation sites. The density, species, and long-term maintenance in this area should ensure this area would not become overgrown, consistent with the goal of re-establishing habitat for monarch butterflies in this area;~~

- ~~i) A P&D qualified arborist or biologist shall oversee such installation;~~
- ~~j) The applicant shall meet with the Park Department to determine the feasibility of providing off site plantings (e.g., at Lookout Park) to address cumulative loss of monarch butterfly habitat. This could potentially involve planting of both trees and milkweed; and~~
- ~~k) Long term maintenance requirements shall be specified to include on-going, periodic monitoring and weeding out of detrimental invasive species in the butterfly enhancement area.~~

~~**Plan Requirements and Timing:** The applicant shall submit the revised Landscape Plan, including the Butterfly Habitat Restoration and Enhancement Plan component for P&D and MBAR review and approval prior to approval of CDP for grading.~~

~~**MONITORING:** Permit Compliance shall site inspect to ensure implementation of plan as approved.~~

14. ~~**[COMPLETED]** A tree protection and replacement program, prepared by a P&D-approved arborist/biologist shall be implemented. The program shall incorporate all protection and mitigation measures identified in the Bill Spiewak reports dated January 30, 2003, September 7, 2003, April 2, 2004 and May 18, 2004. These measures include, but are not limited to requirement for root pruning and irrigation in the winter of 2004 for trees with grading to occur within the critical root zone, such as some trees north of the new instructional building, Miraflores, Abravanel Hall, the new parking areas and south of The Rack). Tree removal shall be minimized wherever possible. The plan shall further include, but not be limited to, the following components:~~

~~**A. Program elements to be graphically depicted on final grading and building plans:**~~

- ~~a) The location and extent of dripline for all trees and the type and location of any fencing. Trees located beyond 50 feet of proposed construction and staging activities may be shown with overall canopy and then size, type and number of trees~~

~~simply listed for the canopy area). The critical root zones of trees located within 50 feet of construction activities shall be determined by an arborist and indicated on plans. The existing tree disposition plan shall be updated accordingly.~~

- ~~b) Construction envelopes shall be designated (fenced or otherwise clearly demarked in the field) to clarify the boundaries of the development area and to avoid damage to protected trees¹² and other vegetation on site. All ground disturbances including grading for buildings, access ways, easements, subsurface grading, sewage disposal and well placement shall be prohibited outside construction envelopes.~~
- ~~c) Equipment storage and staging areas shall be designated on approved grading and building plans, preferably within existing paved areas of the site (but outside of the easement along the exit drive) to avoid damage to protected trees. Special consideration shall be given to proposed construction access for trucks using the UPRR right of way with regard to protection of the eucalyptus trees.~~
- ~~d) Paving shall be pervious material wherever possible (e.g., gravel, brick without mortar) where access roads or driveways would be extended to encroach within the critical root zones of protected trees, except where roots will already be cut for project development and would be unlikely to grow back into these areas (e.g., the northern parking lot) as determined by the arborist.~~
- ~~e) Permanent tree wells or retaining walls to protect trees in proximity to grading work, new fill material, or changes in drainage shall be specified on approved plans and shall be installed prior to approval of Coastal Development Permits for project grading/construction activities. A P&D qualified arborist or biologist shall oversee such installation.~~
- ~~f) Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding. These plans shall be subject to review and approval by P&D or a P&D qualified biologist/arborist.~~
- ~~g) All utilities shall be placed in construction envelopes or within or directly adjacent to roadways and driveways or in a designated utility corridor in order to minimize impacts to trees.~~
- ~~h) All access improvements (e.g., along the allee, northern parking area, new service turn-out, etc.) shall minimize tree removal to the maximum extent possible. If a new return lane to Fairway is ever added pursuant to direction at MPC compliance hearings (to address CTRP), this lane would have specifically limited use (for returning vehicles unrelated to the Music Academy back onto the public road) and,~~

¹² ~~“Protected” trees are defined as those not identified for removal or transplanting.~~

~~therefore, would not be subject to standard roadway design standards. Therefore any future lane construction shall be designed to absolutely minimize any tree removal.~~

~~**B. Program elements to be printed as conditions on final grading and building plans:**~~

- ~~a). All replacement trees shall be identified as to species, size and location on the final landscape plan. Any performance securities required for installation and maintenance of the replacement trees identified in the proposed landscape plan will be released by P&D after its inspection and approval of such installation. 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). The plantings shall be protected as necessary (e.g., gopher fencing) during the maintenance period.~~
- ~~b). It is acknowledged that the standard tree replacement ratios of 10:1 for native trees and 3:1 for non-native trees cannot be accommodated on site given the extensive tree removal proposed on site. However, the landscape plan shall maximize the number of replacement trees to be replanted on site as well as the size of the replacement trees (only where immediate visual screening is an issue). Non-native trees removed can also be replaced with natives, except in area(s) proposed for restoration for monarch habitat or where specific non-native species have been identified as replacement trees to address specific aesthetic or historic impacts (as identified in the aesthetic and historic resource sections' mitigation measures). If unanticipated damage or loss of trees results from construction activities, these trees shall be replaced at the standard ratios identified above.~~
- ~~c). Tree removal shall be timed to avoid the period of peak breeding activity for birds. Therefore tree removal shall be limited to late July through early February. This condition shall be re-visited in the unexpected event that monarch butterflies return to roosting on site. If this occurs, the site would need to be carefully monitored to determine the extent to which trees on site are providing habitat for birds and monarch butterflies and tree removal timing revised accordingly.~~
- ~~d). No grading (any earthwork activities) or development shall occur within the critical root zones of protected¹³ trees that occur in the construction area, except as identified in the Board of Supervisors approved plans. Where grading, trenching, or other earthwork activities would occur within the critical root zone (as established by a qualified arborist and indicated on the grading plans), the arborist shall be present during earthwork to determine the best way to accomplish necessary grading, while protecting the health of the tree to the maximum extent feasible.~~

¹³ Protected trees are those not specifically proposed for removal on the approved tree disposition plan.

~~Where it is possible to minimize damage to trees identified for removal, protection and retention of these trees shall also be attempted.~~

- ~~e). All protected trees within 25 feet of proposed ground disturbances shall be temporarily fenced with chain link or other material satisfactory to P&D throughout all grading and construction activities. The fencing shall be installed outside the critical root zone of each protected tree unless infeasible consistent with the approved grading plan (e.g., tree numbers 42 and 43 located north and west of existing Wood 2) and shall be staked every six feet. Where fencing cannot be accommodated outside of the critical root zone, alternate maximum protection shall be provided pursuant to arborist recommendation, including but not limited to fencing with or without stakes closer to the tree, placement of straw bales between the construction area and trees to be protected, etc.~~
- ~~f). No construction equipment shall be parked or stored within any protected tree critical root zone. No construction equipment shall be operated within six feet of any protected tree critical root zone, except as allowed pursuant to the approved final grading plan and tree protection plan (e.g., grading would occur within the critical root zone of several trees such as the Moreton Bay Fig and a swamp mahogany near the new service entry to the instructional building as identified on the project plans). The tree protection plan shall identify which trees would fall within this exception.~~
- ~~g). No fill soil, rocks, or construction materials shall be stored or placed within the critical root zone of all protected trees unless such fill is identified on the final grading plan. Any approved fill shall be minimized to the maximum extent feasible in these areas. The tree protection plan shall identify which trees would fall within this exception.~~
- ~~h). No artificial surface, pervious or impervious, shall be placed within the critical root zone of any protected tree, except as allowed pursuant to the approved final grading plan (e.g., grading and building construction would occur within the critical root zone of several trees such as the Moreton Bay Fig tree as identified on the project plans). Where this would occur, arborist recommendations shall be incorporated to minimize degradation to affected trees. The tree protection plan shall identify which trees would fall within this exception.~~
- ~~i). Any roots encountered that are one inch in diameter or greater shall be cleanly cut. This shall be done under the direction of a P&D approved arborist/biologist.~~
- ~~j). Any trenching required within the critical root zone or sensitive root zone of any specimen tree shall be done by hand, except as allowed in d) above.~~

- ~~k). No permanent irrigation shall occur within the critical root zone of any existing oak tree, unless irrigation has historically occurred in this area.~~
- ~~l). Any construction activity required within three feet of a protected tree's critical root zone shall be done with rubber wheeled equipment or hand tools, (the latter for oaks), except as allowed in d) above.~~
- ~~m). Only designated trees shall be removed.~~
- ~~n). Any trees which are unintentionally or accidentally removed and/or damaged (more than 25% of root zone disturbed) during construction activities shall be replaced and maintained for the life of the project. Posting of a performance security may also be required as well as hiring of an outside consultant biologist to assess the damage and recommend mitigation. The required mitigation shall be done immediately under the direction of P&D prior to any further work occurring on site.~~
- ~~o). Maintenance of proposed replacement trees and shrubs shall be accomplished through water conserving irrigation techniques.~~
- ~~p). The four oak trees scheduled for transplanting on the tree disposition plan shall be boxed and replanted as proposed on site. These trees shall be maintained and monitored until clearly established or replaced.~~
- ~~q). All trees located within 25 feet of proposed buildings shall be protected from stucco or paint during construction.~~
- ~~r). A P&D approved arborist shall be onsite throughout all grading and construction activities which may impact trees proposed for protection that are located near the northern property line, near the new secondary access road, north of the new instructional and practice studio buildings, east of the student services building and in other locations where protected trees would be located within 25 feet of the edge of heavy equipment. With regard to field changes affecting trees north of the instructional building and east of the student services building, the arborist shall provide recommendations on all such field changes, which recommendations will be adhered to by the Building Inspector. The arborist shall notify the owners of 87 Butterfly Lane to report his recommendations once he has made the same. The arborist shall also provide a copy of the Building Inspector's determination regarding field changes to said owners.~~
- ~~s). The contract with the construction contractor shall include specific provisions for payment of substantial penalties for failure to protect trees on site consistent with related project conditions (sample of the included contract language shall be submitted to P&D).~~

~~**Plan Requirements:** Prior to approval of Coastal Development Permit for grading, the applicant shall submit a copy of the tree protection plan to P&D for review and approval. All aspects of the plan shall be implemented as approved. Prior to approval of Coastal Development Permit for grading, the applicant shall successfully file and receipt evidence of posting a performance security which is acceptable to P&D. **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 evaluate all tree protection and replacement measures. Release of performance security requires Permit Compliance staff signature.~~

15. ~~**[COMPLETED]** Excavation work within or adjacent to protected trees shall be avoided to the maximum extent feasible. Where excavation must be performed within sensitive areas (as determined by P&D), it shall be performed with hand tools only unless determined infeasible and alternate method approved by arborist pursuant to condition 12Bd above. If the use of hand tools is deemed infeasible by P&D, excavation work may be authorized by P&D to be completed in another manner (e.g., with rubber tired construction equipment weighing five tons or less. If significant large rocks are present, or if spoil placement will impact surrounding trees, then a small tracked excavator (i.e., 215 or smaller track hoe) may be used as determined by P&D staff (e.g., to accommodate grading for the new service entry not a vehicle driveway into the instructional building). Trenching routes for installation or extension of new utilities shall be reviewed and approved by P&D and shall be shown on project grading plans prior to approval of CDPs for grading. **Plan requirements and Timing:** The above measure shall be noted on all grading and construction plans prior to approval of related CDPs.~~

~~**MONITORING:** P&D shall ensure compliance on site during construction.~~

16. ~~**[COMPLETED]** The final landscape plan shall be reviewed to ensure that the new plantings around the Miraflores outdoor terrace would not include non-native invasive species (except eucalyptus), particularly species that could compromise the success of the monarch butterfly enhancement area. Long term monitoring to address removal of detrimental, non-native species shall also be addressed in the final landscape plan. **Plan Requirements and Timing:** The applicant shall submit the final landscape plan consistent with this measure. P&D shall review and approve this component prior to approval of CDP for grading.~~

~~**MONITORING:** P&D shall ensure compliance on site during construction and follow up compliance evaluations.~~

17. ~~**[COMPLETED]** The final landscape plan shall include a component which identifies the various project conditions that address the project landscaping from the tree protection plan to the butterfly enhancement plan to measures specific to maintaining the integrity of the historic designed landscape. This shall be referenced and used to guide on-going maintenance activities on the project grounds and to facilitate compliance with project conditions that are designed to protect the aesthetic, historic and biological values of the site's natural vegetation and historic designed landscape plantings. **Plan Requirements and Timing:** This component shall be submitted as part of the final landscape plan. P&D shall review and approve this component prior to approval of CDP for grading.~~

~~**MONITORING:** P&D shall ensure compliance on-site during construction~~

Fire Protection

18. ~~**[COMPLETED]** The applicant shall work with MFPD to define in greater detail acceptable quantities and types of rummage and/or resale items which can be stored on-site as well as specific locations for storage. However, in no case shall this be interpreted to override limitations imposed by other project condition(s) regarding where rummage/resale items may be stored. **Plan Requirements and Timing:** A plan which describes the agreement with MFPD (in text and graphic depiction on plans), with regard to on-site storage of rummage and resale items shall be submitted prior to approval of CDPs for structural development. The Fire Department shall sign off on plans prior to approval of CDPs for structural development.~~

~~**MONITORING:** Permit compliance shall field check proposed storage areas in coordination with MFPD following occupancy to ensure compliance with the above referenced agreement.~~

19. ~~**[COMPLETED]** The applicant shall work with MFPD to ensure access and design of the Master Plan complies with MFPD requirements. **Plan Requirements and Timing:** Prior to approval of a CDP for grading or development, the plans shall be reviewed and approved by the MFPD to ensure the project circulation design, fire suppression water, and sprinklers are consistent with Fire District requirements.~~

~~**MONITORING:** Permit compliance and building inspectors shall field check to ensure compliance during the construction phase.~~

Historic Resources

20. ~~**[COMPLETED]** The following recommendations in the Final Phase 1-2 Historic Resources Study submitted by Lex Palmer (January 7, 2000; Update Letter April 6, 2000) shall be incorporated into the project design:~~

- a) ~~Completion of the appropriate California Department of Parks and Recreations Forms 523 (Primary, Location, and Building, Structure, and Object) for submission to the UCSB Department of Anthropology's Central Coast Information Center for all historic structures;~~
- b) ~~Historic American Building Survey (HABS) documentation consisting of HABS Level II drawings and photographs shall be performed on the Music Academy property to show the spatial relationships between the buildings and existing landscape features; preparation of HABS Level 1 documentation of Miraflores consisting of measured drawings and large format photographs, history and description of the building, courtyard, and surrounding landscaping;~~
- c) ~~The Miraflores extension shall replicate the original construction techniques, all original configurations, and shall utilizes the original window and door hardware. The change must be documented and plans detailing this placed in the Music Academy archive;~~
- d) ~~Preliminary and Final Working drawings, including landscape plans for the project shall be reviewed by a Santa Barbara County approved architectural historian and an expert in historic landscape design to insure compliance with mitigation measures addressing historic resources.~~
- e) ~~The character defining elements of the Miraflores west elevation are the plain wall surfaces, low massing, fenestration, doorways, and building hardware such as downspouts, door latches and locks. The new construction associated with the student services building link to existing Miraflores shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect, the historic integrity of the property and its environment. The introduction of a visual gap in the wall created by a plaster reveal 2-4 inches deep on the exterior and interior junction of the new student services building hallway and Miraflores north elevation achieves this goal. The interior reveal shall be accentuated by the use of different floor tile or a metal seam in the floor. The Final Plans should be placed on file with Kurt Heifrich, Curator of the Architectural Drawing Collection, University Art Museum, University of California Santa Barbara, CA 93106 893-5354~~

~~**Plan Requirements and Timing:** All construction techniques and other recommended measures related to historic resources (e.g., landscape plan) shall be incorporated into design of the project and detailed on building plans. The final grading, landscape, and building plans shall be reviewed and approved by P&D, a P&D approved architectural historian, an expert in historic landscaping design and the MBAR prior to approval of CDPs for grading or construction. The Historic Resources Reports and Addenda shall be made available to each of the afore-mentioned parties prior to their review of the final~~

~~plans. The final plans shall also be brought to the County Landmarks Committee for their comments prior to approval of CDPs for grading. Prior to approval of CDPs for grading, the applicant shall submit to P&D written confirmation that all applicable forms and documentation of historic structures have been prepared and submitted consistent with these measures. Special emphasis, including photo documentation of all elevations, shall be given to Miraflores, as this historic structure would be physically altered as a result of project implementation.~~

~~**MONITORING:** Building Inspectors shall ensure that all elements have been installed according to the approved plans. If another Historic Resources survey (showing that appropriate materials have been utilized) is determined by P&D to be required, P&D will ensure recommended materials and architectural elements have been incorporated prior to occupancy clearance.~~

21. ~~**[COMPLETED]** The applicant shall contract with an architectural historian (with input, as necessary from an expert in historic landscape design) who shall review and consult with P&D to ensure project plans (grading, landscape, structural development, any signs or commemorative plaques, etc.) are appropriately revised pursuant to project conditions that address historic resources. The contracted specialists shall also be required to attend at all MBAR, and Historical Landmark Committee meetings and to monitor construction and consult with P&D as necessary during construction to ensure development's consistency with approved plans. **Plan Requirements and Timing:** The applicant shall submit the proposed contract to P&D for review and approval with applications for CDPs. The architectural historian shall be available to answer questions raised by P&D, MBAR, and the Landmark Committee and shall sign off on all final plans prior to approval of CDPs.~~

~~**MONITORING:** The architectural historian and historic landscape expert shall periodically monitor site development and shall sign off that development has been implemented consistent with the conditions of approval and approved plans, prior to occupancy clearance for the historical structures. Building Inspectors and Permit Compliance shall inspect to ensure that grading and other improvements are consistent with approved plans.~~

22. ~~**[COMPLETED]** The new courtyard shall be modified to include replacement trees for those removed. In addition, the alignments of the historic axial path system should be represented by embedding original materials (e.g., random cut stone, cast concrete textured to give the impression that they are stone, brick). New hardscape materials shall follow the historic design wherever possible, with the exception that the spaces between concrete pavers may be a gravel textured concrete instead of the original gravel matrix (to better conform to ADA standards). **Plan Requirements and Timing:** The~~

~~applicant shall submit a revised landscape for P&D and BAR review and approval, prior to approval of CDPs for grading. The revised plan shall include the above changes.~~

~~**MONITORING:** Building Inspectors and Permit Compliance shall inspect to ensure compliance with the approved landscape and grading plans. The hardscape materials in the new courtyard shall be installed and planting of replacement trees in this area shall be initiated prior to occupancy clearance for the student services building.~~

23. ~~**[COMPLETED]** The existing pathway shall be retained across the new secondary access road (near Miraflores) and the plants and shrubs shall be retained on either side of the road. The surface of this emergency only access road shall be planted if a surface that can be planted is acceptable to Montecito Fire Protection District. A botanical specialist should monitor cut and compaction activities associated with installation of this emergency access road to avoid/minimize damage to trees. **Plan Requirements and Timing:** Prior to approval of the CDP for grading, the tree disposition, grading and landscape plans shall be revised to address the above changes.~~

~~**MONITORING:** Permit Compliance shall site inspect to ensure construction of the secondary access road, as approved.~~

24. ~~**[COMPLETED]** The landscape plan shall be revised to reduce impacts to the historic designed landscape, including adverse changes to spatial relationships, views between various site features, views from off site, and to provide offsetting enhancement of altered historic landscape features.~~

~~a) Existing vegetation shall be retained or, if replacement plantings are necessary, new vegetation of a similar character shall be planted that would screen the new construction from the pool/terrace area.~~

~~b) The Reflecting Pool Garden shall retain its original design.~~

~~c) More sky line eucalyptus trees (or other skyline trees that are acceptable from a historic landscape perspective) shall be included in the landscape plan.~~

~~d) The pittosporum hedge along the allee shall be revised to be continuous, (e.g., not open for views into the new "Encore Society Garden.")~~

~~e) Perennial flowers should not be planted as a linear feature along the (allee) hedge.~~

~~f) The hardscape and landscape design of the central courtyard shall reflect Thiene's design approach (geometric and axial alignment of features).~~

- ~~g) A few rose bushes typical of the period, shall be reintroduced into the garden to partially restore the garden originally conceived by Thiene as a rose garden.~~
- ~~h) A plaque to both Reginald Johnson and Paul Thiene shall be located on the original. Miraflores building and a plaque to Yoch shall be placed in the Don Quixote courtyard (with 1992 redesign noted). An alternative would be a plaque to all three on the entry gate walls on The Fairway. The language and design of the plaques shall be reviewed and approved by an architectural historian acceptable to P&D.~~
- ~~i) Skyline trees of a similar character and height should be planted (maximum number feasible) to replace the approximately 20 eucalyptus trees planned for removal.~~
- ~~j) The Encore Society Garden, shall be screened from the allee and the Reflecting Pool Garden and path leading to it.~~
- ~~k) The newly rendered topiary accents in the Octagon Forecourt shall be removed.~~
- ~~l) A qualified historic landscape architect shall review the final plans for the landscape design and monitor the work as it proceeds in order to assure that Thiene's original landscape design is adhered to as closely as possible.~~

~~**Plan Requirements and Timing:** Prior to approval of the CDP for grading, the plans shall be revised to address the above changes. The plan shall be approved by the MBAR, and P&D in consultation with the contracted historic landscape architect prior to approval of CDPs for grading.~~

~~**MONITORING:** Permit Compliance shall site inspect to ensure installation of landscaping consistent with approved plans.~~

Land Use Compatibility

- 25. ~~**[COMPLETED]** The developer shall clear the project site of all excess construction debris. If the improvements are developed in phases, the debris shall be removed at the completion of each phase, at a minimum. **Plan Requirement:** This requirement shall be noted on final building plans prior to approval of CDPs for structures. **Timing:** Debris clearance shall occur prior to occupancy clearance for each phase of development.~~

~~**MONITORING:** P&D shall site inspect prior to occupancy clearance.~~

- 26. ~~**[COMPLETED]** On-site resale/retail sales and viewing of merchandise shall be limited to merchandise located in Treasure House and The Rack only. Under no circumstances shall resale items be available for viewing or sale if they are located in another location on-site.~~

~~Resale merchandise may be stored at the Rack, Treasure House and any excess merchandise which cannot be accommodated in Treasure House or The Rack may also be stored in the new Storage building between Treasure House and The Rack and in the new Storage/Maintenance building. May Madness rummage may be stored without time limitation in areas specifically designated for storage on the building plans.~~

~~**Plan Requirements and Timing:** Project plans shall specify the restrictions and exceptions for storage of rummage and resale as indicated above. The plans shall be reviewed and approved by P&D and MFPR prior to approval of CDPs for structures.~~

~~**MONITORING:** Permit Compliance shall monitor periodically for compliance.~~

27. ~~**[COMPLETED]** All construction related vehicles (including construction worker vehicles), equipment, and supplies shall be located within the project site. In addition, waiting trucks (supply delivery trucks, vehicles transporting fill, etc.,) shall wait on site (and outside the portion of the exit drive which is actually off site and within an access easement to the MAW¹⁴), rather than on neighborhood streets. The contractor shall control vehicle traffic through the site (as part of the CTRP) using traffic control personnel at both the entrance and exit gates. In the event that the project gate(s) are closed during construction, contractor shall otherwise control vehicle entry.~~

~~**Plan Requirements and Timing:** The project grading and construction plans shall graphically specify the locations (on site) for all construction related vehicle parking, staging/equipment storage areas, and waiting areas for supply trucks and vehicles transporting excess fill material. This information shall be indicated on the plans and shall be reviewed and approved by P&D prior to approval of CDPs for grading, to ensure the staging and parking areas do not impact the site's biological or historic resources. In addition, contractor shall ensure that access through the site is controlled to minimize cut-through traffic.~~

~~**MONITORING:** Permit Compliance shall monitor periodically for compliance.~~

28. Music Academy fundraisers on campus shall be subject to the any given time, daily and seasonal annual attendance caps. ~~The exception to this shall be limited to one, 1 day event per year, held during the non summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).~~
29. ~~**[CONSTRUCTION ELEMENT COMPLETED]** Indoor amplification shall be located where doors and windows can (and shall) be closed to reduce spill-over of noise onto adjacent properties. Construction design shall take this into account by ensuring alternate air~~

¹⁴ The exception shall be that trucks with supplies for specific areas (e.g., new trees to be planted north of the instructional building location) shall be allowed to park and unload/load supplies here.

~~circulation in areas where windows may need to remain closed for extended periods. To avoid potential nuisance complaints, non-opening windows may be incorporated into areas of the building(s) where indoor amplification is expected. **Plan Requirements and Timing:** Air circulation method(s) shall be identified on the project plans for portions of the building(s) which may include indoor amplification prior to approval of CDPs for applicable structures.~~

~~**MONITORING:** Building & Safety shall check for appropriate inclusion on plans and proper construction methods in the field to accomplish this condition.~~

30. ~~The applicant shall submit a Cut through Traffic Reduction Program (CTRP) to minimize land use compatibility impacts associated with any increased traffic in the surrounding residential neighborhood prior to approval of CDPs for the first phase of grading. The plan shall be implemented prior to occupancy clearance (with the exception of occupying the Miraflores remodel). The plan shall be designed consistent with, but not limited to, the description in the ATE traffic study dated 9/17/03. Some of the components from the ATE study are detailed below and some additional requirements have been added. The components identified below may be modified if it is determined that such modifications would still result in an effective CTRP.~~

~~a) Provide a "ticket spitter" before arriving at the fork in the entrance drive, where the driver would receive a ticket and provide signage that indicates that validation of the ticket will be required or a minimum \$10.00 fee will be charged upon exiting the site.~~

~~b) An access card, pass or sensor installed on the windshield to open the gate (rather than punching in a code) shall be issued to Music Academy staff, faculty, for up to 10 student vehicles and others who are regularly on site when the gates are normally closed. There shall be a protocol for either confirming the card holder at the kiosk (through information on the card) or for regularly checking to see which cards have been used and how often (to ensure access cards have not been duplicated or otherwise used improperly). In addition, such access card, pass or sensor shall be valid for no more than 12 months from the date of issue.~~

~~c) Whenever the entrance gates are open, a kiosk on the exit segment shall be manned to collect validated tickets or the exit fee (for non-validated tickets). If cut-through vehicles are found to be cutting through at other times (by following other cars in through the gate or because access cards are being inappropriately reproduced), the kiosk shall be manned during these times of known cut through traffic. A computer system shall be used to track cut through vehicle data for the CTRP.~~

~~d) Others who frequent the site intermittently, but who do not have access cards,~~

~~would access the site by using an intercom system at the entrance, (like the existing system), to contact administrative personnel, the caretaker, etc. to allow entry.~~

- ~~e) If the CTRP is not found to be successful in substantially reducing cut through traffic, the MPC shall consider the need for and specific modifications to improve the program's effectiveness (as necessary) at their regular compliance hearing(s). The MPC shall determine the need to implement modifications to the program, including, but not limited to the options identified below:~~
 - ~~i) Increasing the times and times of day when the kiosk is manned;~~
 - ~~ii) Increasing the fee to \$20.00 or more for cut through vehicles;~~
 - ~~iii) Adding a manned presence (second kiosk) at the entrance near the ticket spitter;~~
 - ~~iv) A narrow, chip sealed CTRP return lane shall be installed between the existing entrance road and the reflection pool garden. A kiosk shall be placed prior to the fork in the entrance road. There shall be a mechanical arm or gate on the access road continuing north past the kiosk to allow kiosk personnel to stop cut through vehicles and turn them back to Fairway using the return lane. There shall also be two mechanical arms or gates, controlled by kiosk personnel, installed at both ends of the return lane to: 1) keep vehicles parked in the allee from using the return lane as an exit back to Fairway and 2) keep vehicles from trying to enter this lane from Fairway when the entrance gates are closed.~~
 - ~~v) One of the other access options;~~
 - ~~vi) Any other measure determined to be appropriate, including the modification of permitted attendance levels. The MPC shall determine the need for and type of modifications to the program at their compliance hearing(s).~~
- ~~f) The plan shall include a recommended protocol for determining the effectiveness of the CTRP;~~
- ~~g) The plan shall include the times when the entrance gates will remain open and closed and shall maximize the periods when the gates remain closed to facilitate a reduction in cut through traffic.~~
- ~~h) A protocol shall be proposed for continuously changing tickets and validation stamps to ensure the system is not abused.~~

- ~~i) The resale shops shall be open Monday-Saturday from 12:00-3:00 p.m., allowing the gates to be closed during the peak cut-through traffic period unless they would otherwise be open to accommodate other MAW activities (e.g., summer Master Classes).~~
- ~~j) As weekend activities would be limited during the summer (no Sunday public events and only five public Saturday public events), the gates shall typically be closed (except the five Saturdays) on the summer weekends. If the gates are open on Saturday afternoons to accommodate the resale shops, the kiosk shall be manned throughout this time period;~~
- ~~k) The plan shall incorporate use of driveway counts to assist in better determining cut-through traffic periods and to improve the on-going CTRP).~~

The Final Cut Through Reduction Plan (CTRP) to reduce the volume of traffic through campus shall include the following components of a Gate Closure Program:

- a) The entrance gate at Fairway Road shall include an access card system. Vehicle license plates shall be registered for all faculty, staff, and students at the campus and access cards shall be issued for all registered vehicles. Each access card will be valid on an annual basis, and renewed as necessary.
- b) Hours of operation:
 - i) Summer Program (8 weeks from mid-June to mid-August)
 - 1) Gate open 10:00 AM to 4:00 PM Weekdays and Saturdays
 - 2) Gate open for evenings events held on campus with traffic attendant (see below)
 - 3) Gate closed all day Sunday
 - ii) Non-Summer Program
 - 1) Gate open 11:00 AM to 3:00 PM Weekdays
 - 2) Gate closed all day Saturday and Sunday, except for events held on campus with traffic attendant.
- c) A traffic attendant shall be placed at the entrance to the driveway for any public events held on campus outside of the open gate hours. Attendant shall monitor for cut-through vehicles which were not observed originating from a campus parking lot. Attendant shall record license numbers of confirmed cut-through vehicles and

issue verbal warning to associated drivers.

- d) Existing site and County signage shall be maintained to discourage through traffic in the neighborhood, including:
- i) Site signage stating “NO THROUGH TRAFFIC, MUSIC ACADEMY GUESTS ONLY” at the Fairway Road entrance gate and along the exit road adjacent to The Rack.
 - ii) County directional signage at the intersection of Channel Drive and East Cabrillo Boulevard stating “Four Seasons Biltmore Use 101 South to Olive Mill”, Commercial Vehicles Over 7 Tons Prohibited”, and “Channel Dr Local Deliveries Only”.

Plan Requirements and Timing: The Program shall be submitted to Public Works and P&D for review and approval prior to ~~approval issuance of the first CDP for grading (as kiosk and return design may affect driveway details).~~ The plan shall be implemented prior to occupancy clearance (with the exception of occupying the Miraflores remodel). Prior to approving the CDP for the first phase of project grading, P&D shall bring the CTRP to the MPC for an informational briefing and receive MPC comments on the program. This briefing shall also include a report on the applicant’s interim CTRP and its effectiveness.

MONITORING: Permit Compliance shall monitor periodically for compliance.

31. ~~[COMPLETED] Prior to increasing attendance under the permit, the CTRP shall be in effect and all proposed parking shall be completed and available.~~
32. ~~[COMPLETED] The hours of operation of Treasure House and The Rack shall be Monday-Saturday from 12:00-3:00 p.m. This change to the resale shop operations is required to facilitate the effectiveness of a cut through traffic reduction program and thereby offset increased traffic and related land use impacts on the neighborhood. (This condition in no way requires that the resale shops must remain on site).~~ **Plan Requirements and Timing:** These changes to resale shop operations shall be noted on relevant Music Academy hard copy and website informational materials and at the entrance to the resale shops. Examples of the changed hours on materials shall be submitted to P&D prior to issuance of CDPs for structures.

MONITORING: Permit Compliance shall monitor periodically for compliance

33. ~~[COMPLETED] Within one year after the first phase of Master Plan operations have been operational, the project shall return to the Montecito Planning Commission for a report on compliance with, and effectiveness of, all project conditions, with a special focus on compliance with attendance caps, the cut through traffic reduction program and other~~

~~traffic related conditions (e.g., parking, construction or delivery traffic, etc.). This hearing shall take place sooner if a sufficient number of complaints received prior to this time period necessitate an earlier hearing (at the discretion of the Director of P&D). If the CUP is implemented over a number of years, more than one hearing may be appropriate as determined by P&D. Following this hearing, the project shall return to the Montecito Planning Commission for compliance updates every two years for a minimum ten year period. At the last required compliance hearing, the Montecito Planning Commission shall determine whether or how often to continue having compliance hearings on the CUP or whether an alternative method for evaluating on-going compliance would be appropriate. The MPC may also alter the schedule for compliance hearings as part of their compliance hearings. Project conditions may be modified or new conditions added to ensure effective compliance.~~ **Plan Requirements and Timing:** The applicant shall be required to fund staff time and any specific evaluations necessary to bring the project forward for the Montecito Planning Commission (or Director of P&D) consideration. Refusal to fund work necessary to return to the Montecito Planning Commission would be considered a violation of the CUP. (Previous conditions 35, 40 and 64 have been incorporated into this condition).

~~**MONITORING:** Permit Compliance shall ensure that the project receives required review by the MPC as directed by this condition.~~

34. The MAW shall be required to provide monitoring reports ~~twice~~ annually.
- a) Monitoring shall cover individual event attendance (ticket sale records from ticketing company including the number of tickets per event for public, students, and faculty/staff), daily attendance, and seasonal attendance. Attendees shall include all regular guests as well as any students, faculty, staff, or other employees who are not performing or working at the event and attendance for these different sub-groups shall be provided.
 - b) The monitoring shall include a specific break down of seminars, conferences, non-profit events, educational programs in the arts and conservatory activities.
 - c) The monitoring shall include the results of the periodic monitoring of parking required to determine adequacy of on-site parking in meeting project demand.
 - d) Accompanying the annual monitoring reports shall be a signed statement from the President of the Music Academy of the West stating that a copy the Conditional Use Permit has been distributed to and reviewed with the Music Academy Board and staff in order to ensure compliance with the conditions.

Plan Requirements and Timing: The applicant shall submit a methodology for monitoring per the above requirements to P&D for review prior to approval of CDP for construction.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) during events to perform manual counts on-site during both the summer and non-summer periods. Manual counts for events shall be compared with the event attendance data submitted in the project monitoring reports. The data will not be exact as Permit Compliance will not be able to differentiate who is a public vs. non-public member. However, the data will still be useful for comparison purposes as the monitoring data will break out the number of public attendees.

35. Consistent with historic levels, there shall be no more than five public Saturday events during the summer¹⁵. **Plan Requirements and Timing:** Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the year's summer calendar.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) to determine compliance with this measure.

36. Consistent with historic levels, there shall be no Sunday public events during the summer¹⁶. **Plan Requirements and Timing:** Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the summer calendar.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) to determine compliance with this measure.

37. Picnic concerts shall be limited to no more than ten per summer. **Plan Requirements and Timing:** Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the summer calendar.

MONITORING: Permit Compliance shall review summer schedule information (e.g., on the MAW website or local newspapers) to confirm scheduled picnic concerts.

38. Rentals for seminars and meetings shall ~~continue to~~ be limited to ~~175~~350 participants with a maximum end time of 10:00 p.m. **Plan Requirements and Timing:** The MAW shall include notice of this requirement in all rental contracts for events and other activities on-site along with a meaningful financial penalty for transgressions. This requirement shall also be posted on-site during applicable evening events to facilitate compliance.

¹⁵ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends. Summer students and faculty practicing on-site (not performances), staff doing office or grounds work and other basic administrative activities would still be allowed.

¹⁶ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends. . Summer students and faculty practicing on-site (not performances), staff doing office or grounds work and other basic administrative activities would still be allowed.

Examples of the contract language and the language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development.

MONITORING: Permit Compliance shall note compliance with this measure during periodic, unannounced visits to the site to field check event attendance (the largest events are often evening events).

39. All events and activities shall begin no earlier than 9:00 am and shall end no later than 10:00 pm throughout the year. The exception to this shall be allowance for events on Thursdays and Fridays during the summer season only to end by 10:30 p.m. Once an evening event has ended, guests are expected to leave within approximately 30 minutes. If approximately 30 minutes becomes insufficient for guests to leave the premises, the MPC, as part of their compliance hearings, shall consider the requirement to move end times to earlier in the evening, sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 10:30 (11:00 for Thursday and Friday events in the summer season).

Plan Requirements and Timing: The MAW shall include notice of this requirement in all rental contracts for events and other activities on-site along with a meaningful financial penalty for transgressions. This requirement shall also be posted on-site during applicable evening events to facilitate compliance. Examples of the contract language and the language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development.

MONITORING: Permit Compliance shall note compliance with this measure during periodic, unannounced visits to the site to field check event attendance (the largest events are often evening events).

40. **[CONSTRUCTION ELEMENT COMPLETED]** The primary use of the catering kitchen and dining facilities shall be to provide lunch and dinner to summer music students, faculty, and staff. The secondary use of these facilities shall be for the use of non-summer staff to heat up (microwave) and refrigerate their lunches and for use by caterer for rental activities in non-summer. Therefore, the kitchen and dining facilities shall be limited as follows:

- a) ~~The facilities shall not be available to resale shops customers.~~
- b) The facilities shall not be open as a snack bar or restaurant for the public or for public on-site for non-event activities or non-catered events/activities, such as musical instruction or other lessons, or rehearsals.

- c) The facilities shall not be used to provide food for picnic concerts, except to supply a “coffee cart” with drinks, cookies, etc. typical of fare available during a concert intermission.
- d) The kitchen shall not be used as a cafeteria for food preparation, except for activities typical of an office employee lounge (e.g., coffee maker, microwave and refrigerator to heat up/keep cool meals and snacks brought by employees).
- e) Food preparation and service for events and the summer program students shall be limited to caterers (no permanent chef or other kitchen staff). Food service for events and summer student meals shall be designed to minimize necessary deliveries.
- f) Except for food used by a caterer for an event or summer student/staff meals, food stuffs shall be limited to those typical of an office employee lounge (coffee, popcorn, etc.) as well employee access to refrigerator and microwave.
- g) The kitchen shall not be designed as a commercial or industrial kitchen. Rather, it shall be designed for catering purposes only, with an assumption and requirement for minimal food preparation on-site.

Plan Requirements and Timing: These restrictions regarding the kitchen and dining area uses shall be posted to avoid confusion and to facilitate compliance with this measure. ~~Sample language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development~~

MONITORING: Permit Compliance shall evaluate compliance with this measure during periodic, unannounced visits to the site.

41. Following project implementation, and for the life of the project, if trees or screening shrubs along Butterfly Lane or other perimeter areas of the site are lost (either intentionally or due to natural causes), the trees and shrubs shall be replaced (with comparably sized plantings, up to 24-inch box), within one month, to minimize loss of screening provided by such tree loss. The applicant shall make every effort to replace lost screening vegetation with large plantings that reduce the amount of time necessary to provide screening. Following installation, to the maximum extent feasible, when the property is viewed from off-site, it should retain the appearance of a landscaped residential estate. This measure shall be incorporated into the Tree Protection Plan.
- Plan Requirements and Timing:** This requirement shall be incorporated into the project landscape plan, including inclusion of notes to this effect on the landscape plan itself. The plan shall be reviewed and approved by P&D, the MBAR and architectural historian (under contract to P&D) prior to approval of CDPs.

MONITORING: Permit Compliance shall evaluate compliance with this measure during periodic visits to the site.

42. [COMPLETED] ~~The instructional building shall incorporate the following:~~

~~a) Window treatment on the north side of the instructional building shall be determined by the MBAR to ensure privacy of neighbors. Window treatment shall be designed so that it is not possible to see from the building into the yard area of the property at 87 Butterfly Lane, which design the Music Academy shall present to MBAR with a request for approval. County shall mail notice to owners of 87 Butterfly Lane ten (10) calendar days prior to the MBAR hearing.~~

~~b) The balconies on the north side of the instructional building shall be ornamental only.~~

~~**Plan Requirements and Timing:** These changes (and confirmation of MBAR consideration and approval of these components) shall be shown on the project building plans for review and approval by P&D prior to approval of CDPs for these structures.~~

~~**MONITORING:** Permit Compliance shall evaluate compliance with this measure during construction and prior to occupancy clearance.~~

43. [COMPLETED] ~~The student services building shall incorporate the following:~~

~~a) Window treatments on the east side of the student services building shall be determined by the MBAR to ensure privacy of neighbors. Window treatment shall be designed so that it is not possible to see from the building into the yard area of the property at 87 Butterfly Lane, which design the Music Academy shall present to MBAR with a request for approval. County shall mail notice to owners of 87 Butterfly Lane ten (10) calendar days prior to the MBAR hearing.~~

~~b) The rooftop area of the student services building (especially the lower rooftop on the east side of the structure) shall not be accessible, other than to maintenance personnel for landscape or building maintenance purposes.~~

~~**Plan Requirements and Timing:** These changes (and confirmation of MBAR consideration and approval of these components) shall be shown on the project building plans for review and approval by P&D prior to approval of CDPs for these structures.~~

~~**MONITORING:** Permit Compliance shall evaluate compliance with this measure during construction and prior to occupancy clearance.~~

44. [COMPLETED] ~~Window coverings shall be installed on the windows on the east and north facing sides of the proposed new instructional and student services buildings and~~

~~the north side of the proposed new practice studio building in order to reduce visibility of lighting at night when the buildings are viewed from off site. In addition, the drapes window coverings shall be installed with a timer, to automatically close during night-time hours. Alternative window treatments which are proven to accomplish the same goal as determined by P&D in consultation with MBAR, would also be acceptable. **Plan Requirements and Timing:** This requirement shall be identified on the building plans and submitted for MBAR and P&D review and approval prior to approval of CDPs for these structures.~~

~~**MONITORING:** Permit Compliance shall evaluate compliance with this measure prior to occupancy clearance.~~

45. ~~**[CONSTRUCTION ELEMENT COMPLETED]** When practice rooms are used for activities which would likely generate nuisance noise for neighbors (e.g., any type of amplification, brass band practice, etc.), any north or east facing windows in the room shall be closed. Therefore, the instructional building shall be designed with an air circulation system that does not rely on opening windows in these rooms. **Plan Requirements and Timing:** Project plans consistent with this requirement shall be submitted for P&D review and approval prior to approval of CDPs for construction.~~

~~**MONITORING:** Permit Compliance shall evaluate compliance with this measure during construction and prior to occupancy clearance.~~

46. ~~**[DELETED]** The proposed storage building between The Rack and Treasure House shall not result in removal of any trees. **Plan Requirements and Timing:** Project plans consistent with this requirement shall be submitted for P&D review and approval prior to approval of CDPs for grading or construction.~~

~~**MONITORING:** Permit Compliance shall evaluate compliance with this measure during grading and construction.~~

47. The rooms/spaces in the new practice studio/instructional/student services/Luria Education Center (formerly Student Services) building complex shall be used for musical practice, instruction, auditions, rehearsals ~~and meetings associated with music only, meetings and other performing arts uses (dance) and wellness activities (yoga, art, etc.).~~ Rental of these spaces to others for these same activities would also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes.. **Plan Requirements and Timing:** A note identifying these restrictions shall be included on the project building plans for this structure and the

applicant shall submit future activity calendars to permit compliance staff along with other monitoring data to ensure compliance with this measure.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of review of monitoring reports and site visits.

48. ~~In addition to the 300 fixed seats in Abravanel Hall, during the summer season only, 50 removable seats are allowed. In Hahn Hall, N no more than ~~300~~330 seats shall be used for the public. Ticketing shall incorporate tickets for all in attendance at an event and shall include different types of tickets for students, faculty/staff and public attendees (public is anyone who is not a student, faculty or staff). ~~There shall be no removable seats in Abravanel Hall during the non-summer season.~~ **Plan Requirements and Timing:** Project plans showing Hahn Hall (formerly Abravanel Hall) shall specify that ~~Abravanel Hahn~~ Hahn Hall will have a total of ~~300~~350 fixed seats ~~and that an additional 50 temporary, not for sale seats shall be allowed in the summer season.~~ The applicant shall specify a method for ensuring that no more than ~~300~~330 seats are sold to/used by the public, for review and approval by P&D prior to approval of CDPs for construction. This shall include a ticketing plan for the various types of attendees and an example of a monitoring report that would indicate the ticket sales information.~~

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events in the summer season.

49. Summer music students shall access the site using buses provided to and from the site. The exception to this shall be an allowance for up to ~~ten~~20 student vehicles on-site. These vehicles shall have designated student permits, which may be transferable between the students and which must be visible in their cars when on campus. No additional student vehicles shall be parked on neighborhood streets to evade this restriction. Walking or bicycling to the site would also be acceptable, as the intent of this condition is to ensure adequate parking on-site. To facilitate compliance, the Music Academy may wish to make a MAW vehicle available for use by students on an as-needed basis. **Plan Requirements and Timing:** This restriction shall be identified in student information materials, a sample of which shall be submitted to P&D for review and approval of CDPs ~~for structures.~~

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events in the summer season and as part of review of parking data monitoring reports.

50. All project related parking demand shall be accommodated on the project site¹⁷. **Plan Requirements and Timing:** This requirement shall be printed on project plans, rental contracts and shall be included on the MAW website associated with activities on-site.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events and as part of review of parking data monitoring reports.

51. ~~During the non-summer, m~~Musicians/other performers shall not be counted toward the attendance maximums if they are actually performing at a concert or other event. However, if the activity involved is really instruction or rehearsal with members of the public or students (i.e., not faculty or staff) observing, the performer and audience shall be counted toward the attendance maximums. The intent of this condition is to ensure compliance with the attendance caps and to not allow extension of the summer music program, with an unlimited number of students, in the non-summer, consistent with the Music Academy's letter to Natasha Heifetz Campbell dated June 10, 2004."

Noise

52. ~~**[COMPLETED]** 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. Construction vehicles arriving prior to 7:00 a.m. shall not wait on neighborhood streets. In addition, 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. **Plan Requirements:** Signs stating these restrictions shall be provided by the applicant and posted on site at both the Fairway and Butterfly Lane driveways, in a location visible from the street. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.~~

~~**MONITORING:** Building Inspectors and Permit Compliance shall spot check and respond to complaints.~~

53. ~~**[COMPLETED]** Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded to P&D's satisfaction and shall be located as far as possible from occupied residences. **Plan Requirements:** The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. **Timing:** Equipment and shielding shall remain in the designated location(s) throughout construction activities.~~

¹⁷The exception to this would be the one, 1 day fundraiser per year, held during the non-summer season, which is unrestricted with regard to attendance caps (e.g., May Madness).

~~**MONITORING:** Permit Compliance shall perform site inspections to ensure compliance.~~

54. ~~[COMPLETED] Construction routes shall be limited to those shown on the proposed construction route plan. The Music Academy shall make a best effort to receive approval for use of the railroad right of way for grading/construction related vehicle traffic for a 90 day period and, if available, an extension at a reasonable cost. If this approval is granted, trucks used to transport fill material shall be routed along the railroad right of way to Channel Drive and Highway 101 and this same route shall be used when entering the site. The applicant shall provide all adjacent property owners with a construction activity schedule and construction routes 10 days in advance of construction activities. Any alterations or additions shall require a minimum one day advance notification unless this is not possible due to an unanticipated event that would not allow for one day advance notice (e.g., road closure due to a traffic accident). **Plan Requirements and Timing:** The applicant shall submit a copy of the schedule and mailing list to County Permit Compliance and the City of Santa Barbara Community Development and Public Works Departments 14 days prior to initiation of any earth movement.~~

~~**MONITORING:** Permit Compliance shall perform periodic site inspections to verify compliance with activity schedules.~~

55. All use of amplified sound on-site in indoor locations shall occur with closed windows during periods when amplification is being used. The Music Academy shall provide a telephone number for members of the public to use to communicate with the Academy should amplified sound be audible outside the Music Academy boundaries. Amplified sound in outdoor locations shall be limited to the following:
- a) Location: ~~the “cloistered outdoor courtyard”~~ Zone 1 Anne’s Garden, Zone 2/2.5 Holden Encore Society Garden/Presidents Garden, Zone 3/4 Bock Garden/Williams Garden, Zone 5 Kuehn Court, Zone 7 Towbes Court, Zone 9 Lind Patio, and Zone 11 Kinnear Fountain.
 - b) Frequency: ~~Two~~ 17 times per year.
 - c) Duration: No more than ~~26~~ hours per event.
 - d) Level: Shall not be audible outside MAW property boundaries.
 - e) Time of Day: ~~Beginning~~ Amplified sound and non-amplified acoustical music associated with SLEs shall begin no earlier than 9:00 a.m. and ~~ending~~ no later than 9:00 p.m.
 - f) Limited to the spoken voice.
 - g) Compliance with Self-Management Strategies listed under Operational Changes

in Condition #1 (based on recommendations found in September 2021 Acoustics Analysis by 45dB Acoustics).

Plan Requirements and Timing: ~~This requirement shall be included on the project plans. The cloistered courtyard area of the plans shall refer to a note stating the specific restrictions for outdoor amplification in this area. The plans shall be submitted to the County for review and approval prior to approval of CDPs for construction.~~

MONITORING: Permit Compliance shall site inspect as necessary to confirm compliance with this condition.

56. ~~[COMPLETED] All proposed structures shall be designed to reduce interior noise levels to 45 dBA CNEL with doors and windows closed. **Plan Requirements and Timing:** An acoustical engineer shall sign off project building plans confirming that the proposed construction design will attenuate noise levels inside the structure accordingly. All construction techniques and recommendations of the acoustical engineer shall be incorporated into design of the project and detailed on building plans. Prior to occupancy clearance, indoor noise levels shall be measured by an acoustical engineer to confirm adequacy of construction design (or additional measures shall be incorporated to reduce indoor noise levels to 45 dBA).~~

~~**MONITORING:** Building Inspectors shall ensure that all noise control measures have been implemented according to the approved plans. If an acoustical survey is required, P&D will ensure recommended levels have been reached prior to occupancy clearance.~~

Solid Waste

57. ~~[CONSTRUCTION ELEMENT COMPLETED] The applicant shall refine their existing Solid Waste Management Plan (SWMP) for the expanded facilities on-site. The SWMP shall be implemented during the life of the CUP, unless a modification to the plan is approved by County P&D, in consultation with Public Works, Solid Waste Division. **Plan Requirements:** The program shall include, but not be limited to, the following:~~
- a) On-site provision of adequate space and/or covered bins for storage of recyclable materials generated throughout the site and in no case shall these be located within the easement along the exit drive.
 - b) Designation and/or expansion of a central recyclable material pickup area on-site.
 - c) Continued and expanded participation in the County's recyclables and greenwaste collection programs.
 - d) Development of a plan for accessible collection of increased volumes of recycle materials, particularly during peak use periods.

- e) Implementation of a monitoring program (quarterly, bi-annually) to ensure participation in recycling efforts and requiring written documentation in the form of receipts.
- f) Encourage the use of reusable cups and place settings at special events held onsite to minimize solid waste generation.
- g) Development of a plan for recycling/reuse of yard waste on-site. This shall include on-site mulching and use of the mulch on-site as well as location of adequate green waste pick-up containers acceptable to area collection service.

~~**Timing:** The applicant shall submit a Final Solid Waste Management Plan for the expanded facilities to P&D for review and approval prior to approval of CDP for grading. Program components shall be implemented prior to occupancy clearance and throughout the life of the project.~~

~~**MONITORING:** P&D shall site inspect periodically during construction, prior to occupancy, and after occupancy to ensure solid waste components are established and implemented.~~

58. ~~**[COMPLETED]** Demolition and/or excess construction material shall be separated for reuse/recycling or proper disposal (e.g., concrete and asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. Bins shall not be located within the exit drive easement area. **Plan Requirements:** This requirement shall be printed on the grading and construction plans. Permittee shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. All applicable materials shall be recycled prior to occupancy clearance.~~

~~**MONITORING:** P&D shall review receipts prior to occupancy clearance.~~

Geology/Drainage/Water

59. ~~**[COMPLETED]** The final grading, drainage and erosion control plan(s) shall be designed to minimize grading requirements, minimize erosion, properly convey runoff water across the site to appropriate off-site drainage infrastructure, and filter pollutants and sediment from run-off waters prior to drainage leaving the site. The plan(s) shall include, but not be limited to, the following:~~
- ~~(a) Bio filtration shall be incorporated into the drainage plan wherever feasible, such as in the northern swale and in appropriate landscaped areas¹⁸. Additional~~

¹⁸~~This shall also be incorporated and graphically depicted on the landscape plan.~~

~~mechanical/chemical or other filters shall also be installed in paved areas to further reduce oil and grease pollution from entering drainage channels and the storm drain system along Butterfly Lane. The plan shall include specifications for all proposed filtering mechanisms (biological and other) as well as on-going and periodic maintenance requirements to ensure proper working order.~~

- ~~(b) Best available erosion and sediment control measures (also known as water quality best management practices or BMPs) shall be implemented during grading and construction. BMPs such as, but not limited to, the use of geo-textile fabrics, gravel bags, erosion control blankets, jute net, silt fences, straw bales, temporary berms and sediment trapping/retention basins, drainage diversion structures and spot grading shall be used to reduce erosion and siltation into adjacent/nearby water bodies or storm drains during grading and construction activities and until graded areas have been stabilized by structures, long term erosion control measures or landscaping. Design of BMPs and filters shall ensure appropriate location, size, and maintenance to maximize intended performance.~~
- ~~(c) The plans shall take into consideration potentially differing requirements for all phases of site development.~~
- ~~(d) Wherever possible, details of erosion control techniques and filters shall be shown graphically on the plans along with notes, (e.g., location of filters, landscape areas serving as filters, straw bales, siltation fencing, temporary berms, notes addressing siltation fencing installation and dust suppression requirements, etc.~~
- ~~(e) Drainage plans shall contain specifications and maintenance procedures. The applicant shall enter into a maintenance agreement for drainage improvements (for all private drainage improvements) and may be required to bond for long-term maintenance of specific filtering techniques/devices (or other BMPs), per Flood Control District conditions and Project Clean Water review to ensure proper maintenance. The applicant shall maintain maintenance records as part of this agreement.~~
- ~~(f) The applicant shall limit excavation and grading on the project site to the dry season of the year (i.e., April 15 to November 1) unless a Building and Safety approved erosion control plan is in place and all measures therein are in effect.~~
- ~~(g) Native vegetation is recommended for mulch as protection for both soil blowing and water erosion over the long term.~~
- ~~(h) 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.~~

- ~~(i) To minimize pollutants impacting waterbodies, storm drain filters, inserts, inline clarifiers, or separators shall be installed in the project area storm drain inlets and/or paved areas. The storm drain 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.~~
- ~~(j) Graded areas shall be revegetated within two weeks of completion of grading activities, for areas that are not to be constructed on, with deep rooted, native, drought tolerant species (unless alternative, equally effective non native species have been approved in the landscape plan) to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.~~
- ~~(k) Grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff.~~
- ~~(l) A detailed geological and/or soils engineering study addressing structure sites and the access roads shall be prepared to determine structural design criteria, as recommended by the Planning and Development Building & Safety Division. The study shall be submitted for review and approval by Public Works.~~

~~**Plan Requirements:** The applicant shall submit final grading, drainage and erosion control plan(s) for review and approval by P&D and the FCD prior to approval of a Coastal Development Permit for grading. The plans shall include sign off from the Montecito Sanitary District and the City of Santa Barbara prior to approval of the CDPs for grading in the northern and western portions of the site. **Timing:** The applicant shall notify Permit Compliance prior to commencement of grading. Components of the grading plan shall be implemented throughout all grading activities as specified on the plan. The erosion control plan shall be implemented within two weeks after the completion of grading activities, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within 8 weeks of grading completion.~~

~~**MONITORING:** Permit Compliance will photo document revegetation and ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities. Prior to construction, installation shall be photo documented and submitted by the applicant to P&D. P&D shall site inspect and ensure filters are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to and during construction. The Flood Control District would monitor the post construction period via the maintenance agreement.~~

60. ~~**[COMPLETED]** Energy dissipaters shall be installed along drainage improvements emptying into the swale along the northern property line. This swale shall be designed as a bio swale to assist in filtering out pollutants and sediment prior to reaching the drain outlet near Butterfly Lane. The applicant shall coordinate with the Union Pacific Railroad to ensure that portions of the swale located in the railroad right of way can be used as a bio swale. If permission cannot be acquired for this use, bio filtration shall be considered elsewhere in the northern portions of the Music Academy property in a manner which does not impact the northern eucalyptus windrow. **Plan Requirements:** Prior to approval of CDPs, the applicant shall submit to P&D and the FCD for review and approval, detailed plans and a report prepared by a licensed geologist or engineer for any proposed permanent drainage and erosion control components. Design of bio filtration measures shall be coordinated with a biologist/arborist to ensure this would not damage the northern eucalyptus windrow or result in other significant biological impacts. **Timing:** Erosion control components shall be installed prior to grading permit issuance, except where components cannot be installed until completion of grading.~~

~~**MONITORING:** P&D shall require submittal of photo documentation of installed structures or shall site inspect for compliance prior to issuance of CDP for grading.~~

61. ~~**[COMPLETED]** Drainage shall be consistent with approved drainage plans. Wherever feasible, plans for site drainage shall incorporate bio filtration, pervious surfaces (particularly in parking surface parking and patio areas) and other methods of filtering contaminants from runoff water (e.g., mechanical filters). **Plan requirements and Timing:** Prior to approval of a Coastal Development Permit for grading, a final drainage plan shall be submitted to P&D and FCD for review and approval. The plan shall include the location of all proposed pipelines, the entire length of all proposed pipelines, trees located within 15 feet of the pipelines, vegetation proposed to be planted for bio filtration purposes, the use of pervious surfaces for parking, patio, walkways, and other short and long term water quality filtering methods etc., pipe diameters, and amount of water that would flow from each pipeline.~~

~~**MONITORING:** P&D shall site inspect for compliance during grading.~~

62. ~~**[COMPLETED]** 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 and Safety Division.~~

~~**MONITORING:** Building inspectors shall site inspect prior to occupancy clearance.~~

63. ~~**[COMPLETED]** To prevent illegal discharges to the storm drains, all on-site storm drain inlets, whether new or existing shall be labeled to advise the public that the storm drain discharges to the ocean and that dumping waste is prohibited (e.g., "Don't Dump"~~

~~Drains to Ocean”). The information shall be provided in English and Spanish. **Plan Requirements and Timing:** Location of storm drain inlets shall be shown on site building and grading plans prior to approval of CDPs for grading (on building plans as well prior to approval of CDPs for structures). Labels shall be installed prior to occupancy clearance. Standard labels are available from Public Works, Project Clean Water, or other label designs shall be shown on the plans and submitted to P&D for approval prior to approval of CDPs.~~

~~**MONITORING:** Permit Compliance shall site inspect prior to occupancy clearance.~~

64. ~~**[COMPLETED]** During construction, washing of concrete, trucks, paint, equipment or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site and in no case shall these activities take place within the easement (along the exit drive) Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate a wash off area, acceptable to P&D, and this area shall be shown on the construction plans and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to approval of Coastal Development Permits. The wash off area shall be in place and maintained throughout construction.~~

~~**MONITORING:** P&D staff shall check plans prior to approval of Coastal Development Permits and compliance staff shall site inspect throughout the construction period to ensure proper use and maintenance of the washout area(s).~~

65. ~~**[CONSTRUCTION ELEMENT COMPLETED]** Outdoor water use shall be limited through the measures listed below.~~

- a) ~~Landscaping shall generally be with native and/or drought tolerant species to reduce water demand. However, exceptions are expected as identified in (but not limited to) the preliminary landscape plan, to address specific screening, historic resource, and biological issues.~~
- b) ~~Drip irrigation or other water conserving irrigation shall be installed.~~
- c) ~~Plant material shall be grouped by water needs.~~
- d) ~~Extensive mulching (2” minimum) shall be used in all landscaped areas to improve the water holding capacity of the soil by reducing evaporation and soil compaction.~~

- e) ~~Soil moisture sensing devices shall be installed to prevent unnecessary irrigation.~~
- f) ~~Permeable surfaces such as turf block or intermittent permeable surfaces such as French drains shall be used to minimize runoff and maximize recharge and filtering of runoff water.~~
- g) ~~Wherever feasible, the landscape plan shall incorporate bio-swales or other landscaped areas which serve to filter run-off water from the site. These components shall be graphically depicted on the landscape/irrigation plan(s).~~

~~**Plan Requirements:** Prior to approval of CDPs for grading, a landscape and irrigation plan shall be submitted to P&D for review and approval. The applicant/owner shall enter into an agreement with the County to install required landscaping/irrigation and maintain required landscaping for the life of the project.~~

~~**Timing:** The applicant shall implement all aspects of the landscape and irrigation plan prior to occupancy clearance and shall maintain the landscaping components in the landscape plan for the life of the project.~~

~~**MONITORING:** Permit Compliance shall conduct site visits to ensure installation and maintenance of landscape and irrigation. Any part of irrigation plan requiring a plumbing permit shown on building plans shall be inspected by Building Inspectors.~~

66. ~~**[COMPLETED]** Indoor water use shall be limited through the following measures:~~

- a) ~~All hot water lines shall be insulated.~~
- b) ~~Recirculating, point-of-use, or on-demand water heaters shall be installed in all new or renovated structures.~~
- c) ~~Water efficient clothes washers and dishwashers shall be installed.~~
- d) ~~Lavatories and drinking fountains shall be equipped with self-closing valves~~

~~**Plan Requirements:** Prior to approval of Coastal Development Permits, indoor water-conserving measures shall be graphically depicted on building plans, subject to P&D review and approval. **Timing:** Indoor water conserving measures shall be implemented prior to occupancy clearance.~~

~~**MONITORING:** P&D shall inspect for all requirements prior to occupancy clearance.~~

Sewer

67. ~~[COMPLETED] The applicant shall remove all portions of the existing maintenance building which are currently located within the MSD sewer easement. **Plan Requirements and Timing:** At the earliest possible date, but in no case later than prior to approval of CDPs for the first phase of development, project plans shall identify this requirement as well as the location of the sewer easement and existing sewer lines. Prior to submitting applicable plans to P&D for review, the applicant shall receive confirmation (sign off on plans) from MSD regarding agreement on removal of this structural consistent with their easement. This structure shall be removed prior to occupancy clearance for the first phase of the Master Plan.~~

~~**MONITORING:** P&D shall perform site inspections to ensure compliance with the approved plans.~~

68. ~~[COMPLETED] The applicant shall coordinate with MSD and the City of Santa Barbara regarding the specific location and design of the new parking area in the northern portion of the site (and within their easements) and the proposed landscape plan (as it relates to plantings proposed within or in proximity to the sewer easement). **Plan Requirements and Timing:** Prior to submitting applicable plans to P&D for review, the applicant shall receive confirmation from MSD and the City of Santa Barbara (sign off on plans) that the proposed location and design of parking area and plantings is acceptable, to avoid impacts to their respective pipelines. In addition to design specifications, this may include other measures such as in pipeline video documentation before and following completion of construction to ensure that no unanticipated damage occurred to the pipelines as a result of construction activities. Structural engineering shall also consider the effects of future maintenance or repair activities on the pipelines that could impact the parking area (e.g., such activities may involve a deep, wide trench in proximity to the edge of these structures). P&D shall confirm sign-offs prior to approval of applicable CDPs. Plans shall identify the surveyed location of the northern property line, the sewer easement, sewer manholes and existing sewer lines.~~

~~**MONITORING:** P&D shall perform site inspections to ensure compliance with the approved plans.~~

Traffic

69. Parking demand generated by project activities shall be accommodated within the on-site parking supply (285 passenger vehicle spaces with ability for 5 additional spaces using stacked parking, and two bus spaces, consistent with approved plans). The parking shall be in place prior to any increases in attendance. This parking supply is consistent with application of a conservative parking demand rate of 0.76 spaces/seat¹⁹, the project would generate demand for 289 spaces.). In order to ensure that project generated parking

¹⁹ Based on ATE summer afternoon, high attendance event data

demand can be accommodated on-site, once the Master Plan is operational, the applicant shall monitor event parking during large events (300 plus attendees) to determine whether parking is indeed adequate to accommodate on-site parking for the proposed any given time maximum public attendance. The parking monitor shall specifically evaluate parking for days when high attendance is expected for consecutive Master Classes to determine whether there is adequate time between event start and end times to allow exiting vehicles (from a large event) to leave the site in time for entering vehicles (for a large event) to backfill the vacated parking spaces without waiting. Project conditions, which affect parking (including, but not limited to a reduction in the any given time public attendance maximum attendance cap, increased or decreased minimum time required between consecutive events, etc.), may be modified at the required compliance report hearings with the Montecito Planning Commission if the results of these surveys indicate insufficient parking is available to accommodate project demand. The MAW also has the ability to control administrative and volunteer activities on-site to ensure adequate parking will be available to accommodate other activities and events. **Plan Requirements and Timing:** The applicant shall fund preparation of periodic surveys (four times per year, although more often during the summer season and possibly less often during the non-summer season would also be acceptable) of the total number of vehicles associated with large events on-site and where they park. The applicant shall submit a draft monitoring plan to P&D for review and approval prior to approval of CDPs for new structures. Depending on project phasing, the monitoring plan may require modification for future phase(s). The monitoring plan may be modified by the MPC, as determined necessary, at the project's compliance hearings. The parking surveys shall specifically evaluate large consecutive events. The surveys shall be performed by professionals experienced in collection of traffic data. Given the potential ramifications of the survey results and to avoid any perception of conflict of interest, the survey personnel shall be funded by the applicant under contract to the County. The surveys shall account for all cars associated with Music Academy activities, including those associated with students, faculty, other employees, volunteers, customers and sales people at the resale shops, and others attending administrative activities on-site. (Surveys required by this condition may be performed in conjunction with mitigation monitoring requirements identified in other traffic mitigation measures). In the first year of regular operations, survey data shall be available for a week which includes peak attendance classes/events/picnic concert during the summer season and for a week which includes peak events during the non-summer period. Therefore, the Academy's event calendar shall be used to identify appropriate monitoring periods.

MONITORING: Permit Compliance shall ensure implementation of contract for parking monitoring and shall review parking monitoring reports for compliance.

70. ~~[COMPLETED] Until such time as the improvements to the Cabrillo/Los Patos Channel intersection and the Cabrillo/U.S. 101 interchange/ramps are completed (and found to~~

~~achieve LOS C with future traffic assumptions), the following measure shall be implemented:~~

~~The MAW shall schedule Master Classes with more than 250 public attendees to start and end outside of the 4:00-6:00 p.m. peak commute period (such as a 4:00 P.M. start and a 6:00 P.M. end or a 1:00 start and a 2:50 end) to mitigate potential traffic impacts. **Plan Requirements and Timing:** Music Academy staff shall be made aware of this requirement prior to scheduling events and other activities MAW shall submit activity calendars to P&D on an annual basis showing the schedule for events accordingly. The applicant shall maintain a copy of the CUP in a location where it is physically accessible to the public as well as on their web site. At such time as the intersection improvements are completed, the applicant shall submit evidence of completion to P&D for concurrence and may alter its schedule of events accordingly.~~

~~**MONITORING:** Music Academy shall maintain event/rental records of ticket sales for all attendees including students, faculty, staff or other employees (unless they are only performing/working at the event) t. MAW shall also maintain event calendars for reference.~~

71. ~~[COMPLETED] The applicant shall contribute \$17,400.00 (the project's proportional share of a \$200,000.00 round about, as the project EIR concludes that the project would contribute 8.7% or 18 PHT out of 208 cumulative PHT to the intersection) to design and implement the necessary improvements at the Los Patos/Cabrillo Boulevard/Channel Drive intersection. If a round about is not determined to be the appropriate method for addressing cumulative traffic, then these funds shall go toward alternate City approved mitigation for this intersection.~~

~~**Plan Requirements and Timing:** Prior to approval of CDPs, the applicant shall submit written confirmation from the City of Santa Barbara that acceptable arrangements have been made to address the applicant's contribution to this intersection improvement.~~

~~**MONITORING:** Permit Compliance shall confirm that all arrangements have been completed with the City of Santa Barbara.~~

72. ~~[COMPLETED] The applicant shall contribute funds representing the project's proportional share of the approved improvement at Hot Springs/Cabrillo/Highway 101 ramps, as the project EIR concludes that the project's contribution to cumulative PHT increases to this intersection would equate to 5.6% of the \$150,000.00 cost to implement the planned interim traffic signal at this intersection. This contribution shall only be required if the applicant no longer wishes to limit public attendance to 250 attendees for events from 4:00-6:00 pm until the improvements have been completed.~~

73. ~~[COMPLETED] The applicant shall prepare and submit a construction traffic plan to the County and the City of Santa Barbara prior to approval of a CDP for grading. The plan shall:~~
- ~~a) Designate a construction traffic coordinator;~~
 - ~~b) Identify the truck routes, which minimize effects on pedestrians and bicyclists and nuisance to neighbors. This shall include use of the UPRR right of way as/if permitted by UPRR for a 90 day period and, if available, an extension at a reasonable cost.;~~
 - ~~c) Require prompt clean up of dirt/other debris spilled from construction vehicles on neighborhood streets. Dry cleaning methods shall be preferred to avoid flushing dirt and pollutants into the storm water system.~~
 - ~~d) Vehicles transporting excess fill from the project site shall avoid the p.m. peak hour period (4:00-6:00 p.m.) to minimize impacts on the Cabrillo/Hot Springs/Highway 101 intersection.~~
 - ~~e) During the construction period, a gate control program shall be implemented to eliminate cut-through traffic during the construction period.~~

~~**Plan Requirements and Timing:** The applicant shall review the construction traffic plan with the Montecito Association and the MSD and obtain their comments on the plan for inclusion and later submittal to the County. The plan shall be reviewed and approved by County Public Works and P&D as well as the City of Santa Barbara prior to approval of a CDP for grading. The plan shall be implemented throughout the construction period.~~

~~**MONITORING:** Permit Compliance shall inspect for implementation of plan during the construction period.~~

74. Project generated parking demand shall be accommodated by on-site parking (285 passenger vehicle spaces, 5 additional stacked parking spaces and two bus spaces). To facilitate on-site parking and avoid project generated parking demand on neighborhood streets, the MAW shall:
- a) Deploy an adequate number of parking attendants for the larger events to ensure that identified parking is maximized (and parking on neighborhood streets is avoided or minimized). An adequate number of attendants shall also be present for events to ensure that entering vehicles are not blocking traffic on Fairway in front of the Music Academy entrance. Parking attendants shall be responsible for directing vehicles to appropriate parking areas and open spaces and facilitating circulation throughout the site(s). If it is confirmed by P&D that MAW attendees, staff or students are consistently parking on neighborhood streets, the MAW will be required to utilize an increased number

of parking attendants. If this problem persists, information regarding this situation will be forwarded to the Montecito Planning Commission as part of their compliance update hearing(s). If the monitoring indicates that on-site parking supply cannot accommodate peak parking demand for maximum attendance events, the MPC shall consider reducing the maximum any given time attendance to a level at which the on-site parking supply can accommodate peak attendance.

- b) In the non-summer period, performers shall be bused to the site if there would be more than 95 staff/performers at an event (with attendees)²⁰.

Plan Requirements and Timing: The applicant shall prepare a typical plan for use by attendants at various large events to facilitate operations. This plan shall be submitted to P&D and Public Works prior to issuance of CDPs.

MONITORING: Permit Compliance shall periodically inspect for implementation of plan during large events Permit Compliance may also review related monitoring reports required pursuant to other project conditions

75. The applicant shall deposit funds to cover on-going staff review and compliance efforts. In addition to regular compliance review, this shall also include the cost for staff to attend (unannounced) events on-site periodically²¹ and to perform manual counts of attendees at such events for general comparison with applicant submitted monitoring reports regarding attendance. Precise comparison will not be possible for some events (e.g., summer concerts) as some of the attendees will include students and faculty. However, the monitoring data submitted by the MAW will break out the number of public attendees. **Plan Requirements and Timing:** The applicant shall submit necessary funds for long-term compliance with P&D prior to approval of CDPs. The amount shall be determined following review of project plans for CDPs, including, but not limited to, the manner in which the project operations propose to comply with project conditions.

MONITORING: Permit Compliance shall confirm that funds were deposited prior to issuance of CDPs.

76. The Music Academy shall ensure adequate breaks between the start and end times of events to avoid concurrent demand for available parking. At least 40 minutes shall be scheduled between the start and end times of larger events on-site (those involving combined consecutive event attendance of 550 or more public attendees, such as 300 at

²⁰ This is required to ensure there would be adequate on-site parking for a high attendance event in the non-summer season, when performers would not normally be arriving by bus (as the students do during the summer).

²¹ [CONSTRUCTION ELEMENT COMPLETED] During the first year of operations this shall involve visits once/week during the summer and at least once per month during the non-summer period. At the first scheduled compliance hearing (one year after operations under the first phase of the Master Plan begin), the schedule for monitoring may be re-evaluated.

the first afternoon Master Class and 250 at the second Master Class).

MONITORING: Permit Compliance shall periodically review Music Academy schedules of events for compliance.

77. Although not an option at this time, project egress for west-bound traffic would be acceptable using either Monte Cristo Lane or the Montecito Sanitary District driveway (subject to Public Works review and approval of the driveway access design onto Channel Drive. Maintaining this option (although unlikely to effectuate), would serve to reduce neighborhood traffic volumes and provide a more direct route for west-bound traffic leaving the Music Academy.

Project Specific Conditions

78. No signs of any type are approved with this action unless otherwise specified. All signs require a separate Coastal Development Permit and Montecito Board of Architectural Review approval and shall comply with the Santa Barbara County Code Chapter 35, Article I (Sign Regulations). The exception to this shall be temporary signs associated with the interim CTRP. The applicant will bring the temporary signs forward for MBAR review and approval, but will be permitted to install temporary CTRP signage prior to MBAR approval, in order to effectuate traffic reduction at the earliest possible date. If MBAR recommends changes to the signs, within one week the MAW shall replace the signs, consistent with the MBAR directed change(s).
79. ~~[COMPLETED] If trash storage is located in view of a public roadway, the trash area shall be installed which is architecturally compatible with the project design. The storage area shall be enclosed with a solid wall of sufficient height to screen the area and shall include a solid gate. Trash storage shall not be located in the easement portion of the exit drive (at the eastern end of the internal roadway). The trash storage area shall be maintained in good repair. **Plan Requirement:** Location and design of trash storage area shall be denoted on project plans. **Timing:** Trash storage area shall be installed prior to occupancy clearance.~~
80. During the non-summer period, unless the recording is secondary to an actual on-site performance those persons being recorded and related assistants on-site ~~for~~ shall be counted toward the attendance limits. During the summer season, only summer school students, faculty, and related assistants shall use the recording facilities.
81. ~~[COMPLETED] Consistent with the intent of the Master Plan project description, the renovated recital hall shall be designed to accommodate chamber music (generally smaller musical groups). Therefore, it shall not include features which would allow additional types of performances to be re-located and/or expanded onto the project site (e.g., from the Lobero and other downtown locations used historically). Therefore:~~

- a) ~~Only the necessary off-stage and back-stage space shall be provided;~~
- b) ~~There shall be no fly gallery;~~
- c) ~~Lighting pipes shall be the minimum necessary to accommodate the basic instrumental and vocal performances associated with chamber music and other small group performances. A full complement of lighting pipes (downstage to upstage) shall not be incorporated.~~

CONDITIONAL USE PERMIT CONDITIONS

- 82. **Rules-12 CUP Expiration:** The Owner/Applicant shall obtain the required Zoning Clearance within the 18 months following the effective date of this Conditional Use Permit. If the required Zoning Clearance is not issued within the 18 months following the effective date of this Conditional Use Permit, or within such extended period of time as may be authorized in compliance with Section 35-169.6 of the Article II Coastal Zoning Ordinance, and an application for an extension has not been submitted to the Planning and Development Department, then Conditional Use Permit shall be considered void and of no further effect.
- 83. **Rules-17 CUP-Void:** This Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by this Conditional Use Permit is discontinued for a period of more than 12 months, or within such extended period of time as may be authorized in compliance with Section 35-169.6 of the Article II Coastal Zoning Ordinance. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Coastal Development Permit approved or issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit. [ARTICLE II §35-172.9].
- 84. **Rules-18 CUP and DVP Revisions:** The approval by the Montecito Planning Commission of a revised Conditional Use Permit shall automatically supersede any previously approved Conditional Use Permit upon the effective date of the revised permit.
- 85. **Rules-21 CUP Revisions-Change of Use:** Any change of use in the proposed structure shall be subject to appropriate environmental analysis and review by the County including Building Code compliance.

COUNTY RULES & REGULATIONS/LEGAL REQUIREMENTS

86. **Rules-02 Effective Date-Appealable to CCC:** This Conditional Use Permit shall become effective upon the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].
87. **Rules-05 Acceptance of Conditions:** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
88. **Rules-23 Processing Fees:** Prior to issuance of Coastal Development Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
89. **Rules-31 Mitigation Monitoring Required:** The Owner/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 Owner/Applicant shall:
- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
 - b. Compliance monitoring costs for existing Case No. 02PMC-00000-00306 will continue to be invoiced monthly and may include 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 Owner/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. Monthly invoices shall be paid by the due date noted on the invoice;
 - c. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.

90. **Rules-33 Indemnity and Separation:** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project.
91. **Rules-35 Limits-Except DPs:** This approval does not confer legal status on any existing structures(s) or use(s) on the property unless specifically authorized by this approval.
92. **Rules-37 Time Extensions-All Projects:** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.
93. ~~**[COMPLETED]** Two performance securities shall be provided by the applicant prior to approval of Coastal Development Permits, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for 5 years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. The installation security shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security 5 years after installation. 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 plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:~~
- ~~a. Installation of landscaping, including the butterfly enhancement area, tree replacement and transplanting, and all of other components of the landscape plan including plants, irrigation, hardscapes, vine support structures, and screening walls or fences consistent with the approved tree protection and preservation plan, butterfly enhancement plan, and grading and drainage plans, prior to occupancy clearance.~~

Case #: 21RVP-00000-00109
Project Name: Music Academy of the West CUP Revision
Hearing Date: March 15, 2023
Page B-69

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

94. Landscaping shall be maintained for the life of the project.

G:\GROUP\PERMITTING\CASE FILES\RVP\21 CASES\21RVP-00000-00109 MUSIC ACADEMY OF THE WEST\600 DECISION
MAKER\MPC\01 STAFF REPORT\ATTACHMENTS\ATCHB1_CUP_21RVP-109.Doc



COASTAL DEVELOPMENT PERMIT NO.: 21CDP-00000-00129

Project Name: MUSIC ACADEMY OF THE WEST CUP REVISION
Project Address: 1070 FAIRWAY DR, SANTA BARBARA, CA 93108
A.P.N.: 009-282-029
Zone: 1-E-1

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

APPROVAL DATE: 3/15/2023
LOCAL APPEAL PERIOD BEGINS: 3/16/2023
LOCAL APPEAL PERIOD ENDS: 3/27/2023

APPEALS:

1. The approval of this Coastal Development Permit may be appealed to the Board of Supervisors by the applicant, owner, or any aggrieved person. An aggrieved person is defined as any person who, either in person or through a representative, appeared at a public hearing in connection with this decision or action being appealed, or who by other appropriate means prior to a hearing or decision, informed the decision-maker of the nature of their concerns, or who, for good cause, was unable to do either. The appeal must be filed in writing and submitted in person to the Planning and Development Department at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, prior to 5:00 p.m. on or before the date that the local appeal period ends as identified above (Article II Section 35-182).
2. Final action by the County on this permit may be appealed to the California Coastal Commission; therefore payment of a fee is not required to file an appeal of the approval of this Coastal Development Permit.

PROJECT DESCRIPTION SUMMARY: Revision to 90-CP-111. Increase the maximum seating capacity in Hahn Hall from 300 permanent seats and 50 temporary seats during the summer to 350 permanent seats year-round. As required under the CUP, 330 seats will continue to be the maximum available to the public and the 20 remaining seats will continue to be used by students, staff, and volunteers. Decrease the permanent seats in Yzurdiaga Hall (formerly Stewart Hall) from 92 to 42 seats. Increase the maximum "any given time" public attendance from 330 to 410 people. Increase the attendance cap for meetings and seminars from 175 to 350 participants per event. Replace the seasonal caps of "summer" (22,000 people) and "non-summer" (25,000 people) with one annual cap of the same number (47,000 people). Change reporting requirements from biannual to annual. Increase the number of parking spaces available to students from 10 to 20 spaces. Increase in instructional student population from 150 to 175 students. Change in use to allow MAW operation as a venue for weddings and other special events. Change in use to discontinue operation of retail shops (The Treasure House and the Rack) and allow residential use of these spaces for alumni, faculty members, local organizations and other community-related use. Change in use to allow "caretaker" residential unit to be used by other MAW employees. Change in use to convert existing storage building to administrative office. Events featuring outdoor amplified spoken word and unamplified/acoustic music in the following areas: Lind Patio, Kuehn Court, Kinneer Fountain, Bock Garden/Williams Garden, Holden Encore Society Garden/Presidents Garden, Anne's Garden, and Towbes Court. Modification in use of use of the studio spaces to allow other art- and wellness-related uses, including dance, yoga, meditation, visual and performing arts, etc. Updates to conditions of approval related to Cut-Through Reduction Plan (CTRP), for which reporting requirements were discontinued as of 2009. Updates to several references to MAW campus building names. The project does not propose any change to the maximum annual attendance of 47,000 people. No grading is proposed as part of the project. The parcel will continue to be served by the Montecito Water District, the Montecito Sanitary District, and the Montecito Fire Protection District. Access will continue to be provided off of Fairway Drive. The property is a 2.77-acre parcel zoned 1-E-1 and shown as Assessor's Parcel Number 009-282-029 and -030, located at 1070 Fairway Drive in the Montecito Community Plan Area, First Supervisorial District. To receive additional information regarding this project and/or to view the application and/or plans, please contact Steve Conner at 123 East Anapamu Street, Santa Barbara, by email (conners@countyofsb.org), or by phone ((805) 568-2081).

PROJECT SPECIFIC CONDITIONS: See Attachment A.

ASSOCIATED CASE NUMBERS: 21RVP-00000-00109

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

1. **Notice.** Notice of this project shall be posted on the project site by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit, including an action on any appeal of this permit (Article II Section 35-181). The *Proof of Posting of Notice on Project Site* shall be signed and returned to the Planning and Development Department prior the issuance of the permit.
2. **Compliance with conditions.** All conditions that are required to be satisfied prior to issuance of the permit have been satisfied and the permit has been signed by the applicant or owner.
3. **Design Review.** If required, the project has been granted final approval by the appropriate Board of Architectural Review (BAR), and an appeal of that final approval has not been filed.
4. **Appeals.** An appeal of the approval of this permit, or an appeal of the final approval by the BAR, has not been filed with the County, and an appeal of the approval of this permit has not filed with the Coastal Commission within the 10 working days following the receipt of the County's Notice of Final Action on the project by the Coastal Commission. If an appeal has been filed then the permit shall not be issued until final action on the appeal(s) has occurred, including appeals filed with the Coastal Commission, which has the effect of upholding the approval of this permit, and, if applicable, the final approval by the BAR.
5. **Other approvals.** Any other necessary approvals required prior to issuance of this Coastal Development Permit have been granted.

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

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

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

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

Print name

Signature

Date

000098

Coastal Development Permit Approval By:

_____/_____
Chair, Montecito Planning Commission **Date**

PERMIT ISSUANCE: The permit shall be issued and deemed effective on the date signed and indicated below.

Planning and Development Department Issuance By:

_____/_____
Planner **Date**

ATTACHMENT A: CONDITIONS OF APPROVAL

Project Description

- 1. Proj Des-01 Project Description:** This Coastal Development Permit is based upon and limited to compliance with the project description and revised conditions of approval below. Physical Development is as previously approved by 90-CP-111 RV01 (the hearing exhibits marked A-L, with Planning Commission hearing stamp date of June 16, 2004 (plans dated May 2004 except plan PL-2 dated 1/30/04)) and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The Music Academy of the West Conditional Use Permit has been revised to:

- a) Revise the conditions of approval to reflect completion of the final phase of Master Plan construction, update items for the purpose of clarity, and update building names;
- b) Revise various operational elements of the project and several of the conditions of approval to better serve its current and foreseeable needs and create operational flexibility while also maintaining maximum CUP restrictions set forth in 2004.

The Music Academy of the West (MAW) Revised CUP, 21RVP-00000-00109, (also referred to as the MAW "Master Plan" or "Renaissance Plan") includes both physical components that have already been constructed as part of build-out of the prior CUP, 90-CP-111 RV01, and operational components as revised by the current CUP. A summary of the operational components is listed immediately below, with specific details described later in this section. The CUP (21RVP-00000-00109) and associated CDP (21CDP-00000-00129) represent a revision to the previous Music Academy of the West CUP (90-CP-111 RV01) and supersedes the prior CUP.

Summary of Operational Changes:

- Primary instruction enrollment allowed to no more than 175 students. The number of vocal and instrumental students is to be determined by the MAW, but cannot exceed 175 total students.
- Students would continue to reside off-site but all (up to 175) students would receive lunch and dinner at the proposed new and improved catering kitchen and indoor dining facilities at the Music Academy. (The existing terrace on the east side of Marilyn Horne

Main House (formerly Miraflores) would remain as well);

- Limit public attendance for all activities as follows: Any- given- time (410), Daily (900), and Annual Public Attendance Maximum of 47,000. The limitations would not apply to staff, faculty, other employees, summer music students, other performers, or people attending or performing administrative functions (e.g., volunteers);
- Activities related to a music conservatory shall be subject to the proposed attendance caps and other restrictions (conservatory uses/activities would no longer be unrestricted as under 90-CP-111cz);
- Significant Life Events shall be an allowed use on-site;
- Educational programs in the arts shall be subject to (and included within) the proposal for campus-wide any-given-time, daily, and annual public attendance limitations;
- Meetings/seminars and non-profit benefits, *taken together*, shall total no more than 41 events annually to occur. Any given time attendance for meetings and seminars shall be limited to 350 participants and otherwise subject to the daily attendance limits. Non-profit benefits shall be subject to the any given time, daily and annual public attendance caps;
- Provide all project generated parking on-site;
- The MAW will discontinue its resale shops uses (The Treasure House & The Rack), which are currently allowed to operate six days per week from 12:00 pm to 3:00 pm, and repurpose these spaces for MAW mission-driven activities such as guest artist accommodations and rehearsal space, significant life event preparation space, and residential use for alumni, faculty members, local organizations and community use. The Academy has made a commitment with local performing arts organizations such as the Santa Barbara Symphony to share this valuable resource.
- The proposed residential component reintroduces the historical uses of these buildings and does not result in an intensification of use. It is anticipated the residential component would be utilized in the summer months for 8-10 weeks for Festival-related personnel. In non-summer months, durations of stay may range from 1-night to 30-days at a time, and with a 1–4-person maximum occupancy for The Rack, and 1–2-person maximum occupancy for the Treasure House. This request further supports the fiscal health of the MAW in generating revenue and off-setting rental expenses otherwise paid for off-site rentals for MAW guest artists, alumni, and faculty members.
- The existing 1,380 sq. ft. storage building, constructed during the Master Plan build-out, and located west of the Treasure House and Rack will become flex space to allow for future use for MAW administrative offices and rehearsal space. When used for activities which would likely generate nuisance noise for neighbors (e.g., any type of

amplification, brass band practice, etc.), any north or east facing windows in the rooms shall be closed. No intensification of use, increase in staff, or change in allowed populations is proposed with this change. In addition, no added square footage or changes to the exiting configuration or footprint of this structure is proposed.

- Maintain a *Cut-Through Reduction Plan (CTRP)* to discourage vehicles coming to the MAW for no reason other than to gain access to the east of the site (Butterfly Lane and beyond) using the MAW internal road as a circulation “short-cut.”

Following is a more detailed discussion of the proposed Master Plan Revised Conditional Use Permit project description:

Rehearsal/Recital Hall (Reconstruction of Hahn Hall – formerly Abravanel Hall)

Hahn Hall (formerly Abravanel Hall)–was reconstructed, featuring raked, fixed seating with a maximum permanent seating capacity of 300 plus allowance for an additional 50 removable seats during the summer season only. Under this CUP revision, the fixed seating in Hahn Hall will be increased from 300 to 350 and there will no longer be a need to set up removable seats in the summer. The number of permanent seats in Yzurdiaga Hall (formerly Stewart Hall) shall be decreased from 92 to 42 seats. No more than 330 of the total 350 seats shall be sold to/used by the public¹. The MAW will continue to schedule events off-site that will be attended by more members of the public than the maximum allowed in the hall.

Student Services (Link building between the new Instructional Building and Miraflores)

The Music Academy will continue to have all meals catered under the proposed plan (caterers typically prepare food off-site, but some limited on-site food preparation is permitted). Catered meals will be provided to Music Academy students, faculty and staff as well as to those groups attending some of the permitted activities on-site (meetings/seminars, non-profit benefits, and MAW administrative functions such as Council dinners etc.) When these aforementioned activities are not occurring, the kitchen uses and foodstuffs will be limited to a typical office lounge (popcorn, heating or keeping cold food brought from home, etc.) The dining room will not be open to the general public and the improved MAW facilities will not serve as a restaurant or snack bar to the general public. (Caterers will be used to provide and serve food on-site. The MAW will not hire a chef or other kitchen employees to staff the kitchen/dining facilities).

¹ The public is anyone who is not a student, faculty, or staff, including, but not limited to MAW donors, students’ friends and family, etc.

Operational Changes

The physical changes described above are intended to improve the quality of the existing instructional, practice and performance facilities on the MAW campus and to accommodate instruction for all 175 summer students at the project site.

1. Revise the project description condition (#1), to reflect the revised CUP approval;
2. Allow a maximum of 15 Significant Life Events (SLEs) as a permitted use onsite per year. Examples of SLEs include weddings, memorial services, quinceaneras, birthday and anniversary celebrations, bridal/baby showers and other individual private parties;
3. Reception attendance related to each SLE shall be limited to 225.
4. SLEs may take place in any appropriately-sized indoor space, with the exception of Hahn Hall. Outdoor amplified spoken voice and unamplified/acoustic music shall be limited to the following areas: Zone 1 Anne's Garden, Zone 2/2.5 Holden Encore Society Garden/Presidents Garden, Zone 3/4 Bock Garden/Williams Garden, Zone 5 Kuehn Court, Zone 7 Towbes Court, Zone 9 Lind Patio, and Zone 11 Kinnear Fountain.
5. The SLE facility renter shall provide a monitor dedicated to ride share assistance at the end of each event to decrease the potential neighborhood nuisance caused by lost/confused drivers. Note: ride share drivers' ability to locate the correct entrance to the MAW is often dependent on how the rider(s) enter(s) their pick up location into the ride share app.
6. The following tools for self-management of sound levels shall be implemented for SLEs with outdoor amplified spoken word and/or unamplified/acoustic music:
 - a. Facility renter must provide personnel to manage each SLE. The manager(s) shall be present from set up to break down of event, shall not be considered a guest, and shall not drink alcohol during the event.
 - b. At Zones 1, 3, 4, and 5 (i.e., areas near the southern property lines): acoustic music programming, and/or amplified spoken voice shall be limited to no more than two hours total.
 - c. At Zones 2, 2.5, 7, and 9: acoustic music programming and/or amplified spoken voice shall be limited to no more than four hours total.
 - d. Outdoor amplified sound for SLEs shall be limited to spoken voice.
 - e. PA systems shall be pointed away from neighbors whenever and wherever possible.

- f. SLEs shall only occur within the hours of 9:00 AM to 10:00 PM. Guests and related vehicle traffic shall vacate the site by 10:30 PM.
 - g. Outdoor amplified spoken word and/or unamplified/acoustic music related to SLEs shall end no later than 9:00 PM.
 - h. A MAW staff member shall be designated as a point-of-contact for any potential neighbor concerns.
 - i. An additional MAW-approved security officer shall be present for the duration of all SLEs to help ensure that guests comply with MAW policies and requirements.
7. Amplified music shall be limited to indoor locations in Lehmann Hall or Weinman Hall and shall commence no earlier than 4:30 PM and end no later than 9:00 PM.
 8. Increase the total allowances of use of amplified spoken voice from twice per calendar year to 17 per calendar year.
 9. Parking shall be limited to the MAW parking lots.
 10. Allow meetings/seminars and non-profit events, taken together, to total no more than 41 events and limit these to the non-summer season. Public attendance at these events shall be subject to and included within the campus-wide attendance caps: any given time (410), daily (900) and annual (47,000), with the exception that meetings/seminars shall be restricted to no more than 350 participants/event; and
 11. Project related parking demand shall be accommodated on the project site (not in overflow lots or on-street).

Attendance Limitations

In addition to Hahn Hall (formerly Abravanel Hall), the other existing indoor venues that can accommodate group gatherings are large rooms in Marilyn Horne Main House (formerly *Miraflores*), Lehmann Hall and Yzurdiaga (formerly *Stewart* Hall) and one in Weinman Hall in the Luria Education Center (formerly-Instructional Building/Lehrer Studios). The rooms/spaces in the Luria Education Center building complex shall be used for musical practice, instruction, auditions, rehearsals, meetings and other performing arts uses (dance) and wellness activities (yoga, art, etc.) Rental of these spaces to others for these same activities will also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes.

The maximum allowable capacities of the proposed venues are identified in table below.

Attendance shall be limited through restrictions on the maximum number of members of the public who can be on the Academy campus. Faculty, staff, summer music program students, performers and non-staff attendees at administrative activities on-site (including volunteers) will not be counted toward the proposed maximum attendance limits. Fundraisers shall be subject to the any given time, daily and annual attendance caps and are not considered administrative functions.

The specific public attendance limitations proposed are as follows:

1. Any given time (410) - this will apply to either individual or conjunctive use of multiple venues on-site (indoor and outdoor);
2. Daily (900); and
3. Annual (47,000) caps.
 - a) Figures do not include faculty, staff, students, other performers or employees or people attending administrative functions.
 - b) To avoid parking and other conflicts, special administrative functions (board meetings, dinners, etc.) shall not occur concurrently with high attendance events. Therefore, administrative activities are not expected to increase occupancy of the site over and above the proposed any-one time attendance maximum. Also, special administrative functions are not subject to the daily, at any given time and annual attendance limits either under baseline conditions or the proposed project scenarios (Fundraisers shall not count as administrative functions).
 - c) When more than 95 performers and staff are present for a maximum capacity non-summer event, staff or performers above this number shall be bused to the MAW campus.

These limitations shall apply to all activities and events conducted on campus and shall apply 7 days a week. Any exceptions to these limitations are identified below.

Non-Summer Season

The proposed typical non-summer activities shall include participants at both conservatory activities (musical classes, rehearsals, recitals, recording and concerts, classes and meetings sponsored by the Music Academy related to education in music, meetings related to music not sponsored by the Music Academy), MAW fundraisers, and rental activities (meetings, seminars, and non-profit benefits).

Existing audience attendance has been limited under this permit to provide assurance to the community that the Academy does not become a commercial endeavor. Activities subject to the attendance limitations shall include all music conservatory activities associated with the Music Academy, community groups, and other members of the public (e.g., concerts, meetings

related to music, rehearsals, workshops and instruction, public use of practice studios, recording sessions, etc.) and all special events/rental activities (conferences, meetings, seminars, non-profit benefits, educational programs in the arts). Special events/rental activities shall be permitted as follows:

1. Seminars/meetings and non-profit benefits, *taken together*, shall be restricted to a total of 41 events, subject to, and included within, the campus-wide attendance restrictions. The exception to this will be that the seminars and meetings will be further restricted to the historic maximum of no more than 350 participants per activity/event.
2. Educational programs in the arts are be subject to the attendance caps, with all non-summer students, faculty, and/or instructors (other than those performing at a concert) counted toward the maximum attendance limitations.
3. Significant Life Events (e.g. weddings, memorial services, quinceaneras, birthday and anniversary celebrations, bridal/baby showers and other individual private parties).
4. Studio rentals for music and other artistic and wellness activities (e.g. yoga, art, dance, performing arts, wellness)².

Music Academy administrative activities will remain unchanged under the new permit and are specifically not included within these attendance limits. However, the Academy shall schedule any special administrative activities³, such that they shall not occur at the same time as large events on-site. The intent of this is to avoid the combination of event and administrative attendance at levels that would challenge traffic circulation and on-site parking demand or that will create other logistical problems.

Summer Season (8 weeks, mid-June to mid-August) Site Attendance

The attendance maximums shall not include up to 89 staff/faculty (including all conservatory, administrative, maintenance, service and other staff), up to 175 students/performers, or attendees at administrative activities on-site such as MAW board meetings, auxiliary meetings, council dinners, etc. As with the non-summer period, Music Academy administrative activities shall remain unchanged under the new permit and shall not be included within the proposed attendance limits. However any special administrative activities⁴, involving greater numbers of

² The Other non-conservatory uses allowed on-site shall be limited to meetings, seminars, non-profit benefits, educational programs in the arts, MAW administrative functions, maintenance activities, fundraisers subject to attendance caps (except one day per year not subject to the caps). Inclusion of an accessory musical component in an activity other than the above allowed uses shall not convert a non-permitted use to a permitted use simply because music has been included (e.g., rental for a reception which has musicians for entertainment).

³ Defined as administrative activities, such as board meetings, auxiliary member meetings, etc., which involve more people than regular staff activities.

⁴ Defined as administrative activities, such as board meetings, auxiliary member meetings, etc., which involve more people than regular staff activities.

people, shall not occur at the same time as large events on-site. Fundraisers, subject to the any given time, daily and annual attendance caps may occur during the summer.

The Music Academy shall provide a copy of its Summer School and Festival program to the owners of 87 Butterfly Lane upon their request, as well as notification of all special events exceeding 250 participants.

Summer Instructional Program

Hahn Hall (formerly *Abravanel Recital Hall*) will enhance the educational experience of the students as well as improve the facilities for MAW patrons and the public.

Off-Campus Master Classes: The MAW will continue to schedule selected Master Classes off campus, as necessary (e.g., to accommodate a concert with more public attendance than is permitted on-site and/or in specific venues on-site).

Summer School: Instructional activities for the Summer School consist of individual and group instruction, individual and group rehearsals and practice sessions, orchestra rehearsals (no orchestra performances), and other school activities. The 175-maximum number of students in the overall summer music program shall not change under the revised CUP. However, up to 50⁵ vocal and vocal accompanying students, that have received primary instruction at Westmont College, shall receive all instruction at the Music Academy upon completion of new facilities onsite. Following project implementation, all 175 students will receive both lunch and dinner (catered meals, not prepared on-site) at the Music Academy campus. The number of vocal and instrumental students is to be determined by the MAW, but cannot exceed 175 total students.

Other Music Academy Operations

Fundraising Events Open to the General Public (no attendance cap): One, 1-day fundraiser (e.g., May Madness) will not be subject to the attendance caps. This event is to take place during the non-summer period. Other fundraising activities will be subject to the attendance caps.

On-Site Residences: Both the caretaker's residence and an employee apartment will be retained on site.

Caretaker residence use allows flexibility of the "caretaker" residential unit in order to provide the opportunity for other MAW employees or guests (e.g. visiting artists) to occupy the onsite residence located east of the Treasure House.

Proj Des-02 Project Conformity: The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project

⁵ These 50 students would continue to be part of (not in addition to) the 175 maximum students in the summer program.

description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Conditions Derived from EIR Mitigation Measures

Aesthetics

3. Compliance with the Tree Protection Plan. The following shall be added to the Tree Protection Plan to reduce aesthetic impacts:
 - a. The TPP shall emphasize the protection (and retention, where feasible) of existing trees and shrubs that are critical to screening the property from off-site (e.g., particularly those trees that provide screening of the site when viewed from the north and east). In addition, the primary goal of tree maintenance activities (trimming, pruning) shall focus on maintaining the long-term health (and retention) of the trees. However, wherever possible, the maintenance activities shall also consider the goal of maintaining maximum screening provided by tree foliage. Trimming or thinning of trees that provide screening as viewed from off-site shall be limited to activities necessary to protect the health of the trees, in response to mandatory fuel management standards directed by Montecito Fire Protection District, due to serious safety concerns, and/or due to serious threats to structures (e.g., significant, unstable limb expected to damage roof of structure, etc.).

PLAN REQUIREMENTS AND TIMING: Applicant shall maintain copies of arborist documentation of arborist recommendation for tree thinning/limbing for screening trees. P&D shall check the Tree Protection Plan for compliance with this measure.

MONITORING: Permit Compliance shall site inspect to ensure compliance.

4. Night-lighting and its intensity shall be minimized to the extent feasible for security and safety purposes and night-lighting should be reduced following the close of activities on-site any given day. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. The height of night-lighting shall also be minimized to reduce its visibility from off-site. This would apply to both the height of light fixtures as well as minimizing the location of night lighting in the upper portions structures, particularly those at the highest elevations on-site (e.g., recital hall, instructional building). Lights shall be dimmed after 10:00 p.m., except when activities end at or later than 10:00 p.m. For these exceptions, lighting shall be dimmed to the maximum extent feasible and at the earliest possible time after 10:00 p.m. Special consideration shall be given to lighting of perimeter development and pathways, driveway entrances and exits and all existing and proposed indoor and outdoor lighting

on the sides of structures facing the property perimeter (e.g., the north and east sides of Luria Education Center and Lehrer Studio Building and the north sides of Hind Hall and renovated Hahn Hall – formerly Abravanel Hall) as well as the northern parking area to minimize visibility from off-site.

5. Future structures shall not exceed the heights (including maximum height above sea level as indicated by story poles erected prior to the MPC hearing of 5/19/04) or the overall sizes of structures identified in the project description and on the project plans. Post discretionary approval changes to proposed building heights which do not exceed, but rather reduce the heights or sizes identified in the project description and on the project plans would also be acceptable.

PLAN REQUIREMENT: This measure shall be included on building plans.

TIMING: Plans shall be submitted prior to approval of Coastal Development Permits for structures.

MONITORING: Height of building(s) shall be checked by Building and Safety during frame/inspection approval.

6. The northern wall shall be repainted within 72 hours, as necessary, if there is new graffiti in the future. If feasible, this wall section shall also be planted with a vine to reduce re-occurrence of graffiti or the wall may be permanently removed subject to compliance with tree protection measures and replaced with a vine covered fence, railing, or wall.

MONITORING: P&D shall site inspect. If new graffiti is observed, Permit Compliance shall direct Music Academy to repaint this wall section.

7. Music Academy fundraisers on campus shall be subject to the any given time, daily and annual attendance caps.
8. Indoor amplification shall be located where doors and windows can (and shall) be closed to reduce spill-over of noise onto adjacent properties. To avoid potential nuisance complaints, non-opening windows may be incorporated into areas of the building(s) where indoor amplification is expected.
9. The Final Cut Through Reduction Plan (CTRP) to reduce the volume of traffic through campus shall include the following components of a Gate Closure Program:
 - a) The entrance gate at Fairway Road shall include an access card system. Vehicle license plates shall be registered for all faculty, staff, and students at the campus and access cards shall be issued for all registered vehicles. Each access card will be valid on an annual basis, and renewed as necessary.
 - b) Hours of operation:

- i) Summer Program (8 weeks from mid-June to mid-August)
 - 1) Gate open 10:00 AM to 4:00 PM Weekdays and Saturdays
 - 2) Gate open for evenings events held on campus with traffic attendant (see below)
 - 3) Gate closed all day Sunday
- ii) Non-Summer Program
 - 1) Gate open 11:00 AM to 3:00 PM Weekdays
 - 2) Gate closed all day Saturday and Sunday, except for events held on campus with traffic attendant.
- c) A traffic attendant shall be placed at the entrance to the driveway for any public events held on campus outside of the open gate hours. Attendant shall monitor for cut-through vehicles which were not observed originating from a campus parking lot. Attendant shall record license numbers of confirmed cut-through vehicles and issue verbal warning to associated drivers.
- d) Existing site and County signage shall be maintained to discourage through traffic in the neighborhood, including:
 - i) Site signage stating “NO THROUGH TRAFFIC, MUSIC ACADEMY GUESTS ONLY” at the Fairway Road entrance gate and along the exit road adjacent to The Rack.
 - ii) County directional signage at the intersection of Channel Drive and East Cabrillo Boulevard stating “Four Seasons Biltmore Use 101 South to Olive Mill”, Commercial Vehicles Over 7 Tons Prohibited”, and “Channel Dr Local Deliveries Only”.

PLAN REQUIREMENTS AND TIMING: The Program shall be submitted to Public Works and P&D for review and approval prior to issuance of the CDP.

MONITORING: Permit Compliance shall monitor periodically for compliance.

- 10. The MAW shall be required to provide monitoring reports annually.
 - a) Monitoring shall cover individual event attendance (ticket sale records from ticketing company including the number of tickets per event for public, students, and faculty/staff), daily attendance, and seasonal attendance. Attendees shall include all regular guests as well as any students, faculty, staff, or other employees

who are not performing or working at the event and attendance for these different sub-groups shall be provided.

- b) The monitoring shall include a specific break down of seminars, conferences, non-profit events, educational programs in the arts and conservatory activities.
- c) The monitoring shall include the results of the periodic monitoring of parking required to determine adequacy of on-site parking in meeting project demand.
- d) Accompanying the annual monitoring reports shall be a signed statement from the President of the Music Academy of the West stating that a copy the Conditional Use Permit has been distributed to and reviewed with the Music Academy Board and staff in order to ensure compliance with the conditions.

PLAN REQUIREMENTS AND TIMING: The applicant shall submit a methodology for monitoring per the above requirements to P&D for review prior to approval of CDP for construction.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) during events to perform manual counts on-site during both the summer and non-summer periods. Manual counts for events shall be compared with the event attendance data submitted in the project monitoring reports. The data will not be exact as Permit Compliance will not be able to differentiate who is a public vs. non-public member. However, the data will still be useful for comparison purposes as the monitoring data will break out the number of public attendees.

- 11. Consistent with historic levels, there shall be no more than five public Saturday events during the summer⁶.

PLAN REQUIREMENTS AND TIMING: Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the year's summer calendar.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) to determine compliance with this measure.

- 12. Consistent with historic levels, there shall be no Sunday public events during the summer.⁷

⁶ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends. Summer students and faculty practicing on-site (not performances), staff doing office or grounds work and other basic administrative activities would still be allowed.

⁷ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends. Summer students and faculty practicing on-site (not performances), staff doing office or grounds work and other basic administrative activities would still be allowed.

PLAN REQUIREMENTS AND TIMING: Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the summer calendar.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) to determine compliance with this measure.

13. Picnic concerts shall be limited to no more than ten per summer.

Plan Requirements and Timing: Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the summer calendar.

MONITORING: Permit Compliance shall review summer schedule information (e.g., on the MAW website or local newspapers) to confirm scheduled picnic concerts.

14. Rentals for seminars and meetings shall be limited to 350 participants with a maximum end time of 10:00 p.m.

PLAN REQUIREMENTS AND TIMING: The MAW shall include notice of this requirement in all rental contracts for events and other activities on-site along with a meaningful financial penalty for transgressions. This requirement shall also be posted on-site during applicable evening events to facilitate compliance. Examples of the contract language and the language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development.

MONITORING: Permit Compliance shall note compliance with this measure during periodic, unannounced visits to the site to field check event attendance (the largest events are often evening events).

15. All events and activities shall begin no earlier than 9:00 am and shall end no later than 10:00 pm throughout the year. The exception to this shall be allowance for events on Thursdays and Fridays during the summer season only to end by 10:30 p.m. Once an evening event has ended, guests are expected to leave within approximately 30 minutes. If approximately 30 minutes becomes insufficient for guests to leave the premises, the MPC, as part of their compliance hearings, shall consider the requirement to move end times to earlier in the evening, sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 10:30 (11:00 for Thursday and Friday events in the summer season).

PLAN REQUIREMENTS AND TIMING: The MAW shall include notice of this requirement in all rental contracts for events and other activities on-site along with a meaningful financial penalty for transgressions. This requirement shall also be posted on-site during applicable evening events to facilitate compliance. Examples of the contract language

and the language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development.

MONITORING: Permit Compliance shall note compliance with this measure during periodic, unannounced visits to the site to field check event attendance (the largest events are often evening events).

16. The primary use of the catering kitchen and dining facilities shall be to provide lunch and dinner to summer music students, faculty, and staff. The secondary use of these facilities shall be for the use of non-summer staff to heat up (microwave) and refrigerate their lunches and for use by caterer for rental activities in non-summer. Therefore, the kitchen and dining facilities shall be limited as follows:
 - a) The facilities shall not be open as a snack bar or restaurant for the public or for public on-site for non-event activities or non-catered events/activities, such as musical instruction or other lessons, or rehearsals.
 - b) The facilities shall not be used to provide food for picnic concerts, except to supply a "coffee cart" with drinks, cookies, etc. typical of fare available during a concert intermission.
 - c) The kitchen shall not be used as a cafeteria for food preparation, except for activities typical of an office employee lounge (e.g., coffee maker, microwave and refrigerator to heat up/keep cool meals and snacks brought by employees).
 - d) Food preparation and service for events and the summer program students shall be limited to caterers (no permanent chef or other kitchen staff). Food service for events and summer student meals shall be designed to minimize necessary deliveries.
 - e) Except for food used by a caterer for an event or summer student/staff meals, food stuffs shall be limited to those typical of an office employee lounge (coffee, popcorn, etc.) as well employee access to refrigerator and microwave.
 - g) The kitchen shall not be designed as a commercial or industrial kitchen. Rather, it shall be designed for catering purposes only, with an assumption and requirement for minimal food preparation on-site.

PLAN REQUIREMENTS AND TIMING: These restrictions regarding the kitchen and dining area uses shall be posted to avoid confusion and to facilitate compliance with this measure.

MONITORING: Permit Compliance shall evaluate compliance with this measure during periodic, unannounced visits to the site.

17. Following project implementation, and for the life of the project, if trees or screening shrubs along Butterfly Lane or other perimeter areas of the site are lost (either intentionally or due to natural causes), the trees and shrubs shall be replaced (with comparably sized plantings, up to 24-inch box), within one month, to minimize loss of screening provided by such tree loss. The applicant shall make every effort to replace lost screening vegetation with large plantings that reduce the amount of time necessary to provide screening. Following installation, to the maximum extent feasible, when the property is viewed from off-site, it should retain the appearance of a landscaped residential estate. This measure shall be incorporated into the Tree Protection Plan.

PLAN REQUIREMENTS AND TIMING: This requirement shall be incorporated into the project landscape plan, including inclusion of notes to this effect on the landscape plan itself. The plan shall be reviewed and approved by P&D, the MBAR and architectural historian (under contract to P&D) prior to approval of CDPs.

MONITORING: Permit Compliance shall evaluate compliance with this measure during periodic visits to the site.

18. When practice rooms are used for activities which would likely generate nuisance noise for neighbors (e.g., any type of amplification, brass band practice, etc.), any north or east facing windows in the room shall be closed.
19. The rooms/spaces in the new practice studio/instructional/student services/Luria Education Center (formerly Student Services) building complex shall be used for musical practice, instruction, auditions, rehearsals, meetings and other performing arts uses (dance) and wellness activities (yoga, art, etc.). Rental of these spaces to others for these same activities would also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes.

PLAN REQUIREMENTS AND TIMING: A note identifying these restrictions shall be included on the project building plans for this structure and the applicant shall submit future activity calendars to permit compliance staff along with other monitoring data to ensure compliance with this measure.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of review of monitoring reports and site visits.

20. In Hahn Hall, no more than 330 seats shall be used for the public. Ticketing shall incorporate tickets for all in attendance at an event and shall include different types of tickets for students, faculty/staff and public attendees (public is anyone who is not a student, faculty or staff).

PLAN REQUIREMENTS AND TIMING: Project plans showing Hahn Hall (formerly Abravanel Hall) shall specify that Hahn Hall will have a total of 350 fixed seats. The applicant shall specify a method for ensuring that no more than 330 seats are sold to/used by the public, for review and approval by P&D prior to approval of CDPs for construction. This shall include a ticketing plan for the various types of attendees and an example of a monitoring report that would indicate the ticket sales information.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events in the summer season.

21. Summer music students shall access the site using buses provided to and from the site. The exception to this shall be an allowance for up to 20 student vehicles on-site. These vehicles shall have designated student permits, which may be transferable between the students and which must be visible in their cars when on campus. No additional student vehicles shall be parked on neighborhood streets to evade this restriction. Walking or bicycling to the site would also be acceptable, as the intent of this condition is to ensure adequate parking on-site. To facilitate compliance, the Music Academy may wish to make a MAW vehicle available for use by students on an as-needed basis.

PLAN REQUIREMENTS AND TIMING: This restriction shall be identified in student information materials, a sample of which shall be submitted to P&D for review and approval of CDPs.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events in the summer season and as part of review of parking data monitoring reports.

22. All project related parking demand shall be accommodated on the project site.

PLAN REQUIREMENTS AND TIMING: This requirement shall be printed on project plans, rental contracts and shall be included on the MAW website associated with activities on-site.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events and as part of review of parking data monitoring reports.

23. Musicians/other performers shall not be counted toward the attendance maximums if they are actually performing at a concert or other event. However, if the activity involved is really instruction or rehearsal with members of the public or students (i.e., not faculty or staff) observing, the performer and audience shall be counted toward the attendance maximums. The intent of this condition is to ensure compliance with the attendance caps and to not allow extension of the summer music program, with an unlimited number of students, in the non-summer, consistent with the Music Academy's letter to Natasha Heifetz Campbell dated June 10, 2004."

Noise

24. All use of amplified sound on-site in indoor locations shall occur with closed windows during periods when amplification is being used. The Music Academy shall provide a telephone number for members of the public to use to communicate with the Academy should amplified sound be audible outside the Music Academy boundaries. Amplified sound in outdoor locations shall be limited to the following:
- a) Location: Zone 1 Anne's Garden, Zone 2/2.5 Holden Encore Society Garden/Presidents Garden, Zone 3/4 Bock Garden/Williams Garden, Zone 5 Kuehn Court, Zone 7 Towbes Court, Zone 9 Lind Patio, and Zone 11 Kinnear Fountain.
 - b) Frequency: 17 times per year.
 - c) Duration: No more than 6 hours per event.
 - d) Level: Shall not be audible outside MAW property boundaries.
 - e) Time of Day: Amplified sound and non-amplified acoustical music associated with SLEs shall begin no earlier than 9:00 a.m. and end no later than 9:00 p.m.
 - f) Limited to the spoken voice.
 - g) Compliance with Self-Management Strategies listed under Operational Changes in Condition #1 (based on recommendations found in September 2021 Acoustics Analysis by 45dB Acoustics).

MONITORING: Permit Compliance shall site inspect as necessary to confirm compliance with this condition.

Solid Waste

25. The SWMP shall be implemented during the life of the CUP, unless a modification to the plan is approved by County P&D, in consultation with Public Works, Solid Waste Division.

PLAN REQUIREMENTS: The program shall include, but not be limited to, the following:

- a) On-site provision of adequate space and/or covered bins for storage of recyclable materials generated throughout the site and in no case shall these be located within the easement along the exit drive.
- b) Designation and/or expansion of a central recyclable material pickup area on-site.

- c) Continued and expanded participation in the County's recyclables and greenwaste collection programs.
- d) Development of a plan for accessible collection of increased volumes of recycle materials, particularly during peak use periods.
- e) Implementation of a monitoring program (quarterly, bi-annually) to ensure participation in recycling efforts and requiring written documentation in the form of receipts.
- f) Encourage the use of reusable cups and place settings at special events held onsite to minimize solid waste generation.
- g) Development of a plan for recycling/reuse of yard waste on-site. This shall include on-site mulching and use of the mulch on-site as well as location of adequate green waste pick-up containers acceptable to area collection service.

TIMING:-Program components shall be implemented throughout the life of the project.

MONITORING: P&D shall site inspect periodically after occupancy to ensure solid waste components are established and implemented.

26. Outdoor water use shall be limited through the measures listed below.

- a) Extensive mulching (2" minimum) shall be used in all landscaped areas to improve the water holding capacity of the soil by reducing evaporation and soil compaction.

TIMING: The applicant shall implement all aspects of the landscape and irrigation plan prior to occupancy clearance and shall maintain the landscaping components in the landscape plan for the life of the project.

Traffic

27. Parking demand generated by project activities shall be accommodated within the on-site parking supply (285 passenger vehicle spaces with ability for 5 additional spaces using stacked parking, and two bus spaces, consistent with approved plans). The parking shall be in place prior to any increases in attendance. This parking supply is consistent with application of a conservative parking demand rate of 0.76 spaces/seat⁸, the project would generate demand for 289 spaces.). In order to ensure that project generated parking demand can be accommodated on-site, once the Master Plan is operational, the applicant shall monitor event parking during large events (300 plus attendees) to determine whether parking is indeed adequate to accommodate on-site parking for the proposed any given time maximum public attendance. The parking monitor shall specifically evaluate parking

⁸ Based on ATE summer afternoon, high attendance event data

for days when high attendance is expected for consecutive Master Classes to determine whether there is adequate time between event start and end times to allow exiting vehicles (from a large event) to leave the site in time for entering vehicles (for a large event) to backfill the vacated parking spaces without waiting. Project conditions, which affect parking (including, but not limited to a reduction in the any given time public attendance maximum attendance cap, increased or decreased minimum time required between consecutive events, etc.), may be modified at the required compliance report hearings with the Montecito Planning Commission if the results of these surveys indicate insufficient parking is available to accommodate project demand. The MAW also has the ability to control administrative and volunteer activities on-site to ensure adequate parking will be available to accommodate other activities and events.

PLAN REQUIREMENTS AND TIMING: The applicant shall fund preparation of periodic surveys (four times per year, although more often during the summer season and possibly less often during the non-summer season would also be acceptable) of the total number of vehicles associated with large events on-site and where they park. The applicant shall submit a draft monitoring plan to P&D for review and approval prior to approval of CDPs for new structures. Depending on project phasing, the monitoring plan may require modification for future phase(s). The monitoring plan may be modified by the MPC, as determined necessary, at the project's compliance hearings. The parking surveys shall specifically evaluate large consecutive events. The surveys shall be performed by professionals experienced in collection of traffic data. Given the potential ramifications of the survey results and to avoid any perception of conflict of interest, the survey personnel shall be funded by the applicant under contract to the County. The surveys shall account for all cars associated with Music Academy activities, including those associated with students, faculty, other employees, volunteers, customers and sales people at the resale shops, and others attending administrative activities on-site. (Surveys required by this condition may be performed in conjunction with mitigation monitoring requirements identified in other traffic mitigation measures). In the first year of regular operations, survey data shall be available for a week which includes peak attendance classes/events/picnic concert during the summer season and for a week which includes peak events during the non-summer period. Therefore, the Academy's event calendar shall be used to identify appropriate monitoring periods.

MONITORING: Permit Compliance shall ensure implementation of contract for parking monitoring and shall review parking monitoring reports for compliance.

28. Project generated parking demand shall be accommodated by on-site parking (285 passenger vehicle spaces, 5 additional stacked parking spaces and two bus spaces). To facilitate on-site parking and avoid project generated parking demand on neighborhood streets, the MAW shall:
 - a) Deploy an adequate number of parking attendants for the larger events to ensure that identified parking is maximized (and parking on neighborhood streets is

avoided or minimized). An adequate number of attendants shall also be present for events to ensure that entering vehicles are not blocking traffic on Fairway in front of the Music Academy entrance. Parking attendants shall be responsible for directing vehicles to appropriate parking areas and open spaces and facilitating circulation throughout the site(s). If it is confirmed by P&D that MAW attendees, staff or students are consistently parking on neighborhood streets, the MAW will be required to utilize an increased number of parking attendants. If this problem persists, information regarding this situation will be forwarded to the Montecito Planning Commission as part of their compliance update hearing(s). If the monitoring indicates that on-site parking supply cannot accommodate peak parking demand for maximum attendance events, the MPC shall consider reducing the maximum any given time attendance to a level at which the on-site parking supply can accommodate peak attendance.

- b) In the non-summer period, performers shall be bused to the site if there would be more than 95 staff/performers at an event (with attendees)⁹.

PLAN REQUIREMENTS AND TIMING: The applicant shall prepare a typical plan for use by attendants at various large events to facilitate operations. This plan shall be submitted to P&D and Public Works prior to issuance of CDPs.

MONITORING: Permit Compliance shall periodically inspect for implementation of plan during large events Permit Compliance may also review related monitoring reports required pursuant to other project conditions

- 29. The applicant shall deposit funds to cover on-going staff review and compliance efforts. In addition to regular compliance review, this shall also include the cost for staff to attend (unannounced) events on-site periodically and to perform manual counts of attendees at such events for general comparison with applicant submitted monitoring reports regarding attendance. Precise comparison will not be possible for some events (e.g., summer concerts) as some of the attendees will include students and faculty. However, the monitoring data submitted by the MAW will break out the number of public attendees.

PLAN REQUIREMENTS AND TIMING: The applicant shall submit necessary funds for long-term compliance with P&D prior to approval of CDPs. The amount shall be determined following review of project plans for CDPs, including, but not limited to, the manner in which the project operations propose to comply with project conditions.

MONITORING: Permit Compliance shall confirm that funds were deposited prior to issuance of CDPs.

- 30. The Music Academy shall ensure adequate breaks between the start and end times of

⁹ This is required to ensure there would be adequate on-site parking for a high attendance event in the non-summer season, when performers would not normally be arriving by bus (as the students do during the summer).

events to avoid concurrent demand for available parking. At least 40 minutes shall be scheduled between the start and end times of larger events on-site (those involving combined consecutive event attendance of 550 or more public attendees, such as 300 at the first afternoon Master Class and 250 at the second Master Class).

MONITORING: Permit Compliance shall periodically review Music Academy schedules of events for compliance.

31. Although not an option at this time, project egress for west-bound traffic would be acceptable using either Monte Cristo Lane or the Montecito Sanitary District driveway (subject to Public Works review and approval of the driveway access design onto Channel Drive. Maintaining this option (although unlikely to effectuate), would serve to reduce neighborhood traffic volumes and provide a more direct route for west-bound traffic leaving the Music Academy.

Project Specific Conditions

32. No signs of any type are approved with this action unless otherwise specified. All signs require a separate Coastal Development Permit and Montecito Board of Architectural Review approval and shall comply with the Santa Barbara County Code Chapter 35, Article I (Sign Regulations). The exception to this shall be temporary signs associated with the interim CTRP. The applicant will bring the temporary signs forward for MBAR review and approval, but will be permitted to install temporary CTRP signage prior to MBAR approval, in order to effectuate traffic reduction at the earliest possible date. If MBAR recommends changes to the signs, within one week the MAW shall replace the signs, consistent with the MBAR directed change(s).
33. During the non-summer period, unless the recording is secondary to an actual on-site performance those persons being recorded and related assistants on-site ~~for~~ shall be counted toward the attendance limits. During the summer season, only summer school students, faculty, and related assistants shall use the recording facilities.

Conditions by Issue Area

34. **Noise-02 Construction Hours:** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:30 p.m. Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.

PLAN REQUIREMENTS: The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries.

TIMING: Signs shall be posted prior to commencement of construction and maintained throughout construction.

MONITORING: The Owner/Applicant shall demonstrate that required signs are posted prior to building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints.

County Rules & Regulations

35. **Rules-02 Effective Date-Appealable to CCC:** This Coastal Development Permit shall become effective upon the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].

36. **Rules-05 Acceptance of Conditions:** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.

37. **Rules-11 CDP Expiration-With CUP or DVP:** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision-maker action. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. Prior to the expiration of a time extension approved in compliance with Subsection a. above, the review authority who approved the time extension may approve two additional time extensions for two years each if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.

A Coastal Development Permit shall expire two years from the date of issuance if the use or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. A Coastal Development Permit whose expiration date has been extended in compliance with the above will nevertheless expire at the earlier of: (1) the expiration of the most recent time extension or (2) the expiration of the associated Conditional Use Permit or Development Plan (as modified by any extension thereto).

38. **Rules-23 Processing Fees Required:** Prior to issuance of Coastal Development Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.

39. **Rules-31 Mitigation Monitoring Required:** The Owner/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 Owner/Applicant shall:
- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
 - b. Compliance monitoring costs for existing Case No. 02PMC-00000-00306 will continue to be invoiced monthly and may include 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 Owner/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. Monthly invoices shall be paid by the due date noted on the invoice;
 - c. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.
40. **Rules-33 Indemnity and Separation:** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project.
41. **Rules-35 Limits-Except DPs:** This approval does not confer legal status on any existing structures(s) or use(s) on the property unless specifically authorized by this approval.
42. **Rules-37 Time Extensions-All Projects:** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

MUSIC ACADEMY OF THE WEST CUP REVISION

21CDP-00000-00129

Page A-24

43. Landscaping shall be maintained for the life of the project.

G:\GROUP\PERMITTING\CASE FILES\RVP\21 CASES\21RVP-00000-00109 MUSIC ACADEMY OF THE WEST\600 DECISION
MAKER\MPC\01 STAFF REPORT\ATTACHMENTS\ATCHB2_21CDP-129_MAW.DOC

ATTACHMENT C
EIR (03-EIR-06) ADDENDUM
Music Academy of the West Master Plan Revised Conditional Use Permit
21RVP-00000-00109

TO: Montecito Planning Commissioners

FROM: Alex Tuttle, Supervising Planner
Development Review Division, Planning and Development
Staff Contact: Steve Conner

DATE: March 7, 2023

RE: CEQA Determination: Finding that CEQA Section 15164 (Addendum) applies to the Music Academy of the West Revised CUP Case Nos. 21RVP-00000-00109 and 21CDP-00000-00129. CEQA Section 15164 allows an addendum to be prepared when only minor technical changes or changes which do not create new significant impacts would result. The Final Environmental Impact Report for the Music Academy of West Master Plan Revised Conditional Use Permit (03-EIR-06), prepared for the Music Academy of the West Master Plan Revised Conditional Use Permit Case No. 90-CP-111 RV01, is hereby amended by this 15164 letter for Case Nos. 21RVP-000000-00109 and 21CDP-00000-00129.

Location: The project is located at 1070 Fairway Road in the Montecito Community Plan area, First Supervisorial District (APNs 009-282-029 and -030).

Background:

The Music Academy of the West (MAW) Master Plan Revised Conditional Use Permit, Case No. 90-CP-111 RV01, was approved by the Board of Supervisors on October 26, 2004. As part of the approval, the Board certified a Final EIR (03-EIR-06, FEIR). The FEIR prepared for the project identified temporary environmental impacts (short- to mid-term/10-15 years) to Aesthetics and Land Use that could not or might not be fully mitigated and were therefore considered significant and unavoidable (until proposed landscaping reached sufficient height/size to provide screening from off-site public viewing areas particularly from the north and east). Mitigation to address these impacts included the same mitigation identified to address the identified significant but mitigable impacts. Significant but mitigable impacts included the following areas: aesthetics/visual resources, archaeological resources, biological resources, grading/drainage, fire protection, land use compatibility, noise, solid waste generation, transportation/circulation, and water quality. Mitigation measures were identified and incorporated as conditions of approval to reduce impacts to less than significant levels.

Proposed Project:

The project is a request for a Revised CUP to 90-CP-111 RV01 to allow the following project components associated with the MAW Master Plan¹:

- Increase the maximum seating capacity in Hahn Hall from 300 permanent seats and 50 temporary seats during the summer to 350 permanent seats year-round. As required under the CUP, 330 seats will continue to be the maximum available to the public and the 20 remaining seats will continue to be used by students, staff, and volunteers.
- Decrease the permanent seats in Yzurdiaga Hall (formerly Stewart Hall) from 92 to 42 seats.
- Increase the maximum any given time public attendance from 330 to 410 people. This will allow more than one public event in a location other than Hahn Hall (350 seats). There will be no change in the daily attendance cap of 900 people.
- Increase the attendance cap for meetings and seminars from 175 to 350 participants per event.
- Eliminate the seasonal caps of “summer” (22,000 people) and “non-summer” (25,000 people) and maintain the existing annual cap of 47,000 people.
- Change reporting requirements from biannual to annual.
- Increase the number of parking spaces available to students from 10 to 20 spaces.
- Increase the instructional student population from 150 to 175 students.
- Increase the total allowances of use of the amplified spoken voice from twice per calendar year to 17 per calendar year.
- Change in use to allow weddings and other special events known as Significant Life Events (SLEs).
 - Examples of SLEs include weddings, memorial services, quinceaneras, birthday and anniversary celebrations, bridal/baby showers and other individual private parties.
 - A maximum of 15 SLEs shall be allowed per year.
 - Reception attendance related to each SLE shall be limited to 225².
 - Parking shall be limited to the MAW parking lots.
 - Amplified music shall be limited to indoor locations in Lehmann Hall or Weinman Hall and shall commence no earlier than 4:30 PM and end no later than 10:00 PM.
 - Outdoor amplified sound for SLEs shall be limited to spoken voice.
 - SLEs may take place in any appropriately-sized indoor space, with the exception of Hahn Hall. Outdoor amplified spoken voice and unamplified/acoustic music shall be limited to the following areas: Zone 1 Anne’s Garden, Zone 2/2.5 Holden Encore Society Garden/Presidents Garden, Zone 3/4 Bock Garden/Williams Garden, Zone 5 Kuehn Court, Zone 7 Towbes Court, Zone 9 Lind Patio, and Zone 11 Kinnear Fountain.
 - The following tools for self-management of sound levels shall be implemented for SLEs with outdoor amplified spoken word and/or unamplified/acoustic music shall be consistent with the proposed self-management recommendations outlined below:

¹ For complete detail, see Attachment B.1 to the Staff Report dated March 7, 2023.

² Based on the maximum standing capacity of 233 at Lehmann Hall.

- The SLE facility renter must provide personnel to manage each SLE. The manager(s) shall be present from set up to break down of the event, shall not be considered a guest, and shall not drink alcohol during the event.
 - At Zones 1, 3, 4, and 5 (i.e., areas near the southern property lines): acoustic music programming, and/or amplified spoken voice shall be limited to no more than two hours total.
 - At Zones 2, 2.5, 7, and 9: acoustic music programming and/or amplified spoken voice shall be limited to no more than four hours total.
 - PA systems shall be pointed away from neighbors whenever and wherever possible.
 - SLEs shall only occur within the hours of 9:00 AM to 9:00 PM.
 - A MAW staff member shall be designated as a point-of-contact for any potential neighbor concerns.
 - An additional MAW-approved security officer shall be present for the duration of all SLEs to help ensure that guests comply with MAW policies and requirements.
 - The SLE facility renter shall provide an assistant dedicated to ride share assistance at the end of each event to decrease the potential neighborhood nuisance caused by lost/confused drivers. Note: ride share drivers' ability to locate the correct entrance to the MAW is often dependent on how the rider(s) enter(s) their pick up location into the ride share app.
- Change in use to discontinue operation of retail shops (The Treasure House and the Rack) and allow residential use of these spaces for alumni, faculty members, local organizations, guest artists and other community-related uses such as rehearsal space and SLE preparation space. It is anticipated the residential component would be utilized in the summer months for 8-10 weeks for Festival-related personnel. In non-summer months, durations of stay may range from 1-night to 30-days at a time, and with a 1–4-person maximum occupancy for The Rack, and 1–2-person maximum occupancy for the Treasure House. This request further supports the fiscal health of the MAW in generating revenue and off-setting rental expenses otherwise paid for off-site rentals for MAW guest artists, alumni, and faculty members.
 - Change in use to allow “caretaker” residential unit to be used by other MAW employees.
 - Change in use to convert existing administrative storage building/Marjorie Crispin Annex (formerly known as Harger Studio) to administrative office.
 - Modification in community use of the studio spaces to allow other art- and wellness-related uses, including dance, yoga, meditation, visual and performing arts, etc.
 - Updates to conditions of approval related to Cut-Through Reduction Plan (CTRP), for which reporting requirements were discontinued as of 2009. The CTRP Condition will be revised to reflect the gate closure program that was approved to replace the CTRP.
 - Update several references to MAW campus building names.
 - Project-related parking demand shall continue to be accommodated on the project site (not in overflow lots or on-street).

Project Impact Analysis:

The proposed Revised CUP includes modifications to several conditions of approval, including mitigation measures. The proposed changes to those conditions derived from mitigation measures fall into two categories:

Type I. Revised conditions to reflect the completion of the final phase of Master Plan construction, update items for the purpose of clarity, and update building names.

Type II. Revised conditions to reflect changes requested by MAW and which have been determined to still meet the original intent.

These two types of revisions are discussed in greater detail below.

Type I: Revisions to Reflect Completion of final phase of Master Plan Construction, and updated building names.

Revisions Related to Completion of the final phase of the MAW Master Plan. Buildout of the approved Master Plan was completed in 2017. During construction of the MAW Master Plan, landscape improvements were completed, utilities were installed, structures were replaced and renovated, structures were demolished, parking areas were renovated and new parking areas were installed, internal roadways were realigned, a secondary fire access drive was installed, a Cut-through Traffic Reduction Program (CTRP) was implemented, and operational changes were implemented.

The completed structures are:

- Reconstruction of Hahn Hall (formerly Abravanel Hall) 11,523 sf
- New restroom building (southeast corner Abravanel Hall) 902 sf
- New Practice Studios/Instruction Center (Hind Hall) 13,670 sf

Structures approved, but will not be constructed:

- New Maintenance/Storage 1,610 sf
- New Storage 1,080 sf

Type I revisions related to build out of the Master Plan will result in revisions to certain Conditions of Approval that reflect the completion of construction, including updating the Conditions to identify those Conditions that have been fully satisfied and completed with the construction. These revisions include Condition Nos. 2, 9-27, 29, 32-33, 42-46, 49-50, 52-54, 56-68, and 70-73 (see Attachment B.1 of the Staff Report, dated March 7, 2023). These revisions will not result in changes to project impacts, as any mitigation measures modified or deleted with these changes have already been satisfied during construction and implementation of the master plan and are no longer applicable.

Revisions related to updated building names. These revisions include Condition Nos. 4 and 6. Revisions related to updated building names will not result in changes to project impacts.

Type II. Revised conditions to reflect changes requested by MAW and which have been determined to still meet the original intent.

The Type II revisions are specifically proposed by MAW and will result in changes to Condition Nos. 28, 30, 31, 34, 38, 40, 47-48, and 55 to simplify the use permit and add flexibility to allowed operations. The following includes a strikethrough and underline version of each of the proposed Type II conditions and a discussion of the proposed changes in relation to their potential to cause new environmental impacts. As discussed in detail below, the proposed changes to the conditions of approval/mitigation measures will not reduce their effectiveness in mitigating impacts to less than significant levels.

28. Music Academy fundraisers on campus shall be subject to the any-given-time, daily and ~~seasonal attendance~~ annual attendance caps. The exception to this shall be limited to one, 1-day event per year, held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).

Discussion: The revised mitigation measure will remain effective in reducing impacts to less than significant levels, and no new significant impacts will result from the proposed change. The summer (22,000) and non-summer (25,000) maximum public attendance caps will be eliminated to allow MAW more flexibility in scheduling events throughout the year, but the daily and annual maximum public attendance caps will remain unchanged at 900 and 47,000, respectively. This mitigation measure was initially adopted to reduce land use compatibility impacts to less than significant levels. Elimination of the seasonal attendance caps will not result in any new significant impacts or increase the severity of impacts previously identified since the overall level of use on any given day, daily and on an annual basis will not change.

30. The Final Cut Through Reduction Plan (CTRP) to reduce the volume of traffic through campus shall include the following components of a Gate Closure Program:
- a) The entrance gate at Fairway Road shall include an access card system. Vehicle license plates shall be registered for all faculty, staff, and students at the campus and access cards shall be issued for all registered vehicles. Each access card will be valid on an annual basis, and renewed as necessary.
 - b) Hours of operation:
 - i) Summer Program (8 weeks from mid-June to mid-August)
 - 1) Gate open 10:00 AM to 4:00 PM Weekdays and Saturdays
 - 2) Gate open for evening events held on campus with traffic attendant (see below)
 - 3) Gate closed all day Sunday

- ii) Non-Summer Program
 - 1) Gate open 11:00 AM to 3:00 PM Weekdays
 - 2) Gate closed all day Saturday and Sunday, except for events held on campus with traffic attendant
- c) A traffic attendant shall be placed at the entrance to the driveway for any public events held on campus outside of open gate hours. Attendant shall monitor for cut-through vehicles which were not observed originating from a campus parking lot. Attendant shall record license numbers of confirmed cut-through vehicles and issue verbal warning to associated drivers.
- d) Existing site and County signage shall be maintained to discourage through traffic in the neighborhood, including:
 - i) Site signage stating "NO THROUGH TRAFFIC, MUSIC ACADEMY GUESTS ONLY" at the Fairway Road entrance gate and along the exit road adjacent to The Rack.
 - ii) County directional signage at the intersection of Channel Drive and East Cabrillo Boulevard stating "Four Seasons Biltmore Use 101 South to Olive Mill", "Commercial Vehicles Over 7 Tons Prohibited", and "Channel Dr Local Deliveries Only".

~~The applicant shall submit a Cut through Traffic Reduction Program (CTRP) to minimize land use compatibility impacts associated with any increased traffic in the surrounding residential neighborhood prior to approval of CDPs for the first phase of grading. The plan shall be implemented prior to occupancy clearance (with the exception of occupying the Miraflores remodel). The plan shall be designed consistent with, but not limited to, the description in the ATE traffic study dated 9/17/03. Some of the components from the ATE study are detailed below and some additional requirements have been added. The components identified below may be modified if it is determined that such modifications would still result in an effective CTRP.~~

- ~~a) Provide a "ticket spitter" before arriving at the fork in the entrance drive, where the driver would receive a ticket and provide signage that indicates that validation of the ticket will be required or a minimum \$10.00 fee will be charged upon exiting the site.~~
- ~~b) An access card, pass or sensor installed on the windshield to open the gate (rather than punching in a code) shall be issued to Music Academy staff, faculty, for up to 10 student vehicles and others who are regularly on site when the gates are normally closed. There shall be a protocol for either confirming the card holder at the kiosk (through information on the card) or for regularly checking to see which cards have been used and how often (to ensure access cards have not been duplicated or otherwise used improperly). In addition, such access card, pass or sensor shall be valid for no more than 12 months from the date of issue.~~

- ~~e) Whenever the entrance gates are open, a kiosk on the exit segment shall be manned to collect validated tickets or the exit fee (for non-validated tickets). If cut-through vehicles are found to be cutting through at other times (by following other cars in through the gate or because access cards are being inappropriately reproduced), the kiosk shall be manned during these times of known cut through traffic. A computer system shall be used to track cut through vehicle data for the CTRP.~~

- ~~d) Others who frequent the site intermittently, but who do not have access cards, would access the site by using an intercom system at the entrance, (like the existing system), to contact administrative personnel, the caretaker, etc. to allow entry.~~

- ~~e) If the CTRP is not found to be successful in substantially reducing cut through traffic, the MPC shall consider the need for and specific modifications to improve the program's effectiveness (as necessary) at their regular compliance hearing(s). The MPC shall determine the need to implement modifications to the program, including, but not limited to the options identified below:
 - ~~i) Increasing the times and times of day when the kiosk is manned;~~

 - ~~ii) Increasing the fee to \$20.00 or more for cut through vehicles;~~

 - ~~iii) Adding a manned presence (second kiosk) at the entrance near the ticket spitter;~~

 - ~~iv) A narrow, chip-sealed CTRP return lane shall be installed between the existing entrance road and the reflection pool garden. A kiosk shall be placed prior to the fork in the entrance road. There shall be a mechanical arm or gate on the access road continuing north past the kiosk to allow kiosk personnel to stop cut-through vehicles and turn them back to Fairway using the return lane. There shall also be two mechanical arms or gates, controlled by kiosk personnel, installed at both ends of the return lane to: 1) keep vehicles parked in the allee from using the return lane as an exit back to Fairway and 2) keep vehicles from trying to enter this lane from Fairway when the entrance gates are closed.~~

 - ~~v.) One of the other access options;~~

 - ~~vi.) Any other measure determined to be appropriate, including the modification of permitted attendance levels. The MPC shall determine the need for and type of modifications to the program at their compliance hearing(s).~~~~

- ~~f) The plan shall include a recommended protocol for determining the effectiveness of the CTRP;~~

- ~~g) The plan shall include the times when the entrance gates will remain open and closed and shall maximize the periods when the gates remain closed to facilitate a reduction in cut-through traffic.~~
- ~~h) A protocol shall be proposed for continuously changing tickets and validation stamps to ensure the system is not abused.~~
- ~~i) The resale shops shall be open Monday-Saturday from 12:00-3:00 p.m., allowing the gates to be closed during the peak cut-through traffic period unless they would otherwise be open to accommodate other MAW activities (e.g., summer Master Classes).~~
- ~~j) As weekend activities would be limited during the summer (no Sunday public events and only five public Saturday public events), the gates shall typically be closed (except the five Saturdays) on the summer weekends. If the gates are open on Saturday afternoons to accommodate the resale shops, the kiosk shall be manned throughout this time period;~~
- ~~k) The plan shall incorporate use of driveway counts to assist in better determining cut-through traffic periods and to improve the on-going CTRP).~~

~~PLAN REQUIREMENTS AND TIMING: The Program shall be submitted to Public Works and P&D for review and approval prior to approval of the first CDP for grading (as kiosk and return design may affect driveway details). The plan shall be implemented prior to occupancy clearance (with the exception of occupying the Miraflores remodel). Prior to approving the CDP for the first phase of project grading, P&D shall bring the CTRP to the MPC for an informational briefing and receive MPC comments on the program. This briefing shall also include a report on the applicant's interim CTRP and its effectiveness.~~

~~MONITORING: Permit Compliance shall monitor periodically for compliance.~~

Discussion: The revised mitigation measure will remain effective in reducing traffic impacts to less than significant levels, and no new significant impacts will result from the proposed change. Revisions to the condition of approval to reflect the replacement of the CTRP with the gate closure program will not result in any new significant traffic impacts or increase the severity of traffic impacts previously identified. This mitigation measure was initially adopted to reduce traffic impacts associated with buildout of the Master Plan to less than significant levels by controlling vehicle traffic through the MAW campus. An Interim CTRP was designed and implemented prior to occupancy clearance for the Phase I buildout of the MAW Master Plan. An information briefing was held on June 20, 2007, at the Montecito Planning Commission hearing (Attachment C.1) to review the effectiveness of the Interim CTRP. The briefing included a letter from the traffic consultant with an analysis of the effectiveness of

the CTRP (Attachment C.2). The analysis indicated that the Interim CTRP had reduced the average amount of cut-through traffic by up to 77 percent by the year 2006. MAW proposed that the measure of success for the CTRP should be a 60 percent reduction in cut-through traffic (a voluntarily reduction over the minimum 52 percent reduction necessary to offset any potential future traffic increases that may occur as a result of the Master Plan). Therefore, County Staff determined that the interim CTRP and Gate Closure Program was acceptable and the monitoring program for the CTRP was discontinued after the program was determined to be effective by the end of the non-summer season of 2009 and the completion of the Phase I Construction of the MAW Master Plan.

34. The MAW shall be required to provide monitoring reports ~~twice~~ annually.
- a) Monitoring shall cover individual event attendance (ticket sale records from ticketing company including the number of tickets per event for public, students, and faculty/staff), daily attendance, and seasonal attendance. Attendees shall include all regular guests as well as any students, faculty, staff, or other employees who are not performing or working at the event and attendance for these different sub-groups shall be provided.
 - b) The monitoring shall include a specific break down of seminars, conferences, non- profit events, educational programs in the arts and conservatory activities.
 - c) The monitoring shall include the results of the periodic monitoring of parking required to determine adequacy of on-site parking in meeting project demand.
 - d) Accompanying the annual monitoring reports shall be a signed statement from the President of the Music Academy of the West stating that a copy the Conditional Use Permit has been distributed to and reviewed with the Music Academy Board and staff in order to ensure compliance with the conditions.

PLAN REQUIREMENTS AND TIMING: The applicant shall submit a methodology for monitoring per the above requirements to P&D for review prior to approval of CDP for construction.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) during events to perform manual counts on-site during both the summer and non-summer periods. Manual counts for events shall be compared with the event attendance data submitted in the project monitoring reports. The data will not be exact as Permit Compliance will not be able to differentiate who is a public vs. non-public member. However, the data will still be useful for comparison purposes as the monitoring data will break out the number of public attendees.

Discussion: The revised mitigation measure will remain effective in reducing impacts to less than significant levels, and no new significant impacts will result from the proposed change. The monitoring and reporting requirements will remain the same as previously required, but modified from twice annually to annually. In accordance with the monitoring and reporting that was required as a

condition of approval for the latest revision of the CUP (90-CP-111-RV01), the maximum attendance number has not been exceeded and there have been no reported violations on the property. By adhering to the existing daily and annual caps and continuing to regulate their uses in a manner consistent with their existing operation with respect to traffic, parking, privacy, and noise, the proposed reduction to annual reporting will not result in any new significant impacts to project land use compatibility or increase the severity of impacts previously identified.

38. Rentals for seminars and meetings shall ~~continue to~~ be limited to ~~175~~ 350 participants with a maximum end time of 10:00 p.m.

PLAN REQUIREMENTS AND TIMING: The MAW shall include notice of this requirement in all rental contracts for events and other activities on-site along with a meaningful financial penalty for transgressions. This requirement shall also be posted on-site during applicable evening events to facilitate compliance. Examples of the contract language and the language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development.

MONITORING: Permit Compliance shall note compliance with this measure during periodic, unannounced visits to the site to field check event attendance (the largest events are often evening events).

Discussion: The revised mitigation measure will remain effective in reducing land use compatibility impacts to less than significant levels, and no new significant impacts will result from the proposed change. This mitigation measure was initially adopted to reduce land use compatibility impacts to less than significant levels. This change will allow meetings and seminars to use the full capacity of Hahn Hall. The daily and annual maximum public attendance will remain unchanged at 900 and 47,000, respectively, and the any-one-time cap will increase slightly from 330 to 410 visitors. The annual total number of meetings and seminars will remain capped at 41 events, as required in the project description. Therefore, the increase in maximum allowed public attendance at seminars and meetings will not result in any new significant land use compatibility impacts or increase the severity of impacts previously identified.

40. The primary use of the catering kitchen and dining facilities shall be to provide lunch and dinner to summer music students, faculty, and staff. The secondary use of these facilities shall be for the use of non-summer staff to heat up (microwave) and refrigerate their lunches and for use by caterer for rental activities in non-summer. Therefore, the kitchen and dining facilities shall be limited as follows:

~~a) The facilities shall not be available to resale shops customers.~~

~~b)~~ a) The facilities shall not be open as a snack bar or restaurant for the public or for public on-site for non-event activities or non-catered events/activities, such as musical instruction or other lessons, or rehearsals.

- ~~e)b)~~ The facilities shall not be used to provide food for picnic concerts, except to supply a “coffee cart” with drinks, cookies, etc. typical of fare available during a concert intermission.
- ~~e)c)~~ The kitchen shall not be used as a cafeteria for food preparation, except for activities typical of an office employee lounge (e.g., coffee maker, microwave and refrigerator to heat up/keep cool meals and snacks brought by employees).
- ~~e)d)~~ Food preparation and service for events and the summer program students shall be limited to caterers (no permanent chef or other kitchen staff). Food service for events and summer student meals shall be designed to minimize necessary deliveries.
- ~~f)e)~~ Except for food used by a caterer for an event or summer student/staff meals, food stuffs shall be limited to those typical of an office employee lounge (coffee, popcorn, etc.) as well employee access to refrigerator and microwave.
- ~~e)f)~~ The kitchen shall not be designed as a commercial or industrial kitchen. Rather, it shall be designed for catering purposes only, with an assumption and requirement for minimal food preparation on-site.

PLAN REQUIREMENTS AND TIMING: These restrictions regarding the kitchen and dining area uses shall be posted to avoid confusion and to facilitate compliance with this measure. Sample language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development

MONITORING: Permit Compliance shall evaluate compliance with this measure during periodic, unannounced visits to the site.

Discussion: The revised mitigation measure will remain effective in reducing land use impacts to less than significant levels, and no new significant impacts will result from the proposed change. The prior EIR identified significant but mitigable land use impacts associated with the expanded resale activity from potential increased viewing of resale items on-site and resale shop hours and the potential for substantially greater use of the larger and improved facilities throughout the site if the proposed attendance limitations were not enforced, as well as potential for the larger and improved kitchen and dining facilities to become a destination separate from the Music Academy. Mitigation measures restricted the primary and secondary use of the kitchen and dining facilities to summer music students/faculty/staff and non-summer staff (respectively). MAW proposes to discontinue the resale shop uses. Therefore, this change reflects the discontinuance of this use and will not result in any new significant impacts or increase the severity of impacts previously identified.

45. When practice rooms are used for activities which would likely generate nuisance noise for neighbors (e.g., any type of amplification, brass band practice, etc.), any north or east facing

~~windows in the room shall be closed. Therefore, the instructional building shall be designed with an air circulation system that does not rely on opening windows in these rooms. **Plan Requirements and Timing:** Project plans consistent with this requirement shall be submitted for P&D review and approval prior to approval of CDPs for construction. **MONITORING:** Permit Compliance shall evaluate compliance with this measure during construction and prior to occupancy clearance.~~

Discussion: The revised mitigation measure will remain effective in reducing land use impacts to less than significant levels, and no new significant impacts will result from the proposed change. This mitigation measure was initially adopted to reduce land use compatibility impacts to less than significant levels by limiting the types of uses that are permitted in these spaces. The construction components of the condition are being removed to reflect the completion of construction. The revised condition will not result in any new significant impacts or increase the severity of impacts previously identified because MAW will continue to required windows be closed.

47. The rooms/spaces in the ~~new practice studio/instructional/student services~~ Luria Education Center (formerly Student Services) building complex shall be used for musical practice, instruction, auditions, rehearsals ~~and meetings associated with music only,~~ meetings and other performing arts uses (dance) and wellness activities (yoga, art, etc.). Rental of these spaces to others for these same activities would also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes.

PLAN REQUIREMENTS AND TIMING: A note identifying these restrictions shall be included on the project building plans for this structure and the applicant shall submit future activity calendars to permit compliance staff along with other monitoring data to ensure compliance with this measure.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of review of monitoring reports and site visits.

Discussion: The revised mitigation measure will remain effective in reducing land use impacts to less than significant levels, and no new significant impacts will result from the proposed change. This mitigation measure was initially adopted to reduce land use compatibility impacts to less than significant levels by limiting the types of uses that are permitted in these spaces. MAW is proposing to expand the allowable uses while still adhering to established visitation caps. Artistic and wellness uses will be added to allow MAW more flexibility in providing facilities to the community. The daily and annual maximum public attendance caps will remain unchanged at 900 and 47,000, respectively. The

added uses will not result in any new significant impacts or increase the severity of impacts previously identified since the overall caps will remain unchanged.

48. ~~In addition to the 300 fixed seats in Abravanel Hall, during the summer season only, 50 removable seats are allowed.~~ In Hahn Hall, ~~No~~ more than ~~300~~ 330 seats shall be used for the public. Ticketing shall incorporate tickets for all in attendance at an event and shall include different types of tickets for students, faculty/staff and public attendees (public is anyone who is not a student, faculty or staff). ~~There shall be no removable seats in Abravanel Hall during the non-summer season.~~

PLAN REQUIREMENTS AND TIMING: Project plans showing Hahn Hall (formerly Abravanel Hall) shall specify that ~~Abravanel Hahn Hall~~ will have a total of ~~300~~ 350 fixed seats ~~and that an additional 50 temporary, not for sale seats shall be allowed in the summer season.~~ The applicant shall specify a method for ensuring that no more than ~~300~~ 330 seats are sold to/used by the public, for review and approval by P&D prior to approval of CDPs for construction. This shall include a ticketing plan for the various types of attendees and an example of a monitoring report that would indicate the ticket sales information.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events in the summer season.

Discussion: The revised mitigation measure will remain effective in reducing land use impacts to less than significant levels, and no new significant impacts will result from the proposed change. This mitigation measure was initially adopted to reduce land use compatibility impacts to less than significant levels by limiting the number of seats available to public attendees at Hahn Hall. As required under the 2004 CUP, 330 seats will continue to be the maximum available to the public and use of the remaining 20 seats will continue to be restricted to students, staff, and volunteers. To offset the increase in permanent seats in Hahn Hall, 50 permanent seats will be removed from Yzurdiaga Hall (formerly Stewart Hall), resulting in 42 permanent seats in Yzurdiaga Hall. The overall seat count on campus will remain the same and the daily and annual maximum public attendance will remain unchanged at 900 and 47,000, respectively. The reconfiguration of permanent seating and replacement of temporary seating with permanent seating in Hahn Hall will not result in any new significant impacts or increase the severity of impacts previously identified.

49. Summer music students shall access the site using buses provided to and from the site. The exception to this shall be an allowance for up to ~~ten~~ 20 student vehicles on-site. These vehicles shall have designated student permits, which may be transferable between the students and which must be visible in their cars when on campus. No additional student vehicles shall be parked on neighborhood streets to evade this restriction. Walking or bicycling to the site would also be acceptable, as the intent of this condition is to ensure adequate parking on-site. To facilitate compliance, the Music Academy may wish to make a MAW vehicle available for use by students on an as-needed basis.

PLAN REQUIREMENTS AND TIMING: This restriction shall be identified in student information materials, a sample of which shall be submitted to P&D for review and approval of CDPs ~~for structures.~~

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events in the summer season and as part of review of parking data monitoring reports.

Discussion: The revised mitigation measure will remain effective in reducing land use impacts to less than significant levels, and no new significant impacts will result from the proposed change. This mitigation measure was initially adopted to reduce traffic and parking impacts to less than significant levels by ensuring adequate on-site parking to meet demand and avoid spillover onto neighboring streets. The increase in student parking spaces from 10 to 20 will provide additional flexibility to students and reduce bus traffic. The overall number of available on site parking spaces will remain unchanged. A Traffic, Parking, and VMT Analysis (ATE, 2022) was prepared to evaluate the proposed project and compare the proposed changes to the prior approval to determine if any new impacts will be generated by the proposed changes in use. The analysis concluded that the proposed allowance of parking for 10 more student vehicles will not exceed available parking based on parking demand estimates. The proposed change in allowance of parking for 10 more student vehicles will not result in any new significant parking or traffic impacts or increase the severity of impacts previously identified.

55. All use of amplified sound on-site in indoor locations shall occur with closed windows during periods when amplification is being used. The Music Academy shall provide a telephone number for members of the public to use to communicate with the Academy should amplified sound be audible outside the Music Academy boundaries. Amplified sound in outdoor locations shall be limited to the following:
- a) Location: ~~the "cloistered outdoor courtyard"~~ Zone 1 Anne's Garden, Zone 2/2.5 Holden Encore Society Garden/Presidents Garden, Zone 3/4 Bock Garden/Williams Garden, Zone 5 Kuehn Court, Zone 7 Towbes Court, Zone 9 Lind Patio, and Zone 11 Kinnear Fountain.
 - b) Frequency: ~~Two~~ 17 times per year.
 - c) Duration: No more than ~~26~~ hours per event.
 - d) Level: Shall not be audible outside MAW property boundaries.
 - e) Time of Day: Beginning no earlier than 9:00 a.m. and ending no later than 9:00 p.m.
 - f) Limited to the spoken voice.
 - g) Compliance with Self-Management Strategies listed under Operational Changes in Condition #1 (based on recommendations found in September 2021 Acoustics Analysis by 45dB Acoustics).

PLAN REQUIREMENTS AND TIMING: ~~This requirement shall be included on the project plans. The cloistered courtyard area of the plans shall refer to a note stating the specific restrictions~~

~~for outdoor amplification in this area. The plans shall be submitted to the County for review and approval prior to approval of CDPs for construction.~~

MONITORING: Permit Compliance shall site inspect as necessary to confirm compliance with this condition.

Discussion: The revised mitigation measure will remain effective in reducing land use impacts to less than significant levels, and no new significant impacts will result from the proposed change. The previous EIR identified significant but mitigable noise impacts associated with short-term construction noise, use of outdoor amplification, and potential exposure to excessive interior noise levels in new structures. Mitigation measures previously identified to reduce those impacts included limiting hours of loud activities and minimizing noise from stationary construction equipment; closing windows for use of amplified sound indoors. As required under the 2004 CUP, outdoor amplified spoken word was allowed for two events per year, only in the cloistered outdoor courtyard between the Luria Education Center (formerly known as Student Services) and Hind Hall (formerly known as Wood 1), and for a maximum event duration of two hours. The cloistered outdoor courtyard essentially encompassed what is now known as Towbes Court and Luria Court.

The proposed changes will allow unamplified/acoustic music in addition to amplified spoken word in five additional outdoor areas at a maximum of 17 additional events per year, with a maximum event duration of six hours. Noise mitigation measures will be carried over to the current proposal as applicable. No new structural development is proposed, so noise impacts associated with construction activities will not occur as part of the current proposal. An Acoustical Analysis (45dB Acoustics, September 2021) was prepared to evaluate the noise impacts resulting from the proposed increase in the use of amplified sound and outdoor events. The analysis concluded that sound levels at the different outdoor event locations will not exceed the noise limit of 65 dBA at the property lines, in accordance with the County's CEQA Thresholds and Guidelines Manual (45dB Acoustics, July 2022). The analysis noted that using an oversimplified 65 dBA limitation at all property lines (such as the limit suggested in the September 30, 2002, Rincon Consultants, Inc. supplemental acoustical report/noise study) could erroneously preclude MAW from holding an event at all, through no fault of their own, due to ambient levels from transportation sources already reaching or exceeding that level (i.e. existing noise sources from the adjacent railroad and Highway 101 corridors and anticipated increases in traffic volumes from Highway 101). Furthermore, the July 2022 model indicated that maximum sound levels from events may exceed ambient Community Noise Equivalent Levels (CNEL) at the southern property line of campus by 1-2 dBA. This increase is generally imperceptible to human detection and one of the two exceedances will occur along Fairway Road rather than along the neighboring residential property lines. The analysis supports self-monitoring of sound levels as the most effective mitigation tool to assist in preventing excessive sound levels from events and minimizing the risk of neighbor annoyance, given the variation in ambient sound levels across the campus and the lack of hourly or short-duration maximum sound level limits in existing County policy and code. Therefore, the project will limit the use of outdoor amplified spoken word to no more 17 events per year (an increase from a previous limit of two events per year), and employ various self-

management strategies to manage acoustic levels associated with the proposed outdoor events. The strategies will include limiting the duration of events, directing speakers away from nearby property lines, having trained/designated MAW staff who will use commercially-available methods (such as the Audio Tools application for Apple devices) to monitor and control sound levels associated with events, and having a designated point-of-contact to receive complaints and address issues. With these strategies in place and built into the project, the proposed Revised CUP will not result in significant changes to project noise impacts as compared to the previously approved project or increase the severity of previously identified noise impacts.

Changes in Project or Circumstances and State CEQA Guidelines Section 15162:

The FEIR analyzed project impacts for physical and operational changes proposed in the Master Plan for the Music Academy of the West, including:

- Tree removal and replacement
- Campus landscape modifications
- Earthwork necessary to accommodate new structures, circulation, and parking
- Construction of a secondary (emergency) access to campus
- Improvement of internal access roads and parking areas
- Construction of a new outdoor dining area for students
- Construction of a new parking structure
- Net increase of 53,010 square feet (sf) of structural development and a net increase of overall building footprints of 15,010 sf
- Add 2,790 sf to Hahn Hall (formerly Abravanel Hall)
- Demolish music practice studios (Wood 1 and Wood 2 and employee apartment)
- Construct a new instructional building
- Construct a new practice studio
- Construct a new Student Services Building
- Construct a new maintenance and storage building
- Changes in levels of use and activity types

As compared to the existing approved CUP, the current proposal consists only of operational changes and will not add any new structural development. These changes will not result in any changes with respect to the impacts of the project on aesthetics/visual resources, archaeological resources, biological resources, grading/drainage, fire protection, solid waste generation, or water quality.

Regarding land use compatibility, the proposed project is compatible with the community's residential, small town, semi-rural character. The prior EIR identified significant but mitigable land use impacts associated with short-term construction impacts, changes in views into the site and site development, increased traffic and parking demand during peak traffic periods (both standard and

neighborhood peak hours), the proposal to allow limited outdoor amplification, the proposal for increased attendance during the eight-week summer season, the potential allowance for a one-day fundraiser, expanded resale activity from potential increased viewing and storage of resale items on-site and resale shop hours, the proposed construction and use of a new maintenance/storage building, the potential for substantially greater use of the larger and improved facilities throughout the site if the proposed attendance limitations were not enforced, as well as potential for the larger and improved kitchen and dining facilities to become a destination separate from the Music Academy. Mitigation measure(s) identified to reduce these impacts included maintenance/clearing of construction debris and implementation of a construction traffic plan, a requirement for perimeter screening (including maintenance in perpetuity), modifications to structural designs, minimization of nuisance noise via the closure of windows which face east and north, minimization of tree removal, limited resale shop hours, sales and viewing limited to resale shop hours, use of practice studio/instructional/student services building complex rooms restricted to musical practice/instruction/ rehearsals only, limitation to maximum of 300 public attendants/fixed seats and maximum of 50 removable student/faculty/staff seats in Hahn Hall (formerly Abravanel Hall), prohibition of removable seats in Hahn Hall during the non-summer season, use of buses for summer music student access to the site, discouraging the extension of summer music program attendance into the non-summer season via restriction of instruction or rehearsal attendants during the non-summer season, subjecting MAW fundraisers to the any given time, daily, and seasonal attendance caps (with the exception of a one-day "May Madness" fundraiser), limiting the number of public events held on Saturdays to five during the summer season, prohibiting public events held on Sunday during the summer, limiting picnic concerts to no more than 10 during the summer season, limiting the number of participants at seminars and meetings to 175, restricting all events and activities to the hours of 9:00 a.m. to 10:00 p.m. throughout the year (with an exception to allow events ending at 10:30 p.m. on Thursdays and Fridays during the summer season), revisions to the Cut-Through Traffic Reduction Program. Additionally, attendance limits were placed to ensure use of the site remained compatible with the surrounding residential neighborhood.

The proposed change of uses will not exceed the allotted maximum daily and annual public attendance caps, nor will it result in a significant change in the types of uses allowed. In accordance with the monitoring and reporting that was required as a condition of approval for the latest revision of the CUP (90CP-111-RV-01), the maximum attendance number has not been exceeded and there have been no reported violations on the property. The proposed increase in the maximum annual number of special events will not cause exceedance of maximum attendance numbers because the events will be infrequent and typically occur outside daily peak hour time periods. By adhering to the existing daily and annual caps and continuing to regulate their uses in a manner consistent with their existing operation with respect to traffic, parking, privacy, and noise, the proposed Revised CUP will not result in significant changes to project land use compatibility impacts.

Regarding noise, as discussed in the revision of Condition 55, the changes proposed to all use of outdoor amplified spoken voice and acoustic music will not result in significant changes to project noise impacts as compared to the previously approved project or increase the severity of previously

identified noise impacts. The revised mitigation measure will remain effective in reducing noise impacts to less than significant levels.

Regarding transportation/circulation, the previous EIR identified significant but mitigable impacts associated with parking demand, project-specific impacts at the East Cabrillo Boulevard/Highway 101 interchange, and cumulative impacts at the East Cabrillo Boulevard/Highway 101 interchange and the East Cabrillo Boulevard/Los Patos Way/Channel Drive intersection, and specific short-term construction impacts at the Los Patos Way/East Cabrillo Boulevard/Channel Drive intersection and the Hot Springs Road/East Cabrillo Boulevard/Highway 101 ramps intersection. Mitigation measures previously identified to reduce those impacts include monitoring of parking for large events, restricting the scheduling of Master Classes with more than 250 students to start and end outside of the 4:00-6:00 p.m. peak commute period, applicant contribution of \$17,400.00 to design and implement necessary improvements at the Los Patos Way/East Cabrillo Boulevard/Channel Drive intersection, applicant contribution of funds that represent the project's proportional share of the approved improvement of the Hot Springs Road/East Cabrillo Boulevard/Highway 101 ramps (only required if the applicant no longer wishes to limit attendance to baseline levels for events that would generate vehicle trips from 4:00-6:00 PM), implementation of a construction traffic plan, deployment of an adequate number of parking attendants for larger events on and off site (as necessary to avoid or minimize MAW attendance parking on neighborhood streets), applicant provision of funds to cover on-going County staff review and compliance efforts, required carpooling and/or bussing of staff and/or performers to the site when the number of staff and/or performers exceed 95 during a maximum capacity non-summer event, and requiring a minimum break of 40 minutes between the scheduled start and end times of larger events (i.e. those involving combined consecutive event attendance of 550 or more public attendees). Transportation/circulation mitigation measures will be carried over to the current proposal as applicable.

No new structural development is proposed, so transportation impacts associated with construction activities will not occur as part of the current proposed project. A Traffic, Parking, and VMT Analysis (ATE, 2022) was prepared to evaluate the proposed project and compared the traffic impacts to the prior approval to determine if any new impacts would be generated by the proposed changes in use, and whether the existing mitigation would continue to reduce the previously identified potential impacts on transportation/circulation to a level of less than significance. The analysis concluded that there will be no significant increase in roadway volumes and/or intersection delay. Additionally, most of the changes in use and programs (with the exception of the addition of 25 students) will be limited by the maximum annual public attendance limit and therefore will not increase overall traffic at the campus on an annual basis. The proposed changes were estimated to result in an increase of up to 20 Average Daily Trips, five AM Peak Hour Trips (PHT) and five PM PHT. These increases are less than significant and will not generate new impacts or substantially increase the severity as compared to the previously approved project. Although the addition of 25 students will not be subject to the maximum annual public attendance, the traffic associated with the addition of 25 students will not cause an exceedance of the adopted roadway volumes or intersection delay according to the traffic analysis. In addition, the analysis concluded that the project will generate a net increase of less than 110 Average

Music Academy of the West Master Plan Conditional Use Permit Revision
Case Nos. 21RVP-00000-00109 and 21CDP-00000-00129
Hearing Date: March 15, 2023
Attachment C

Daily Trips. The Department of Public Works Transportation Division Staff reviewed the Traffic, Parking and VMT Analysis and concurred with the analysis and conclusions. Therefore, the project will meet the Vehicle Miles Traveled screening criteria and will not result in significant impacts to transportation/circulation, based on the County's Adopted CEQA Thresholds and Guidelines Manual.

No other changes to the existing use of the campus will occur. Thus, the proposed changes are within the scope of the previously-certified EIR, and they will not create any new significant effects or a substantial increase in the severity of previously identified significant effects.

Findings:

It is the finding of the Montecito Planning Commission that the previous environmental document as herein amended may be used to fulfill the environmental review requirements of the current project. Because the current project meets the conditions for the application of State CEQA Guidelines Section 15164, preparation of a new EIR is not required.

Discretionary processing of the Music Academy of the West Master Plan Revised Conditional Use Permit, Case Nos. 21RVP-00000-00109/21CDP-00000-00129, may now proceed with the understanding that any substantial changes in the proposal may be subject to further environmental review.

ATTACHMENTS

- C-1. Montecito Planning Commission Information Briefing, dated June 20, 2007
- C-2. Traffic consultant letter on monitoring surveys, dated March 24, 2009

\\PADFS1\PAD\$\GROUP\PERMITTING\CASE FILES\RVP\21 CASES\21RVP-00000-00109 MUSIC ACADEMY OF THE WEST\600 DECISION MAKER\MPC\01 STAFF REPORT\ATTACHMENTS\ATCHC_15164_LETTER.DOC

SANTA BARBARA MONTECITO PLANNING COMMISSION
Informational Briefing on the
Cut-Through Traffic Reduction Program (CTRP) for the
Music Academy of the West
Coastal Zone Staff Report

Hearing Date: June 20, 2007
Staff Report Date: June 1, 2007
Case No.: 07CDP-00000-00018

Deputy Director: Dave Ward
Division: Development Review South
Staff Contact: Michelle Gibbs
Supervising Planner: Anne Almy
Planner's Phone #: 568-3508

Environmental Document/Previous Case Nos.:
03-EIR-06/90-CP-111 RV01

Owner/Applicant

Music Academy of the West
David Kuehn, President
1070 Fairway Road
Santa Barbara, CA 93108
805-969-4726

Agent

Suzanne Elledge
SEPPS
800 Santa Barbara Street
Santa Barbara, CA 93101
805-966-2758

Engineer

Scott Schell
ATE
100 N. Hope Avenue, Ste 4
Santa Barbara, CA 93110
(805) 687-4418



Assessor Parcel Numbers 9-282-029, 030. The project site is located immediately south of the Union Pacific Railroad tracks and Highway 101, between Butterfly Lane and the Montecito Sanitary District facilities, commonly known as 1070 Fairway Road (also referred to as "The Fairway"), in the Montecito area, First Supervisorial District.

Application Submittal: March 2, 2007
Processing Deadline: Prior to Approval of Coastal Development Permit for grading

1.0 REQUEST

Hearing on the request of Suzanne Elledge, agent for Music Academy of the West (application received on 3/2/07), to give an informational briefing on the proposed Cut-Through Reduction Program (CTRP) including a report on the effectiveness of the interim CTRP of the Music Academy of the West, to satisfy Condition No. 30 of Conditional Use Permit 90-CP-111 RV01. The presentation involves AP Nos. 990-282-029 & 030, located at 1070 The Fairway Road, in the Montecito area, First Supervisorial District, and is not subject to CEQA.

2.0 RECOMMENDATION AND PROCEDURES

Because this is an informational briefing only, the Commission has no action to take. However, Condition No. 30 of the approved Conditional Use Permit for the Music Academy of the West Master Plan, 90-CP-111 RV01, requires the Montecito Planning Commission review and comment on the proposed CTRP prior to the Planning and Development Department's approval of the first Coastal Development Permit for buildout of the Master Plan. Staff is currently processing a Coastal Development Permit, Case No. 07CDP-00000-00018, for construction of Phase 1 of the Master Plan, and hence this report is timely.

3.0 JURISDICTION

Condition No. 30 of 90-CP-111 RV01 states:

The applicant shall submit a Cut-through Traffic Reduction Program (CTRP) to minimize land use compatibility impacts associated with any increased traffic in the surrounding residential neighborhood prior to approval of CDPs for the first phase of grading. The plan shall be implemented prior to occupancy clearance (with the exception of occupying the Miraflores remodel). The plan shall be designed consistent with, but not limited to, the description in the ATE traffic study dated 9/17/03. Some of the components from the ATE study are detailed below and some additional requirements have been added. The components identified below may be modified if it is determined that such modifications would still result in an effective CTRP.

- a) Provide a "ticket-spitter" before arriving at the fork in the entrance drive, where the driver would receive a ticket and provide signage that indicates that validation of the ticket will be required or a minimum \$10.00 fee will be charged upon exiting the site.
- b) An access card, pass or sensor installed on the windshield to open the gate (rather than punching in a code) shall be issued to Music Academy staff, faculty, for up to 10 student vehicles and others who are regularly on-site when the gates are normally closed. There shall be a protocol for either confirming the card holder at the kiosk (through information on the card) or for regularly checking to see which cards have been used and how often (to ensure access cards have not been duplicated or otherwise used improperly). In addition, such access card, pass or sensor shall be valid for no more than 12 months from the date of issue.
- c) Whenever the entrance gates are open, a kiosk on the exit segment shall be manned to collect validated tickets or the exit fee (for non-validated tickets). If cut-through vehicles are found to be cutting through at other times (by following other cars in through the gate or because access cards are being inappropriately reproduced), the kiosk shall be manned during these times of known cut-through traffic. A computer system shall be used to track cut-through vehicle data for the CTRP.
- d) Others who frequent the site intermittently, but who do not have access cards, would access the site by using an intercom system at the entrance, (like the existing system), to contact administrative personnel, the caretaker, etc. to allow entry.
- e) If the CTRP is not found to be successful in substantially reducing cut-through traffic, the MPC shall consider the need for and specific modifications to improve the

program's effectiveness (as necessary) at their regular compliance hearing(s). The MPC shall determine the need to implement modifications to the program, including, but not limited to the options identified below:

- i) Increasing the times and times of day when the kiosk is manned;
 - ii) Increasing the fee to \$20.00 or more for cut-through vehicles;
 - iii) Adding a manned presence (second kiosk) at the entrance near the ticket spitter;
 - iv) A narrow, chip-sealed CTRP return lane shall be installed between the existing entrance road and the reflection pool garden. A kiosk shall be placed prior to the fork in the entrance road. There shall be a mechanical arm or gate on the access road continuing north past the kiosk to allow kiosk personnel to stop cut-through vehicles and turn them back to Fairway using the return lane. There shall also be two mechanical arms or gates, controlled by kiosk personnel, installed at both ends of the return lane to: 1) keep vehicles parked in the allee from using the return lane as an exit back to Fairway and 2) keep vehicles from trying to enter this lane from Fairway when the entrance gates are closed;
 - v) One of the other access options; and/or
 - vi) Any other measure determined to be appropriate, including the modification of permitted attendance levels. The MPC shall determine the need for and type of modifications to the program at their compliance hearing(s).
- f) The plan shall include a recommended protocol for determining the effectiveness of the CTRP;
 - g) The plan shall include the times when the entrance gates will remain open and closed and shall maximize the periods when the gates remain closed to facilitate a reduction in cut-through traffic.
 - h) A protocol shall be proposed for continuously changing tickets and validation stamps to ensure the system is not abused.
 - i) The resale shops shall be open Monday-Saturday from 12:00-3:00 p.m., allowing the gates to be closed during the peak cut-through traffic period unless they would otherwise be open to accommodate other MAW activities (e.g., summer Master Classes).
 - j) As weekend activities would be limited during the summer (no Sunday public events and only five public Saturday public events), the gates shall typically be closed (except the five Saturdays) on the summer weekends. If the gates are open on Saturday afternoons to accommodate the resale shops, the kiosk shall be manned throughout this time period;
 - k) The plan shall incorporate use of driveway counts to assist in better determining cut-through traffic periods and to improve the on-going CTRP).

Plan Requirements and Timing: The Program shall be submitted to Public Works and P&D for review and approval prior to approval of the first CDP for grading (as kiosk and return design may affect driveway details). The plan shall be implemented prior to occupancy clearance (with the exception of occupying the Miraflores remodel). **Prior to approving the CDP for the first phase of project grading, P&D shall bring the CTRP to the MPC for an informational briefing and receive MPC comments on the program.** This briefing shall also include a report on the applicant's interim CTRP and its effectiveness.

MONITORING: Permit Compliance shall monitor periodically for compliance.

4.0 ISSUE SUMMARY

The revised Master Plan for the Music Academy of the West would increase the number of vehicle trips during the summer by an estimated 114 trips per day (228 average daily trips [ADT] where ADT = 1 trip in to the Music Academy + 1 trip out of the Music Academy) (ATE traffic study dated 3/4/04). Given the extensive evidence on the problem of traffic "cutting through" the Music Academy site to avoid surface streets, the project EIR (03-EIR-06 including the 4/20/04 and 6/7/04 revision letters to this EIR) concluded that this increase in traffic constitutes a potentially significant impact on land use specifically associated with neighborhood compatibility issues (due to a large number of neighbor concerns regarding area circulation). This was also considered a potentially considerable contribution to cumulative impacts on land use (neighborhood compatibility) due to several potential large projects that could be implemented in the reasonably foreseeable future including (1) closure of the southbound on-ramp to Highway 101 at Hot Springs Road, (2) other improvements to the Hot Springs/Highway 101 intersection, and (3) installation of a round-about at Los Patos/Cabrillo/Channel intersection.

The revised Master Plan for the Music Academy went through three Montecito Planning Commission hearings (December 11, 2003, April 21, 2004, and June 16, 2004) and one hearing before the Board of Supervisor (October 26, 2004). In approving the project, the Board of Supervisors found potentially significant project and cumulative impacts on land use associated with increased traffic would be mitigated to less than significant levels with implementation of a "cut-through reduction program" or CTRP. The Board of Supervisors further determined an effective CTRP would need to fully offset traffic increases directly attributable to the project (specifically 114 trips per day) during peak summer commute hours (3:30 PM and 6:30 PM).

In 2003, the average estimated cut-through traffic volume during the summer was 221 vehicles per day. Elimination of 114 vehicles per day (equal to the projected increases in traffic directly attributable to the revised Master Plan) out of the cut-through volume would achieve a 52 percent reduction in the 2003 cut-through traffic volume during the summer and would fully offset the projected traffic increase associated with the project. To determine the CTRP effective for Phase 1 buildout of the Master Plan, the CTRP should reduce the cut-through volume during the summer to an average of 107 vehicles per day during the summer, a 52% reduction in the 2003 cut-through volume.

5.0 PROJECT INFORMATION

5.1 Effectiveness of the Interim CTRP

Consistent with conditions, the Music Academy of the West implemented an interim CTRP after the project was initially approved by the County in 2004. The interim CTRP has been in effect at the campus since the 2004 summer program.

Components of the Interim CTRP

Gate Closure Program. The Music Academy implemented a gate closure program that limited the hours that the front gate at Fairway Road was open. The following schedule was utilized:

Summer Program (8 week program from mid-June to mid-August):

Weekdays	Opened at 10:00 AM, closed at 4:00 PM
Saturdays	Opened at 10:00 AM, closed at 4:00 PM
Sunday	Closed all day

During the summer program, the gate opened at 10:00 AM to accommodate the arrival of faculty, staff, and students. The gate was kept open during the day to accommodate the arrival of patrons for the 1:00 PM and 3:15 PM Master Classes. The gate was closed 45 minutes after the last rehearsal and/or performance began. The gate was open later in the day when evening events were held at the campus.

Non-Summer Program

Monday	Opened at 11:00 AM, closed at 4:00 PM
Tuesday	Opened at 11:00 AM, closed at 4:00 PM
Wednesday	Opened at 9:00 AM, closed at 4:00 PM
Thursday	Opened at 11:00 AM, closed at 4:00 PM
Friday	Opened at 11:00 AM, closed at 4:00 PM
Saturday	Opened at 11:00 AM, closed at 4:00 PM
Sunday	Closed all day

The non-summer program gate closure schedule was based on the hours of operation for The Rack, The Treasure House, and the box-office. The gate was open until the box-office closed at 4:00 PM. Special events held during the non-summer program required additional campus access as agreed upon by the renter and Music Academy staff.

The Rack and Treasure House Hours. During the interim CTRP, The Rack and Treasure House were open from 1:00 PM to 4:00 PM.

Vehicle Identification. The Music Academy issued window stickers to all faculty, staff, and students at the campus. The vehicle license plates were also registered and kept on file. The window stickers allowed identification of the number of student, faculty and staff vehicles that travel to and park on the campus.

Staffing. An attendant was hired during the summer program to monitor cut-through vehicles. The attendant was stationed at a portable kiosk located along the exit drive of the campus near the parking area for The Rack. The attendant was originally stationed at the kiosk between the hours of 12:00 Noon and 4:00 PM. After review of the initial cut-through monitoring data collected on the interim CTRP, the hours were reduced to 2:00 PM to 4:00 PM, as this is the period when the majority of the cut-through traffic was observed.

The attendant stopped suspected cut-through vehicles exiting the campus. Cut-through vehicles were identified as vehicles not seen originating from a campus parking lot, or as vehicles not displaying a valid window sticker. If the driver of the suspected cut-through vehicle did not have a valid reason for visiting the campus, the attendant recorded the vehicle's license number and gave the driver a verbal warning.

Site Signage. Signs were installed at the Music Academy entrance gate at Fairway Road and along the exit road adjacent to The Rack which read: "NO THRU TRAFFIC, MUSIC ACADEMY GUESTS ONLY".

County signage. The County installed additional directional signage adjacent at the intersection of Channel Drive and Cabrillo Boulevard further discouraging traffic in the neighborhood. These included an additional sign directing Biltmore Hotel traffic to the freeway (total of two signs now), a sign indicating that commercial vehicles over 7 tons are prohibited on Channel Drive and that Channel Drive is for local deliveries only, and a sign indicating Channel Drive is not a through street.

Effectiveness of the Interim CTRP

The traffic monitoring data collected at the campus over the last 3 years indicates that the interim CTRP was quite successful in reducing cut-through traffic. The effectiveness of the interim CTRP was evaluated by ATE using machine traffic counts conducted at the site driveways and license plate tracking studies conducted at the front and rear gates. The counts and surveys were performed after the beginning of the summer program, when the academy was in full operation.

The surveys consisted of recording the license plate number and corresponding time of vehicles entering and exiting the campus. The entering and exiting times were then compared for each license number to determine if the vehicle stopped for a period of time at the campus, or just drove through. The surveys were conducted when the summer program was in full operation (typically after the second week of operation) and on days with normal Master Class schedules. The results of the monitoring studies are summarized below in Tables 1 and 2.

**Table 1
Cut-Through Traffic Data**

Year (Days)	Total Cut-through Volume	Percent Reduction (from 2003 cut-through volume)	Cut-through Volume after 2:00 PM (% of total)
2003 Friday, July 25, 8:00 AM – 7:30 PM Monday, July 28, 8:00 AM – 6:00 PM Tuesday, August 12, 8:00 AM – 6:00 PM Average	247 vehicles 142 vehicles 274 vehicles 221 vehicles	N/A	206 (83%) 100 (70%) 213 (78%)
2004 – after gate closure program Wednesday, July 7, 10:00 AM – 7:00 PM Friday, July 9, 10:00 AM – 7:00 PM Average	75 vehicles 166 vehicles 121 vehicles	45%	62 (83%) 137 (83%)
2004 – after implementation of interim CTRP* Wednesday, July 21 Friday, July 30 Wednesday, August 11 Friday, August 13 Average	82 vehicles 88 vehicles 26 vehicles 33 vehicles 57 vehicles	74%	Data not available
2005 Wednesday, July 13, 10:00 AM – 7:00 PM Tuesday, July 19, 10:00 AM – 4:00 PM Average	74 vehicles 39 vehicles 57 vehicles	74%	30 (41%) 15 (38%)
2006 Thursday, August 10, 10:00 AM – 4:00 PM Friday, August 11, 10:00 AM – 4:00 PM Average	37 vehicles 63 vehicles 50 vehicles	77%	23 (62%) 41 (65%)

Note:

***Includes attendant at exit drive and site signage. Timing of cut-through surveys not available.**

The data show that the 2003 average amount of cut-through traffic was reduced by 74% to 77% in 2004 through 2006 after implementation and maturation of the interim CTRP. This reduction more than offsets any new traffic potentially generated by the Music Academy Master Plan. The data also show the majority of the cut-through traffic occurred at the site after 2:00 PM. This monitoring data on the timing of the cut-through traffic was used to identify the hours of the cut-through monitor on the campus.

**Table 2
Historic Average Daily Traffic Volumes (Monday-Friday)
at the Music Academy Driveways**

Year	Dates	Average Daily Trips (ADT)
2000	Monday, July 24 – Monday, July 31	1,360
2001	Tuesday, July 24 – Monday, July 30	1,470
2002	N/A*	N/A*
2003	Sunday, July 7 – Saturday, July 13	1,400
2004 (after interim CTRP)	Monday, July 5 – Monday, July 12	1,150
2005	Wednesday, July 13 – Tuesday, July 19	1,080
2006	Thursday, August 10 – Friday, August 11	770**

Notes:

***No counts completed in 2002.**

****Counts occurred during a period of unusually low activity at the end of the summer program (minimal event day) and may not reflect a trend in normal summer program activity.**

The data presented in Table 2 also confirm the interim CTRP was successful in reducing traffic volumes at the Music Academy campus and in the study area. The data show the average daily traffic in and out of the Music Academy was reduced by 320 ADT in 2004, 390 ADT in 2005 and 630 ADT in 2006.

5.2 Proposed Phase 1 CTRP

The Phase 1 CTRP would maintain all of the components implemented as part of the interim CTRP. The new components of the proposed Phase 1 CTRP are outlined below.

All requirements of the CTRP stipulated in Condition 30 of the CUP would be met, except that a “ticket spitter” (Condition 30[a]) is not proposed at the entrance drive due to the effectiveness of the manned kiosk so far, and the gate is proposed to remain open until 4:00 PM rather than 3:00 PM (Condition 30[i]) as explained further below under the **Gate Closure Program**.

Components of the Phase 1 CTRP

Gate Closure Program. Under the Phase 1 CTRP, the entrance gate at Fairway Road would be upgraded to include an access card system. Access cards would allow entry to the campus when the front gate is closed, and would be issued to Music Academy staff and faculty. Access card usage would be monitored, and each access card would only be valid for a pre-determined time period.

In the Phase 1 CTRP, the gate is proposed to be opened and closed at the same times as the interim CTRP. Although The Rack and Treasure House would now close at 3:00 PM rather than 4:00 PM (see below), the gate would still need to remain open until 4:00 PM due to the 3:15 PM Master Classes during the summer season and until 4:00 PM during the non-summer season because the box office is open until 4:00 PM. Although the hours for The Rack and Treasure House were reduced to allow the gates to be closed during peak cut-through traffic periods, Condition 30(i) allows the gate to be open to “accommodate other MAW activities (e.g., summer Master Classes).” Because of this condition and the success of the interim CTRP, staff determined this proposal acceptable. Monitoring will continue during implementation of the Phase 1 CTRP. If after one year the CTRP has been determined to not be effective, the Montecito Planning Commission has the authority to modify the CTRP during its first compliance hearing (and during all compliance hearings thereafter).

The Rack and the Treasure House Hours. The hours for The Rack and the Treasure House would be changed from current hours of 1:00 – 4:00 PM to 12:00 – 3:00 PM. This shift in hours would reduce traffic generated at the campus during the PM peak hour period.

Vehicle Identification. The vehicle identification program would continue under the proposed CTRP as under the interim CTRP.

Staffing. No change is proposed for the hours when the on-site CTRP monitoring attendant is to be stationed at the temporary kiosk (2:00 – 4:00 PM during the summer program). If it is discovered through the Phase 1 monitoring program that cut-through traffic is a problem during periods when the attendant is not present, the hours during which the kiosk is manned would be extended accordingly.

The attendant would continue to monitor traffic as under the interim CTRP.

Site and County Signage. Existing signage would remain under the proposed CTRP for Phase 1.

CTRP during Construction. During the majority of the Phase 1 construction period, the internal road system within the Music Academy campus would be physically closed to through traffic due to the required construction work zones and construction staging areas. To accommodate ingress/egress of construction workers and materials, the gate would be open during the allowable construction period (7:00 AM to 4:30 PM). However, pursuant to Condition No. 27, traffic control personnel would be stationed at the entrance and exit of the Music Academy to control ingress/egress while the gate is open during construction. The front entrance would also be signed to indicate the campus is a hard-hat construction zone with no public access allowed.

CTRP Monitoring. To be deemed effective, the Music Academy proposes that the CTRP shall eliminate **60%** or more of the historic (2003) cut-through volume at the site, reducing the cut-through volume to an average of 89 vehicles per day during the summer. This 60% reduction would be a voluntary reduction over the minimum 52% reduction necessary to offset any potential future traffic increases that may occur as a result of the Master Plan. If the goal of less than or equal to 89 vehicles per day is not achieved during the summer, additional measures would be implemented to improve the effectiveness of the CTRP.

The monitoring efforts to evaluate the effectiveness for the Phase 1 CTRP are listed below:

Every year, machine traffic counts would be conducted in mid-July at the Music Academy entrance and exit driveways for a period of at least one week. Each year, license plate tracking surveys would also be conducted to monitor how much cut-through traffic is occurring. The surveys would record the license plate number and time of entering and exiting vehicles. The entering and exiting times would then be compared for each license numbers to determine if the vehicle stopped for a period of time at the campus or just drove through. The surveys would be conducted once per week for at least 3 weeks during the summer program and the surveys would include a minimum of two Friday afternoons.

7.0 APPEALS PROCEDURE

Because this is only an informational briefing, there is no appeal period.



ASSOCIATED TRANSPORTATION ENGINEERS

100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805)687-4418 • main@atesb.com

Since 1978

Richard L. Pool, P.E.
Scott A. Schell

March 24, 2009

07051.01L02.wpd

Nancy Bell Coe
Music Academy of the West
1070 Fairway Road
Santa Barbara, CA 93108

TRAFFIC AND PARKING MONITORING SURVEYS FOR THE MUSIC ACADEMY OF THE WEST- 2009 NON-SUMMER PROGRAM

The following letter presents the results of the traffic and parking monitoring surveys conducted at the Music Academy of the West (MAW) during the 2009 Non-Summer Program. The monitoring program included cut-through surveys, 24-hour driveway counts, and parking surveys. The non-summer monitoring was completed to address the stipulations contained in Conditions of Approval #30 and #69.

Cut Through Surveys

Cut through surveys were conducted for 3 days at the MAW campus during the 2009 Non-Summer Program. The surveys were conducted on Monday, March 16, 2009, Thursday, March 19, 2009, and Friday, March 20, 2009 between the hours of 11:30 A.M. to 3:00 P.M. which corresponds to the period when the front gate is open on typical non-summer days. The surveys recorded the license plate numbers and corresponding time of all vehicles entering and exiting the campus. The entering and exiting times were then compared for each license plate number to determine if the vehicle stopped for a period of time at the campus, or continued to drive through the campus. The surveys were conducted during typical non-summer program days. The results of the 2009 cut through survey are summarized in Table 1.

**Table 1
MAW Cut-Through Data**

Year (Days)	Total Cut-Through Volume
2009	
Monday, March 16, 11:30 A.M. - 3:00 P.M.	13 Vehicles
Thursday, March 19, 11:30 A.M. - 3:00 P.M.	9 Vehicles
Friday, March 20, 11:30 A.M. - 3:00 P.M.	<u>42 Vehicles</u>
Average	21 Vehicles

The data presented in Table 1 shows the cut through volume measured in 2009 indicate an average of 21 vehicles per day. These volumes indicate that the CTRP implemented in 2003 has significantly reduced the amount of cut-through traffic at the MAW (2003 data indicates average of 221 cut-through vehicles per day).

Driveway Counts

24-hour driveway counts were conducted at the entrance and exit gates of the MAW from Monday, March 16, 2009 through Monday, March 23, 2009. Table 2 summarizes the 2009 non-summer traffic count data.

**Table 2
Average Daily Traffic Volumes (Monday-Friday)**

Year	Dates	ADT
2009	Monday, March 16 - Monday, March 23	400

Table 2 shows that the average daily traffic (ADT) volume counted at the MAW campus during the 2009 non-summer program was 400 ADT.

Parking Surveys

There are currently 293 parking spaces (275 marked/18 stacked) provided at the MAW campus. ATE staff conducted parking surveys at the MAW campus during five peak events held during the non-summer program to evaluate the adequacy of the existing parking supply. Table 3 presents the peak parking demands recorded on-site during the days surveyed.

Table 3
Parking Demands -2008 MAW Summer Program

Date	Event	Peak Period	Parked Vehicles	% Occupied
03/07/09	MET: Live Simulcast	11:00 A.M.	194	66%
03/08/2009	MET: Live Simulcast	3:00 P.M.	170	58%
03/13/2009	Camerata Pacifica Concerts	9:00 P.M.	124	42%
03/21/2009	MET: Live Simulcast	10:00 A.M.	178	61%
03/22/2009	MET: Live Simulcast	2:00 P.M.	171	58%

The data presented in Table 3 indicates that the peak parking demand occurred on Saturday, March 7th at 11:00 A.M. when 66% of the on-site parking supply was occupied. Based on this data, it is determined that the existing parking plan adequately accommodates the on-site parking demands associated with peak events held at the MAW during the Non-Summer Program.

In addition to the parking surveys conducted at the MAW campus, ATE staffed observed the on-street parking areas on Butterfly Lane and Fairway Road, adjacent to the project site, prior to the start of peak events to determine if MAW visitors or staff were parking on-street and not utilizing the on-site parking.

One vehicle was observed parking on Butterfly Lane adjacent to the MAW exit on Saturday, March 23rd prior to the start of the event, and the driver was observed entering the MAW site. During this periods, the on-site parking supply was 58 - 61% occupied, thus ample on-site parking was available. On-street parking by MAW visitors or staff was not observed at any other time during the surveyed periods.

This concludes our presentation of the traffic and parking monitoring surveys conducted at the Music Academy of the West (MAW) during the 2008 Summer Program.

Associated Transportation Engineers

Scott A. Schell, AICP, PTP
Principal Transportation Planner

SAS/MMF

Attachments: Cut-Through Survey Data
Driveway Count Data
Parking Survey Data

cc: Monisha Adnani



ASSOCIATED TRANSPORTATION ENGINEERS

100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805)687-4418 • FAX (805)682-8509 • main@atesb.com

Since 1978

Richard L. Pool, P.E.
Scott A. Schell

July 5, 2022

21026L02

Mimi Do
CFO & VP Administration
Music Academy of the West
1070 Fairway Road
Santa Barbara, California 93108

TRAFFIC, PARKING AND VMT ANALYSIS FOR THE MUSIC ACADEMY OF THE WEST 2021 CUP AMENDMENT - SANTA BARBARA COUNTY

Associated Transportation Engineers (ATE) has prepared the following traffic, parking, and Vehicle Miles Traveled (VMT) VMT analysis for the Music Academy of the West 2021 Conditional Use Permit (CUP) Amendment (the "Project"), located in the Montecito area of Santa Barbara County. The study determines the Project's consistency with County's General Plan transportation policies, reviews the adequacy of the on-site parking supply and provides an evaluation of potential CEQA impacts based on the VMT thresholds adopted by the County.

PROJECT DESCRIPTION

The Music Academy of the West (MAW) campus is located at 1070 Fairway Road in the Montecito area of Santa Barbara County. Operations at the MAW campus are currently regulated under a CUP that was last revised in 2004. The Project is proposing to revise the 2004 CUP to provide more flexibility in the programming of activities at the Miraflores campus. The goal of the CUP revision is not to increase the approved maximum attendance levels of 47,000 guests per year, but to reallocate the attendance limits to allow more flexibility with MAW operations during summer and non-summer periods.

The following is a summary of the key elements of the CUP revisions:

- Remove the summer and non-summer attendance restrictions while maintaining the annual attendance cap of 47,000 public guests (no change in overall traffic or parking at the campus).
- Hahn Hall currently has 300 fixed seats with an additional 50 portable seats allowed; and the public attendance is limited to 330 guests (the additional 20 seats are used by students, faculty, staff, and volunteers). The CUP revision is requesting an increase to 350 fixed seats with the same seating limitation of 330 public guests (no change in traffic or parking demands).
- Increase public attendance maximum from 330 at “any given time” to 410 “at any given time” (potential increase in parking demands). Annual attendance would remain at 47,000 per year (no change in overall traffic).
- Meetings and seminar limitations would increase from 175 to 350 participants, consistent with Hahn Hall seating capacity (potential increase in parking demands). Total number of annual events (41) and annual attendance limit (47,000) remain the same (no change in overall traffic).
- Allow use of practice studios for other artistic and wellness purposes (dance, yoga, meditation, visual and performing arts, etc.) subject to the annual attendance limit of 47,000 (no change in overall traffic).
- Reintroduce Cultural ceremonies (up to 15 per year, maximum attendance up to 225), in outdoor locations: Lind Patio, Kuehn Court, Kinneer Fountain, Bock Garden/Williams Garden, Holden Encore Society Garden/Presidents Garden, Anne’s Garden and Towbes Court; and with amplified spoken voice and non-amplified acoustic music. Guests at these events would be subject to the annual attendance cap of 47,000 (no change in overall traffic).
- Eliminate the Rack and Treasure House use as retail shops; repurpose as 2 residential units (reduction in traffic and parking demands).
- Repurpose the existing 1,380 SF storage building located west of the Treasure House and Rack for MAW administrative offices. There would be no intensification of use, increase in staff, or change in allowed populations with this change. In addition, no added square footage or changes to the existing configuration or footprint of this structure is proposed.

- Increase student population cap from 150 to 175 students (potential increase in traffic and parking demands).
- Increase student parking spaces from 10 to 20.

PROJECT TRIP GENERATION

As noted above, the majority of the proposed MAW CUP revisions would be subject to the existing annual attendance cap of 47,000 public guests per year. These revisions would therefore not increase overall traffic at the campus on an annual basis as no new attendees would.

The two project components that would affect traffic are the increase in the number students (not subject to the attendance cap) and the change in use at the Rack and Treasure House from retail to residential. Pursuant to County policies, trip generation estimates were developed for these Project components using the rates presented in the Institute of Transportation Engineers (ITE) Trip Generation Manual.¹ The ITE rates for University/Colleges (Land Use Code #550), Multifamily Housing Low Rise (Land Use Code #220), and Department Store (Land Use Code #875) were used for the analysis. The analysis assumes that there could be a maximum of 25 new student; and that the Rack and Treasure House would be repurposed from retail to 2 residential units. A 70% reduction factor was applied to the traffic estimates for the Rack Treasure House to account for limited hours of operation (12:00 PM – 3:00 PM). Table 1 summarizes the trip generation estimates developed for the Project.

**Table 1
Trip Generation Estimates**

Project Component	Size	ADT		AM Peak Hour		PM Peak Hour	
		Rate	Trips	Rate	Trips	Rate	Trips
Students	25 Students	1.56	39	0.15	4	0.15	4
Rack and Treasure House	2 Rental Units	6.74	13	0.40	1	0.51	1
Rack and Treasure House	4,680 SF	22.88	- 32(a)	0.00 (b)	0	0.00 (b)	0
Total			+ 20		+ 5		+ 5

(a) 70% reduction factor applied to trips to account for limited hours.
 (b) No AM or PM peak hour trip generation as stores are closed during peak hour periods.

As shown in Table 1, the additional students allowed under the CUP amendment and the change of use proposed for the Rack and Treasure House would generate 20 average daily trips (ADT), 5 AM peak hour trips, and + 5 PM peak hour trips (PHT) during the summer periods when the academy is in session.

¹ Trip Generation, Institute of Transportation Engineers, 11th Edition, 2021.

CONSISTENCY WITH COUNTY & CITY POLICIES

As reviewed above, the Project would generate 20 ADT, 5 AM PHT and 5 PM PHT during the summer months when the academy is in session. The addition of these trips to the study-area street network would not generate impacts or be inconsistent with the County of Santa Barbara’s or the City of Santa Barbara’s transportation policies related to traffic operations (less than significant percentage increase in roadway volumes and/or intersection delays). The study-area roadways currently carry volumes within the County’s acceptable capacity policies and the Project’s traffic additions would not cause an exceedance of the adopted capacities. The Project would add less than significant traffic increases at the key intersections in the City of Santa Barbara that accommodate Project traffic (Hot Springs Road/US 101 and Olive Mill Road/US 101 interchanges).

PARKING

Existing Parking Demands

There are currently 293 parking spaces (275 marked/18 stacked) provided at the MAW campus. As noted in the Project description, several of the CUP revisions could increase parking demands at the campus. In order to determine existing peak parking levels at the MWA, ATE researched the parking monitoring surveys that have been conducted at the campus over the last several years the academy was operational. This baseline parking data is presented in Table 2.

**Table 2
Parking Demands – 2016 - 2019 MAW Summer Programs**

Date	Event	Time	Parked Vehicles	% Occupied (a)	Extra Spaces
08/05/2019	Collaborative Piano	2:15 PM	147	50%	146
08/05/2019	Solo Piano Final	4:45 PM	201	69%	92
07/12/2017	Vocal Masterclass	3:15 P.M.	242	83%	51
07/19/2017	Vocal Masterclass	3:15 P.M.	216	74%	77
07/05/2016	Vocal Masterclass	3:15 P.M.	107	37%	186
07/13/2016	Brass Fest	7:30 P.M.	152	52%	141

(a) Analysis based on available parking supply of 293 spaces.

The data presented in Table 2 show that parking demands at the MAW campus during summer concert and masterclass events ranged from 107 to 242 spaces with 51 to 186 reserve spaces available during peak periods.

Parking Demand Estimates

Parking demand estimates were developed for the components of the CUP revisions that would generate additional parking demands (maximum attendance at one time increase, increase in the number of students, and the repurposing of retail to residential). The parking demand estimates for these components are presented in Table 3.

Table 3
MAW 2021 CUP Revisions – Parking Demand Estimates

CUP Component	Size Increase	Parking Demand (a)
Public Attendance	+ 80 Guests	+ 49 Spaces
Students	+ 25 Students	+ 10 Spaces
Rack & Treasure House	2 Residential Units	+ 2 Spaces
Rack & Treasure House	Remove Retail	-10 Spaces
Total		+ 51 Spaces

(a) Parking demand for public guests assumes 1.63 guests per vehicle as presented in the Project EIR. Parking demand for students based on the proposed increase of 10 reserved spaces for students.

The data presented in Table 3 indicate that the proposed CUP revisions would generate a parking demand of 51 spaces. The reserve parking capacity provided on the MAW campus (51 to 186 spaces) would accommodate these additional demands.

COMPARISON TO EIR ANALYSIS

The 2003 EIR completed for the approved project analyzed the potential traffic and parking impacts of the Project based on the summer and non-summer programs and attendance levels that were proposed at that time. County staff have requested that the current traffic and parking study include an analysis of the impacts of the proposed changes compared to the prior EIR impact determinations, and whether the prior mitigation measures are adequate or if any new mitigation measures are required. Table 4 summarizes the assumptions used to evaluate traffic and parking impacts in the 2003 EIR, shows the current CUP levels, and identifies the changes proposed in the revised CUP.

Table 4
MAW 2021 CUP Revisions vs Existing EIR Analysis

Component	2003 EIR analysis	Current CUP	Proposed CUP	Change from EIR
Students	150 Students	150 Students	175 Students	+ 25 Students
Attendees at any given time	480 Attendees	330 Attendees	410 Attendees	- 70 Attendees
Yearly Attendance	57,291 Attendees	47,000 Attendees	47,000 Attendees	- 10,291 Attendees
Arts and Wellness Meetings/Seminars	57,291 Attendees	47,000 Attendees	47,000 Attendees	N/A (a)
Storage/Administration	Storage	Storage	Administration	No intensification of use, increase in staff, or change in allowed populations.
Rack and Treasure House (2 retail shops)	2 Retail Shops	2 Retail Shops	2 Residential Units	2 Retail Shops to 2 Residential Units
Cultural Events	Remove Events	No Events	Add 15 Events	+ 15 Events

(a) These operational changes do not exceed the existing at any given time or annual attendance caps proposed and compared to in the EIR.

Students

The EIR traffic and parking analysis assumed 150 students during the summer program and the Project was approved with 150 students. The revised CUP is proposing to increase student levels to 175 students (net increase of 25 students). This increase, combined with the change in use at the Rack and Treasure House, would generate a net increase of 20 ADT, 5 AM PHT, and 5 PM PHT compared to the current CUP (see Table 1). The additional students and the change in the Rack and Treasure House uses would also increase the parking demand by a net of 2 spaces compared to the current CUP existing (see Table 3).

The EIR assumed a maximum attendance level of 480 attendees at any one time and a yearly attendance level of 57,291 attendees in evaluating the traffic and parking impacts of the Project. The trip generation and parking demands assumed in the EIR were therefore significantly higher than the levels that would be generated by the proposed CUP with 175 students, 410 attendees at any one time, and the yearly limit of 47,000 attendees. The impacts identified in the EIR would therefore be greater than those generated by the revised CUP and no new mitigation measures would be required.

Attendees (Any Given Time)

The EIR traffic and parking analysis assumed a maximum level of 480 attendees any given time and the Project was approved with 330 attendees any given time. The Project proposes a total of 410 attendees any given time, an increase of 80 from the approved Project. The parking analysis showed that the increase from 330 to 410 attendees any given time would increase parking demands by 49 spaces (see Table 3). The analysis also shows that there is adequate parking provided to accommodate 410 attendees any given time without needing off-site parking (see Tables 2 and 3).

The EIR parking analysis completed for the 480-attendee scenario indicated that the projected parking demand could exceed the proposed parking supply by 26 spaces. The EIR therefore included a mitigation measure requiring an off-site parking and shuttle program for events with more than 450 attendees. Given that the parking demands generated by the 410-attendee event would be met on-site, no new impacts or mitigation measures would be required for this change in the CUP.

Meetings and Seminars/Arts and Wellness

The EIR analyzed the limit of attendance at meetings and seminars to 175 participants per activity/event and the Project was approved with this limit. The Project proposes that the limit of attendance be increased to 350 participants consistent with the maximum seating capacity in Hahn Hall. The Project is also proposing to use practice studios for other artistic and wellness purposes (dance, yoga, meditation, visual, and performing arts, etc.). While an increase in attendance at individual events is proposed, the Project is not proposing to increase the annual maximum attendance of 47,000 attendees, therefore no new impacts or mitigations measures would be required for these changes in the CUP.

Storage/Administration

The EIR analyzed the existing 1,380 SF storage building, constructed during the Master Plan build-out, and located west of the Treasure House and Rack. The storage building was initially purposed for storage uses associated with the retail shops. With the proposed repurposing of those spaces, the MAW requests flexibility for that storage space use to allow for future use for MAW administrative offices. No intensification of use, increase in staff, or change in allowed populations is proposed with this change. In addition, no added square footage or changes to the existing configuration or footprint of this structure is proposed. Due to no change to the staff or building, no new impacts or mitigations measures would be required for this change in the CUP.

The Rack and Treasure House

The EIR analyzed The Rack and Treasure House as 2 retail shops with a total of 4,680 SF and the Project was approved with these uses. The Project proposes to repurpose the two buildings into 2 residential units, which would reduce the daily Project trip generation by 19 ADT, increase peak hour trip generation by 1 AM PHT and 1 PM PHT, and reduce the overall site parking demand by 8 spaces. This element of the revised CUP would therefore not generate additional traffic or parking impacts compared to the EIR analysis and would not require new mitigation measures.

Cultural Events

The EIR traffic analysis assumed that the cultural events previously held at the MAW would be discontinued. The revised CUP is proposing to reintroduce cultural ceremonies, with up to 15 per year and a maximum attendance up to 225 per event. Guests at these events would be subject to the annual attendance cap of 47,000 thus there would be no change in the overall traffic generation. The event guests would also be subject to the 410 attendees on-site at any one time and thus would not increase overall peak parking demands onsite.

The EIR analysis assumed a maximum attendance level of 480 attendees at any one time and a yearly attendance level of 57,291 attendees in evaluating the traffic and parking impacts of the Project. The trip generation and parking demands assumed in the EIR were therefore significantly higher than the levels that would be generated by the proposed CUP with 175 students, 410 attendees at any one time, and the yearly limit of 47,000 attendees (including event guests). The traffic and parking impacts identified in the EIR would therefore be greater than those generated by the revised CUP and no new mitigation measures would be required.

POTENTIAL CEQA IMPACTS – VEHICLE MILES TRAVELLED

Santa Barbara County has adopted a new set of transportation analysis guidelines¹, in compliance with Senate Bill 743, which are based on a Vehicle Miles Traveled (VMT) metric rather than the traditional Level of Service (LOS) metric. Per the State's Natural Resource Agency Updated Guidelines for the Implementation of the CEQA adopted in 2018, VMT has been designated as the most appropriate measure of transportation impacts. "Vehicle Miles Traveled" refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel. For land use projects, vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact.

¹ Transportation Analysis Updates in Santa Barbara County, Santa Barbara County, Fehr & Peers, July 2020.

VMT Impact Criteria and Analysis Requirements

Table 5 provides a summary of the County’s VMT screening criteria for land use projects based on the OPR Technical Advisory. The table contains a separate row and columns that list each project type and the applicable screening criteria. A project that meets at least one of these screening criteria would have a less-than-significant impact and therefore would not require further VMT analyses.

**Table 5
Santa Barbara County VMT Screening Criteria**

SCREENING CATEGORIES	PROJECT REQUIREMENTS TO MEET SCREENING CRITERIA
Project Size	A project that generates 110 or fewer daily trips.
Local Serving Retail	A project that has locally serving retail uses that are 50,000 square feet or less, such as specialty retail, shopping center, grocery/food store, bank/financial facilities, fitness center, restaurant, or cafe. If a project also contains a nonlocally serving retail use(s), that use(s) must meet other applicable screening criteria
Project Located in a VMT Efficient Area	A residential or employment project that is located in an area that is already 15 percent below the county VMT (i.e., “VMT efficient area”). The County’s Project Level VMT Calculator determines whether a proposed residential or employment project is located within a VMT efficient area.
Transit Proximity	<p>A project that is located within a ½ mile of a major transit stop or within a ½ mile of a bus stop on a high-quality transit corridor (HQTC). A major transit stop is a rail station or a bus stop with two or more intersecting bus routes with service frequency of 15 minutes or less during peak commute periods. A HQTC is a corridor with fixed route bus service with frequency of 15 minutes or less during peak commute periods. However, these screening criteria do not apply if project-specific or location-specific information indicates the project will still generate significant levels of VMT. Therefore, in addition to the screening criteria listed above, the project should also have the following characteristics:</p> <ul style="list-style-type: none"> • Floor area ratio (FAR) of 0.75 or greater; • Consistent with the applicable SBCAG Sustainable Communities Strategy (as determined by the County); • Does not provide more parking than required by the County’s Comprehensive Plan and zoning ordinances; and • Does not replace affordable housing units (units set aside for very low income and low income households) with a smaller number of moderate or high-income housing units.
Affordable Housing	A residential project that provides 100 percent affordable housing units (units set aside for very low income and low income households); if part of a larger development, only those units that meet the definition of affordable housing satisfy the screening criteria.

As shown in Table 5, one of the County's screening criteria for determining a less-than-significant VMT impact is "Project Size" with a screening level of 110 ADT. As shown in Table 1, the Music Academy of the West 2021 CUP Amendment is forecast to generate a net increase of 20 ADT during periods when the academy is open to students (approximately 3 months per year). Thus, the Project would have a less-than-significant CEQA impact based on the County's adopted guidelines since it would generate less than 110 ADT.

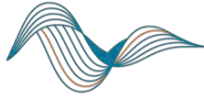
This concludes ATE's traffic, parking and VMT analysis for the Music Academy of the West 2021 CUP Amendment.

Associated Transportation Engineers

A handwritten signature in black ink, appearing to read "Scott A. Schell". The signature is fluid and cursive, with the first name "Scott" being the most prominent.

Scott A. Schell
Principal Transportation Planner

SAS

July 6, 2022
45dB Project # 21023

County of Santa Barbara Planning and Development, Review Division
Attn: Willow Brown
123 E. Anapamu St
Santa Barbara, CA 93101

CC: Nicole Lieu nmashore@countyofsb.org
CC: Heidi Jones, AICP heidi@sepps.com, SEPPS

**RE: Determination of Application Incompleteness Letter
Music Academy of the West Conditional Use Permit Revision:
Acoustics/Noise**

Summary and Mitigations

This letter is provided in response to the County's Determination of Application Incompleteness letter for the Music Academy Conditional Use Permit Revision, dated April 26, 2022. The letter stated: *"Although Noise and Traffic studies were submitted, these analyses should be revised to build upon prior analysis that was included in the certified EIR. Specifically, the studies should be amended to include an analysis of the impacts of the proposed changes as compared to the prior EIR impact determinations, and whether the prior mitigation measures are adequate or any new mitigation measures are required."*

45dB Acoustics ("45dB") has reviewed the Noise portion of the EIR and the two previous supplemental acoustical reports—that of ArtNtek dated January 19, 2000, as well as that of Rincon Consultants, Inc. dated September 30, 2002. As requested, this letter discusses the differences between the noise analysis assumptions and outcomes of the two previous reports and our own report, most recent version dated September 1, 2021.

The Music Academy of the West's current CUP application, in which the applicant desired to have events with amplified speech and non-amplified music in more campus areas than previously, up to 15 times per year with up to 225 attendees. The previous reports assumed much larger events with up to 480 attendees, but only at locations further away from the campus' southern property line and further interior to the MAW campus, i.e., further away from off-campus residential land uses.

This report (including any enclosures and attachments) has been prepared for the exclusive use and benefit of the addressee(s) and solely for the purpose for which it is provided. No part of this report shall be reproduced, distributed or communicated to any third party without written permission. We do not accept any liability if this report is used for an alternative purpose from which it is intended, nor to any third party.

We note that the Kinnear Fountain location from our report was erroneously identified in Zone 11, when it is actually located in “Zone 5”; we have omitted “Zone 11” in our review evaluation of mitigations in this Addendum. The correct Zones are shown on the Miraflores Campus map in Figure 1.

We found that transportation noise levels modeled throughout the area are several decibels higher than measured 20 years ago. We also presumed sound levels for events could or would be approximately 10 dB higher than previously assumed. Given that assumption, we find that event sound levels at the four zones from the previous CUP application can support sound levels higher than the previous studies assumed, without exceeding the CNEL 65 sound level limit of the County’s Thresholds. Given our presumed event levels, we added time limit durations for events not previously prescribed, depending upon the event zone’s nearby local ambient sound levels.

Based upon our analysis, and considering the previous EIR study and reports, we recommend implementation of the following self-management tools to be incorporated in the applicant’s project description for this revised CUP to be:

- a) **At Zones 2/2.5, 7, and 9, i.e., event areas within the previous EIR:** Not more than four total¹ hours of unamplified acoustic music and/or amplified spoken word programming—*EIR Mitigation Measure 4. a)*
- b) **At Zones 1, 3, 4, and 5 i.e., new proposed event areas near the southern property lines:** not more than two total¹ hours of unamplified acoustic music and/or amplified spoken word programming—*EIR Mitigation Measure 4. a)*
- c) Levels attributable to MAW events not exceed 65 dBA at property line—*EIR Mitigation measure 4. d)*
- d) PA systems be pointed away from neighbors whenever and wherever possible;
- e) only to occur within the hours of 9am to 9pm;
- f) a MAW staff member to be designated as a point-of-contact for any potential neighbor concerns

We reconfirm the requirement within the original EIR of self-monitoring by trained MAW staff with a sound level measurement device capable of accurate measurements².

With utilization of the above-described self-management tools, the County Threshold of CNEL 65 would not be exceeded at the property line. Additionally, the proposed/current CUP application is in compliance with the 2021 County Threshold criteria of not more than a 3 dB increase on existing CNEL at sensitive receptors with the above conditions in place. The proposed project is consistent with the prior Environmental Analysis and the mitigation measures therein applied to the project. Additional mitigation is not required.

The *Revised CUP Summary* by Suzanne Elledge Planning & Permitting Services, Inc. (SEPPS) from November 2021 confirms that MAW proposes to follow the self-management strategies that we recommended.

¹ Total hours of music programming, to allow for intermissions/breaks

² ANSI S1.4 / IEC 61672 Class 1 or 2 sound level measurement device / meter, which can be periodically calibrated.

For those interested, Attachment A includes our discussion of the three analyses, which provides supporting information for the above conclusions regarding the mitigations. Please contact me with any questions.

for 45dB Acoustics, LLC



Sarah Taubitz, Mem.INCE, ASA
Principal Consultant

Attachments:

- A: 45dB's Review of ArtNtek, Rincon Associates', and 45dB Acoustics' Analyses
- B: ArtNtek dated January 19, 2000
- C: Rincon Consultants, Inc. dated September 30, 2002
- D: 45dB Acoustics Report dated September 1, 2021
- E: EIR Noise Section Analysis Excerpt

Figure 1: MAW Miraflores Campus (from SEPPS)

MUSIC ACADEMY OF THE WEST MIRAFLORES CAMPUS



ATTACHMENT A: REVIEW OF ARTNTEK, RINCON ASSOC., and 45DB ACOUSTICS' ANALYSES

Background/Ambient Levels

ArtNtek made short-duration sound measurements at four locations and calculated CNEL levels based on the relationship between the peak hourly level and CNEL which was based upon their own historical measurements of Highway 101 noise. We wonder if train noise could have been inadvertently omitted from the short-duration measurements, and therefore the subsequent calculated CNEL. For this area, train noise—particularly from the horn at grade crossing—has been shown in our own measurements near Butterfly Lane to significantly contribute to short-term and even CNEL levels.

Rincon Associates, Inc. (“Rincon”) measured sound in the area on Thursday, September 19, 2002 that were higher than the ArtNtek study levels, and this could be partly due to train noise as well as increased road traffic.

Our study included present-year traffic noise from Highway 101, local roads and the train, *calculated* using the FHWA’s Traffic Noise Model (TNM 3.0) and utilizing CalTrans-published average daily traffic counts (ADT), adjusted 1% per year from 2017 to 2022. Train noise levels, assuming 9 passenger trains and two freight trains per day, were included in our noise model. These were based upon our own previous measurements near Butterfly Lane and justified by our knowledge of the train speeds, horn levels, and schedule—most notably taking into account the train horns required at the grade crossing (a dominating noise source) at Butterfly Lane. The existing/background CNEL levels in our model, due to road and rail noise, are several decibels higher at locations near Highway 101 than those of the two previous studies. At the location of Rincon’s 24-hour measurement location in 2002, they measured CNEL 62, whereas our model shows a level of CNEL 70. It is unknown how many train pass-byes occurred in 2002, but the statistical levels shown suggest train noise was not as significant as present within our analysis/model. ArtNtek measured CNEL 65 at the “Monte Cristo” location near the northwestern corner of MAW campus, and our model, 20 years later, shows CNEL 68, which agrees rather well, considering a probable increase in road traffic from 20 years ago.

Criteria

All three reports cited the Santa Barbara County Guidelines and Thresholds. This document has only a twenty-four-hour composite CNEL criteria of 65 dBA and no shorter-duration (e.g., hourly, L15, instantaneous Maximum, etc.) noise limit criteria. There are infinite level and duration combinations with the same resulting CNEL; as such, the CNEL is an inadequately defined criterion for definitive compliance when considering a new proposed noise source. Each consultant may theoretically determine their own criteria for a significant increase. The ArtNtek report defined significant increase requiring mitigation to be 5 dB on the CNEL—though they did note that an hourly increase could be within this CNEL criteria but may be annoying to neighbors. The Rincon report did not define any other criteria, and merely stated that the authors

“generally concur with the findings of the ArtNtek study”. An increase of 10 dB or more on an LAeq basis would generally be considered a significant increase.

Presumed Event Sound Levels

The ArtNtek study assumed sound pressure levels from 480 attendees of 65 dBA at 100 feet, and an unamplified musical group (e.g., string/woodwind) levels of 55 dBA at 100 feet (i.e., 10dB lower than the voices of the attendees). For reference, 63 dBA at 100 feet is equivalent to 73 dBA at 10 feet, such as for someone standing within/at the event itself. With these durations, ArtNtek concluded that the Threshold of CNEL 65 dBA would not be exceeded for events of up to 10 daytime hours. Amplified voice over a portable PA system was assumed to be at least 70 dBA across the audience, with the nearest property line 280 feet away.

The approach that **45dB** typically employs for event analyses/studies is to start with a relatively high-decibel event emission level, and reduce the sound levels and/or duration only as needed to remain in compliance with the CNEL 65 criteria, or an hourly LAeq increase of approximately 10 dB or more. Our intention with studies of this nature is generally to find “how loud it could be” without triggering an exceedance of code/threshold/criteria, since we know that event sound levels can vary widely. Then, if initially presumed event sound levels predict potential exceedance of criteria/thresholds or probable annoyance due to a significant increase over ambient, mitigation measures can then be tailored.

The **45dB** study began with assuming event levels of 84 dBA at 10 feet, which is 11 dB higher—double the acoustic energy—than the levels assumed in the ArtNtek study. These sound levels would require that event attendees would need to raise or strain their voices to be heard but would not have to yell. These sound levels are consistent with, or perhaps on the high side, for cultural events with non-amplified music and amplified voice (for announcements, speeches, etc.). Although we don’t disagree that an event of 480 people with “background” or lower-level music and amplified speech could typically be approximately 70 dBA as ArtNtek assumed, we imagine there could be situations where the levels were significantly higher, such as for a wedding celebration; our analysis is therefore more conservative, or a “worse case” than previously assumed—even with 250 attendees rather than 480 attendees. **45dB** concluded that events of approximately 84 dBA at 10 feet could be held in Zones 2/2.5, 7, and 9 (Holden Encore Society and President’s Gardens, Towbes Court / Lind Patio, respectively) without exceeding the CNEL 65 Threshold at any MAW property line. A slightly lower level of approximately 79 dBA at 10 feet was in order for Zones 3/4 and 11, so shorter time limitations and prohibiting horns and drums is appropriate at those locations.

Brass/horn and percussion instruments can be played at the kind of levels we assumed in our study. We do not feel that these instruments should be prohibited by default, and doing so could be a knee-jerk but rather prejudiced stance to take, particularly considering that this is a Music Academy seeking to hold cultural events where wind instruments and drums are a part of many cultures, including classical music. This is why one of our tailored mitigation recommendations was to ensure self-monitoring of sound levels would be carried out in specific zones if horns or drums were present.

Proposed Additional Event Locations

The two previous studies considered three outdoor event areas—Anne’s Garden, “New Courtyard”, and Miraflores Courtyard. The current study we analyzed included: Zone 2/2.5 Holden Encore Society/President’s Garden; Zone 3/4 Bock/Williams Gardens; Zone 5 Kuene Court; Zone 7 Towbes Court; Zone 9 Lind Patio; and Zone 11 Kinnear Fountain. Anne’s Garden is the same (Zone 1); the new courtyard is essentially a combination of Zones 7 and 9 Towbes Court and Lind Patio from our study; and Miraflores Courtyard is Zone 5 Kuene Court in our study.

So, the additional event areas of Zones 2/2.5, 3/4, and 11 are the new Zones included in the CUP Revision and our accompanying study. These three new zones are near/along the southern property line. As both the event zones and the sensitive receptors, i.e., residences, are further away from Highway 101 with lower ambient sound levels, events at these new Zones were found to require lower sound levels that what we assumed for the other Zones.

Discussion and Mitigation

Many factors exist that make developing conditions of approval and mitigation strategies for event programs, not the least of which include the variation of ambient sound levels across the MAW and neighboring areas and a range of sound levels from various instrumentation for cultural and wedding events. The ArtNtek report found that unamplified music at the original locations would generally conform to County Thresholds and was not likely to create a 5 dB or greater increase in CNEL. They found that the amplified voice PA system would emit higher levels than would a music ensemble or 480 attendees conversing (in order to provide speech intelligibility), and recommended that a level limit mark/indicator on the PA’s volume control be determined through iterative sound level measurements at the nearest property line and marked on the equipment that corresponds to a sound pressure level Leq of 65 dBA over a period of at least 20 minutes. The ArtNtek report made an attempt to provide more detailed, duration-dependent mitigation measures on the PA system usage, not only because voice tends to draw one’s attention and is more likely to create annoyance, but also because amplification can so easily be adjusted up or down with a knob. Rincon did not refute the event sound level assumptions, but merely pointed out that this “may be too complex for effective enforcement”, and instead suggested “simply limiting amplified sound at the property line to 65 dBA [at any given time].” However, using an oversimplified 65dB-at-any-time limitation at all property lines such as Rincon suggested could erroneously preclude MAW from holding an event at all, through no fault of their own, due to ambient levels from transportation sources already reaching or exceeding that level.

ArtNtek’s suggestion of marking the volume knob on a PA system may be technically proficient; Rincon’s review pointed out that it may be “too complex to enforce” . However, Rincon’s suggestion of a simple 65 dBA at the property line at any time is too simplistic, in that some

property lines may already be at or above this level due to the ambient (transportation) noise, and that criteria would become unenforceable.

Because sound levels can vary so widely, because the public generally do not have a feel for specific decibel levels and how “loud” a given scenario is, and because PA systems can so easily be turned up or down, mitigation strategies are challenging. Self-monitoring of sound levels promotes awareness and understanding of the sound levels being produced by events, and we support this as an important mitigation tool to assist in preventing excessive sound levels from events and minimizing the risk of neighbor annoyance. We feel the self-management of event sound levels is the most *feasible*, most effective way to mitigate event sounds, given the variation in ambient levels across the campus at various neighbor locations and the lack of hourly or short-duration maximum sound level limits as usually present in other City and County Codes.

The EIR allowed amplified spoken voice on-site, under the conditions that it be: a) limited to the “cloistered” outdoor courtyard; b) four times per year; c) not more than four hours per event; d) not to exceed 65 dBA at the MAW property lines, and e) only occur within the hours of 9am to 9pm.

The EIR stated: “The greatest change to overall noise levels in the area is expected to result from anticipated increases in traffic volumes on Highway 101.” We concur that this has most likely happened in the last two decades, as our noise study based upon average daily traffic counts bears out. This means that some sensitive receptor areas closer to the highway and train tracks may experience hourly and CNEL levels greater than 65 dBA.

*ENVIRONMENTAL NOISE ASSESSMENT
FOR PROPOSED IMPROVEMENTS AT THE*

**MUSIC ACADEMY OF THE WEST
SANTA BARBARA, CALIFORNIA**

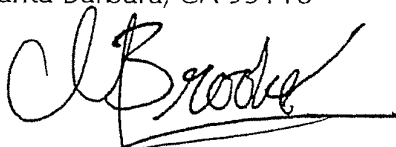
19 January 2000

Prepared for:

Music Academy of the West
1070 Fairway Road
Santa Barbara, CA 93108-2899

Prepared by:

artNTEK
4794 Calle Camarada
Santa Barbara, CA 93110



Matthew Brooke, Ph.D., INCE
Principal

INTRODUCTION

The proposed project includes improvements to the existing Music Academy of the West (MAW) campus. The site and its nearest neighbors are currently exposed to vehicular traffic noise from Highway 101 and train noise from the Union Pacific Railroad, both to the north. The site is bounded to the east by Butterfly Lane, and to the south and west by The Fairway and several private residence lots. The topography of the area is such that the site generally increases in elevation from north to south. The east side of the campus is significantly higher than the adjacent properties along Butterfly Lane, whilst the west and south sides are at similar elevation to the adjacent properties.

Since MAW operations and activities may change after the improvements are complete, this environmental noise assessment was carried out to determine whether outdoor activities at MAW, and/or vehicular traffic accessing MAW will cause a significant impact on nearby sensitive receptors (as defined by the Santa Barbara County Noise Element), and to provide mitigation recommendations where appropriate.

ACOUSTICAL TERMINOLOGY

Appendix A provides a description of the acoustical terminology used in this report. Unless otherwise stated, all sound levels reported are A-weighted sound pressure levels in decibels (dBA). A-weighting de-emphasizes the lowest and highest frequencies of sound in order to imitate the response of the human ear. Most community noise standards utilize A-weighting, since it provides a high degree of correlation with human annoyance and health effects.

When interpreting the noise levels presented in this report, the following subjective descriptions should be noted:

- An increase/decrease of **1dB** is typically **not audible** in field conditions. (A 1dB difference may be audible to some individuals under controlled laboratory conditions).
- An increase/decrease of **3dB** is generally accepted as being the smallest change that is "**just noticeable**" in field conditions.
- An increase/decrease of **5dB** is **distinctly audible**
- An increase/decrease of **10dB** is perceived as being **twice/half as loud**.

APPLICABLE CRITERIA: SANTA BARBARA COUNTY NOISE THRESHOLDS

The County of Santa Barbara "Noise Thresholds" document includes the following relevant criteria:

- "3.a. A proposed development that would generate noise levels in excess of 65dB CNEL and could affect sensitive receptors would generally be presumed to have a significant impact."
- "3.c. A project will have a significant effect on the environment if it will increase substantially the ambient noise levels for noise-sensitive receptors [in] adjoining areas. Per item a., this may generally be presumed when ambient noise levels affecting noise sensitive receptors are increased to 65dB(A) CNEL or more. However, a significant effect may also occur when ambient noise levels affecting sensitive receptors increase substantially but remain less than 65dB(A) CNEL, as determined on a case-by-case level"

The County Thresholds document does not quantify a "substantial increase" in ambient noise levels. However, with reference to the "Acoustical Terminology" section, above, and also with reference to other principalities' Noise Threshold requirements (for example: City of Carpinteria, City of Los Angeles), we would consider an increase of **more than 5 CNEL points** (ie more than 5dBA) to constitute a "substantial increase" for the purpose of this analysis.

It should be noted that the County's Thresholds are mainly concerned with assessment of traffic noise, and calculation of the CNEL descriptor involves averaging noise levels over a 24-hour period. The averaging process means that even if short-duration events significantly exceed the existing hourly ambient noise levels, it is still possible that they meet the overall 24-hour CNEL requirement. Furthermore, noise from outdoor events is of a very different nature to traffic noise, and such event-noise may be readily distinguishable against the constant "rumble" of freeway traffic, even if the events do not exceed the above County CNEL thresholds.

EXISTING NOISE ENVIRONMENT (AMBIENT NOISE)

Presently, the dominant source of noise impacting the project site and the adjacent sensitive receptors is vehicular traffic noise from Highway 101. Secondary noise sources include the railroad to the north, vehicular traffic on Butterfly Lane and The Fairway, and small-aircraft overflights.

Existing ambient noise levels were measured on Thursday 9 December, Saturday 18 December and Wednesday 22 December 1999, at various times of day - see Table 1A. The measurement locations are shown in Figure 1.

Noise measuring equipment consisted of a Bruel & Kjaer (B&K) Model 2236-007C precision integrating and logging sound level meter fitted with a B&K type 4188 microphone. This equipment complies with the specifications of the American National Standards Institute (ANSI) and the International Electrotechnical Commission (IEC) for Type I (Precision) sound level meters. The measurement system was calibrated in the field prior to and after the measurements, using a B&K acoustical calibrator (Model 4231) to ensure the accuracy of the data. The microphone was supported by a tripod, 5 feet above the ground, and protected by a B&K 3-1/2" windscreen, type UA0237. Noise measurements were conducted for time periods considered representative of the hourly noise environment.

In addition to the measurements shown in Table 1A, in-house data (from previous 24-hour noise-monitoring at the San Ysidro exit on Hwy 101) was used to determine the hourly distribution of noise levels at each of the sensitive receptor locations. (Representative hourly distribution data is shown in Appendix B.)

From this noise distribution data, it is apparent that the CNEL is equal to the peak hour Leq plus 1dB in areas dominated by noise from this segment of Hwy 101. Therefore, in order to provide a worst-case analysis, the CNEL at each measurement location has been calculated using the lowest measured peak-hour Leq. The resulting CNEL figures which form the basis of the following analysis are shown in Table 1B.

FIGURE 1

VICINITY PLAN SHOWING SENSITIVE RECEPTORS AND
LOCATION FOR MEASUREMENT OF AMBIENT NOISE LEVELS

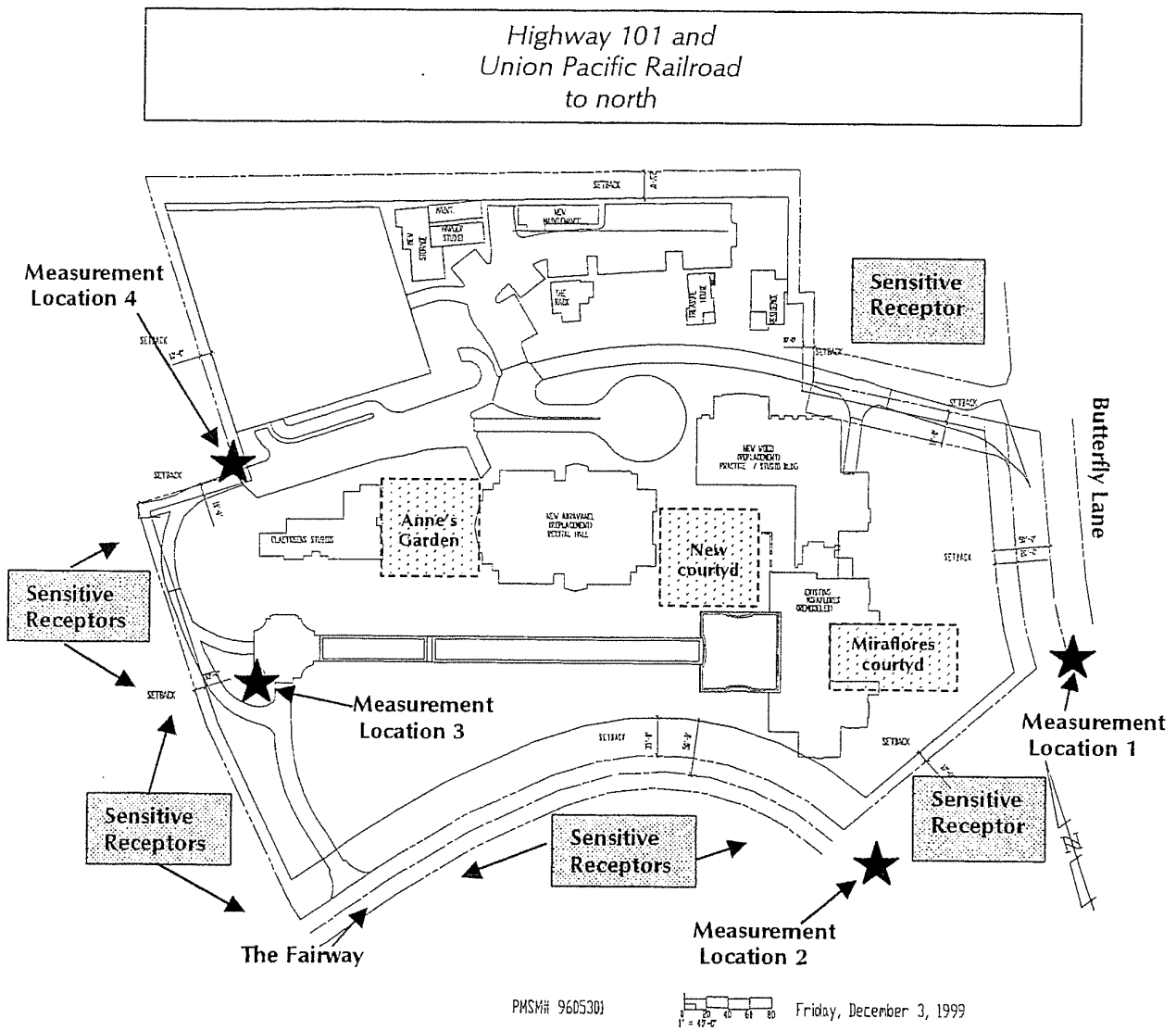


TABLE 1A
MEASURED AMBIENT NOISE LEVELS (LEQ) AT
MEASUREMENT LOCATIONS SHOWN IN FIGURE 1

Date	Measurement Period	(1) Butterfly Lane	(2) The Fairway	(3) SW Comer of MAW	(4) West Boundary (at Monte Cristo)
9 December 1999 (Thursday evening)	4:00pm - 5:30pm	55dBA	59dBA <i>(includes local traffic on Fairway)</i>	57dBA	64dBA
18 December 1999 (Saturday Afternoon)	1:00pm - 2:30pm	54dBA	-	55dBA	-
22 December 1999 (Wednesday evening)	5:00pm - 6:00pm	56dBA	54dBA <i>(not including local traffic on Fairway)</i>	-	-

TABLE 1B
ANTICIPATED EXISTING AMBIENT NOISE EXPOSURE (CNEL) AT
NEAREST SENSITIVE RECEPTORS (SEE FIGURE 1)

Location #	Location Name	Existing CNEL
Loc 1	Butterfly	56
Loc 2	Fairway	55
Loc 3	SW Comer	56
Loc 4	Monte Cristo	65

IMPACT ANALYSIS FOR FUTURE OUTDOOR EVENTS

Since there was no opportunity to make noise measurements at outdoor events during the time period available for preparation of this report, it has been necessary to use published and in-house noise data as the basis of the following calculations. The assumptions and data used represent a "worst case" analysis - it is anticipated that actual event noise would not exceed the levels presented here, provided details regarding attendance and sound sources correspond to the assumptions made below.

Outdoor Non-Conservatory Functions (Weddings, Parties, Pre-Concert Picnics etc)

Under the CUP conditions, no amplification of voice or musical instruments will be permitted for non-conservatory functions outdoors. This analysis is therefore limited to noise from non-amplified ("acoustic") instruments and conversation at such events. Furthermore, the current application limits the number of attendees to 480 for any event or concurrent combination of events. For the purpose of this analysis, therefore, we will use 480 people as the absolute maximum for "worst case" analysis.

SPEECH: Assuming 480 attendees at a function, and on average 50% of the attendees speaking with normal vocal effort at any given time, and assuming that 50% of those speaking are male, the average sound pressure level at a distance of 100 feet would be approximately 63dBA.

MUSIC: Average sound pressure level for a string quartet playing music at an outdoor function (with no amplification) would be approximately 55dBA at 100ft, which is significantly lower than the anticipated speech levels; the speech (approx. 63dBA at 100ft) would therefore dominate.

This speech level can be extrapolated to different distances by use of the following equation:

$$Leq \text{ at receptor location} = 63 - 20 \log \frac{\text{distance from source to receptor}}{100} \quad \text{_____ Equation 1}$$

Table 2 shows the resulting predicted noise levels at the nearest sensitive receptors due to full-capacity, non-conservatory functions centered at Anne's Garden (eg pre-concert picnics), the Miraflores Courtyard (eg weddings), and the New Courtyard Area between Abravnel Hall and Miraflores (eg pre-concert functions). These "noise-source" locations are shown in Figure 1.

Based on the above information and the data shown in Table 2, any outdoor event which is attended by 480 or fewer people should conform with County Threshold requirements at any nearest sensitive receptor, provided such events do not exceed 10 hours' duration and do not take place between the hours of 10pm and 7am.

Portable Public Address (PA) System Noise

According to the existing Conditional Use Permit (90-CP-111cz), amplification/PA equipment is at present not permitted at any outdoor events. However, the current proposal includes the use of portable microphone and PA equipment, for conservatory events only. Furthermore, we understand that the use of such equipment is proposed only within the New Courtyard Area between Abravnel Hall and Miraflores.

TABLE 2

PREDICTED "WORST-CASE" NOISE LEVELS AT NEAREST SENSITIVE RECEPTORS DUE TO NON-CONSERVATORY FUNCTIONS (SEE FIGURE 1 FOR LOCATIONS)

Event Location (See Figure 1)	Nearest/most-impacted sensitive receptor location	Distance from source to sensitive receptor	Predicted Leq at sensitive receptor location**	CNEL at receptor location, resulting from 5-hour outdoor wedding function**
Anne's Garden	West Property Line	210ft	57dBA	57CNEL
Miraflores Courtyard	Butterfly Lane	107ft	62dBA	59CNEL
New Courtyard Area between Abravnel Hall and Miraflores	South of The Fairway	180ft	58dBA	57CNEL

** NOTE: Predicted levels do not account for additional attenuation from buildings, vegetation or topography. Actual levels may be lower than those presented here.

Assuming a worst-case ambient noise level of approximately 60dBA within the Courtyard, the PA system would need to generate a sound pressure level of approximately 70dBA over the audience area in order to achieve good speech-intelligibility. If two loudspeakers are used, oriented to point south from the Wood 2 building, and assuming an average sound pressure level of 70dBA at the rear of the audience (south side of New Courtyard, 80 feet from the loudspeakers), then the resultant average sound pressure level at the nearest property line (south of The Fairway, i.e. 280ft from the loudspeakers) would be approximately 60dBA. The 1-hour Leq due to this 20-minute level of 60dBA would be approximately 57dBA (since the 1-hour averaging time includes 40 minutes with no PA system noise), and the overall noise exposure at the nearest receptor location would still be 55CNEL (ie no significant increase in CNEL).

Indeed, if PA use was limited to 20 minutes within any 24-hour period, levels of up to 75dBA would be allowable at the property line without causing a significant increase in the existing ambient CNEL value. However, levels as high as this would probably be annoying to neighbors, even though they would not exceed County Thresholds.

Based on the above assumptions and the limitations listed in the "Summary and Mitigation Measures" section below, amplified speech would not exceed County Thresholds (although it may be audible at neighboring residences). Annoyance can be reduced by limiting PA System output to lower levels (see Mitigation Section, below).

Traffic Noise

The following vehicular traffic noise-exposure analysis is based on the Federal Highway Administration (FHWA) Traffic Noise Prediction Model (FHWA-RD-77-108).

Table 3 shows the existing and projected traffic volumes for the busiest (ie worst-case) period during the Summer Festival series (mid-July). According to the FHWA noise model, increased noise is related to increases in traffic volumes (ADT) by the following equation:

$$\text{Increase in CNEL} = 10 \log \frac{\text{future ADT}}{\text{current ADT}} \quad \text{Equation 2}$$

Based on Equation 2, therefore, a doubling of traffic volume would cause an increase of only 3dBA in the CNEL value. The last column in Table 3 shows the calculated increase in CNEL values caused by the anticipated increase in traffic flow due to this project. It can be seen that ***the ADT increases anticipated for this project will not cause any noticeable increase in 24-hour noise exposure (CNEL).***

TABLE 3
TRAFFIC-COUNT DATA (CURRENT AND AFTER PROJECT COMPLETION)
AND RESULTING CNEL INCREASES

Roadway Segment	Current Peak Summer ADT Volume	Project-Added ADT	Peak Summer volume after Project Completed	Increase in CNEL due to Project (Peak Summer)
The Fairway west of MAW driveway	2,300	75	2,375	0.1dB
The Fairway east of MAW driveway	1,300	58	1,358	0.2dB
Olive Mill Road south of Hwy 101	6,440	41	6,481	0.0dB

NOTES:
 Source for traffic counts: Associated Transportation Engineers.

SUMMARY AND MITIGATION MEASURES

All the noise sources addressed in this report will comply with County Thresholds, *provided the following conditions of use are met:*

Outdoor Non-Conservatory Functions (Weddings, Parties, Pre-Concert Picnics etc)

Outdoor events would not be attended by more than 480 people, should not exceed 10 hours' duration, and should not take place between 10pm and 7am. Outdoor music at such events would not be amplified, and would typically comprise small string and/or woodwind ensembles.

Portable Public Address (PA) System Noise

If the duration of amplified speech will not exceed 20 minutes within any 24-hour period, levels of 75dBA or lower are permissible at the nearest property line (south of The Fairway) without exceeding County thresholds, provided amplified speech does not occur between 7pm and 7am. If amplified speech noise levels are lower than 75dBA at the property line, progressively longer durations would be allowable (for example, 72dBA Leq for 1 daytime hour in any 24-hour period, 69dBA for 2 hours etc.). If amplified speech will be used during evening hours (7pm to 10pm), maximum allowable Leq at the nearest property line is 72dBA for 20 minutes, or 67dBA for 1 hour.

Compliance (and neighbor annoyance) is dependent upon the "volume" setting of the portable amplification equipment. We recommend that acoustical measurements be made when the project is complete, and an "absolute maximum allowable setting" be marked on the volume control. This setting should correspond to 65dBA Leq at the nearest property line on The Fairway, measured for a period of 20 minutes. This setting would then allow up to 1 hour of amplified voice at any time of day or evening (i.e. between 7am and 10pm), whilst still complying with County Thresholds. Once this maximum value is established, further experimentation could be carried out to determine how low the volume level can be set below this maximum whilst still maintaining good speech-intelligibility at the audience area. This would help minimize impacts on the nearest neighbors.

Traffic Noise

Project-generated traffic will not cause any significant increase in CNEL. No mitigation required.

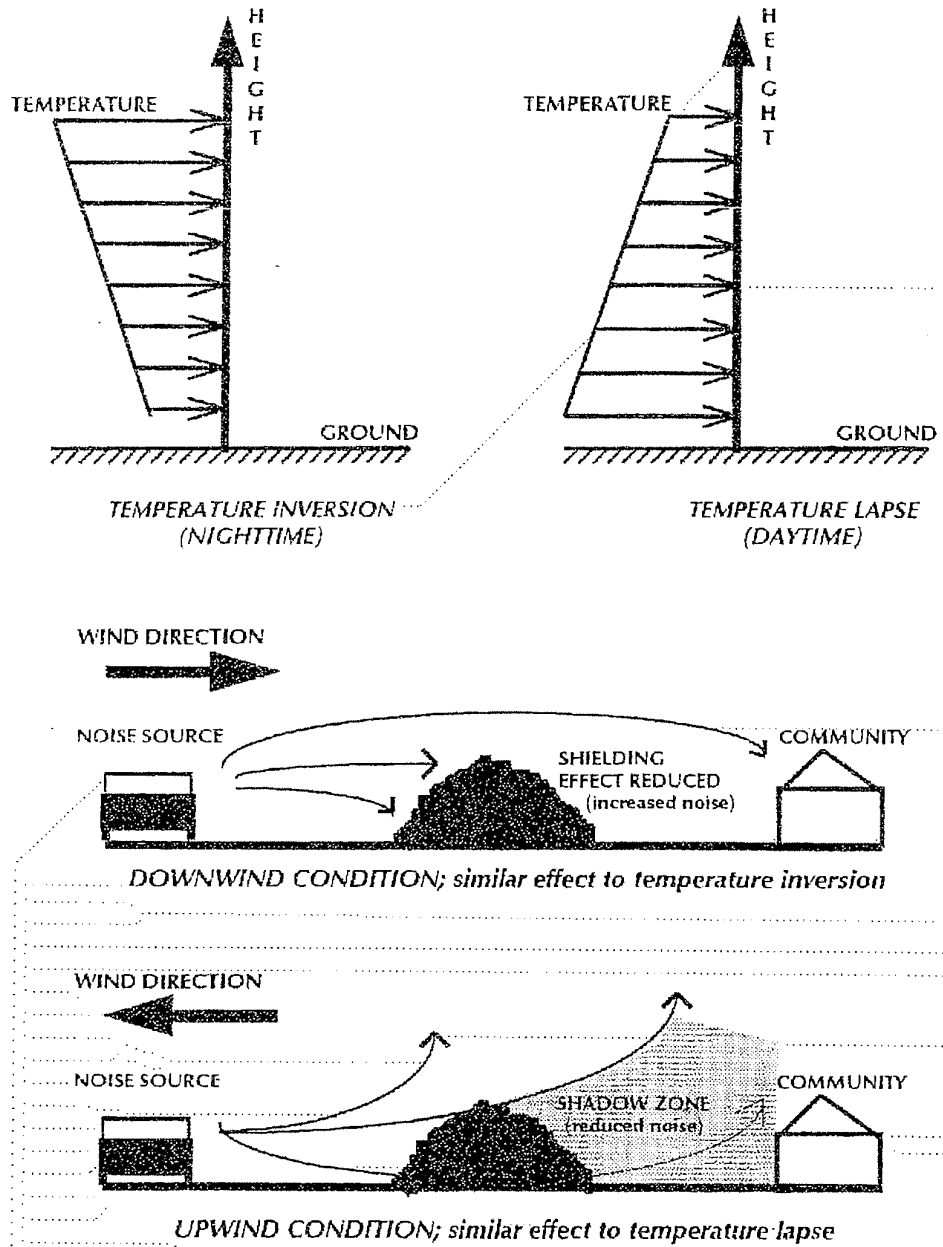
ATMOSPHERIC EFFECTS

It should be noted that atmospheric effects can significantly alter the characteristics of sound propagation. Wind and temperature inversions can account for changes in sound level of as much as ± 15 dBA at distant receptor locations, by bending the path of sound in the atmosphere. Figure 2 illustrates these effects, which have been documented over distances as short as 125 feet and as long as several miles.

Since the prevailing wind is onshore, it is anticipated that atmospheric effects could serve to increase event-related noise levels at receptors to the north of the freeway; however, it is anticipated that even if levels did increase, they would still conform with County thresholds north Hwy 101. Furthermore, the same atmospheric phenomenon would cause accompanying increases in freeway noise north of Hwy 101, thus increasing ambient levels and reducing audibility of event-related noise. South of the site, the onshore winds would tend to decrease freeway noise and at the same time decrease event-related noise; impacts would therefore remain as reported.

FIGURE 2

EFFECTS OF WIND AND TEMPERATURE ON SOUND PROPAGATION



APPENDIX A

Acoustical Terminology

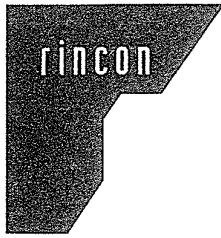
DECIBEL, dB	A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 microPascals.
A-WEIGHTED SOUND PRESSURE LEVEL	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear and gives good correlation with subjective reactions to noise. A-weighted decibels are denoted "dBA" or "dB(A)".
Leq	<i>Equivalent Sound Level.</i> The sound level containing the same total energy as a time-varying signal over a given sample period. Leq is typically computed over 1, 8 and 24-hour sample periods.
Ldn	<i>Day-Night Level.</i> The average equivalent sound level during a 24-hour day, obtained after addition of ten decibels to sound levels occurring in the night between 10:00 p.m. and 7:00 a.m. For typical vehicular traffic-flow conditions, the Ldn is normally within ± 1 dB of the measured peak-hour Leq.
CNEL	Community Noise Equivalent Level. The CNEL is a similar descriptor to Ldn; to calculate CNEL, ten decibels are added to sound levels between 10:00 p.m. and 7:00 a.m., and five decibels are added to the evening (7:00 p.m. to 10:00 p.m.) levels. The CNEL is typically within ± 1 dB of the Ldn.
SEL	<i>Sound Exposure Level.</i> The constant sound pressure level which, if maintained for a period of one second, would deliver the same A-weighted noise energy to the receiver as the actual event itself. The SEL is basically equivalent to the Leq, normalized over a time period of one second.

APPENDIX B

Hourly Noise Distribution for Hwy 101
 (in-house data from past measurements)

Hourly Leq distributions Assumed for Given CNEL Noise Exposure

<u>Hour Ending</u>	<u>BASE DATA</u>	<u>Butterfly Lane</u>	<u>The Fairway</u>	<u>SW Corner</u>	<u>Monte Cristo</u>
12	67	51	50	51	60
13	67	51	50	51	60
14	67	51	50	51	60
15	67	51	50	51	60
16	69	52	51	52	61
17	71	55	54	55	64
18	68	52	51	52	61
19	69	53	52	53	62
20	68	52	51	52	61
21	67	51	50	51	60
22	67	51	50	51	60
23	66	50	49	50	59
24	65	49	48	49	58
1	64	48	47	48	57
2	61	45	44	45	54
3	62	45	44	45	54
4	61	45	44	45	54
5	63	47	46	47	56
6	66	50	49	50	59
7	69	53	52	53	62
8	71	55	54	55	64
9	68	52	51	52	61
10	67	50	49	50	59
11	67	51	50	51	60
CNEL	72	56	55	56	65
Ldn	72	56	55	56	65



Rincon Consultants, Inc.

790 East Santa Clara Street
Ventura, California 93001

805 641 1000
FAX 641 1072

info@rinconconsultants.com
www.rinconconsultants.com

September 30, 2002

Natasha Heifetz Campbell
County of Santa Barbara
Planning and Development
123 E. Anapamu
Santa Barbara, CA 93101

Subject: Results of Onsite Noise Monitoring and Review of Acoustical Report

Rincon Consultants, Inc. has conducted a noise study for the proposed revision to the current Conditional Use Permit for the Music Academy of the West (MAW), located in unincorporated Santa Barbara County, in the community of Montecito. The proposed revision involves implementation of a site Master Plan. The purposes of the noise study are to determine whether or not the project would generate noise exceeding County standards and to determine the level of noise exposure that the project would experience as a result of traffic on Highway 101 and the Union Pacific Railroad.

The proposed Master Plan would result in physical changes as well as associated operational changes. Physical changes include a net increase in structural development of 65,230 square feet (SF) of floor area and an increased building footprint of 18,450 SF. No change is proposed or anticipated to the maximum number of students permitted under the existing CUP (up to 150 students).

This letter also documents the findings of our review of the environmental noise analysis prepared by Matthew Brooke of ArtNTek in January 2000 for the Music Academy of the West.

Project Location

The project site is located at 1070 Fairway Road, in the community of Montecito, California. The site and its nearest neighbors are currently exposed to vehicular traffic noise from Highway 101 and train noise from the Union Pacific Railroad, both to the north of the site. The site is bounded to the east by Butterfly Lane, and to the south and west by Fairway Road and several private residence lots.

Noise Characteristics and Measurement

Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound power levels to be consistent with that of human hearing response, which is most sensitive to frequencies around 4,000 Hertz (about the highest note on a piano) and less sensitive to low frequencies (below 100 Hertz).



In addition to the actual instantaneous measurement of sound levels, the duration of sound is important since sounds that occur over a long period of time are more likely to be an annoyance or cause direct physical damage or environmental stress. One of the most frequently used noise metrics that considers duration as well as sound power level is the equivalent noise level (L_{eq}). The L_{eq} is defined as the steady A-weighted level that is equivalent to the same amount of energy as that contained in the actual time-varying levels over a period of time. Typically, L_{eq} is summed over a one-hour period, expressed as $L_{eq}1H$.

The actual time period in which noise occurs is also important since noise that occurs at night tends to be more disturbing than that which occurs during the daytime. The State of California and many communities adopted the Community Noise Equivalent Level (CNEL) as a means to recognize this characteristic. The CNEL is equivalent to the weighted average of the hourly L_{eqs} over a 24-hour period. The weighting includes an addition of 10 dBA to nighttime noise levels and 5 dBA to evening noise levels to account for the greater amount of disturbance associated with noise at these time periods.

Santa Barbara County Noise Thresholds

The County of Santa Barbara has adopted noise policies in its Noise Element (1986). These policies establish both interior and exterior noise limits for noise compatibility, which are identified in the County of Santa Barbara Environmental Thresholds and Guidelines Manual (1995). The maximum noise exposure for indoor areas in noise-sensitive land uses is 45 dBA CNEL. The outdoor noise level standard for sensitive receptors is 65 dBA CNEL. Among the noise-sensitive receptors identified in the County Thresholds Manual are residential land uses, including single- and multi-family dwellings, and schools, either public or private.

Current On-Site Noise Conditions

Currently, the dominant source of noise affecting the project site and the adjacent sensitive receptors is vehicular traffic noise from Highway 101. Secondary noise sources include the railroad to the north, and vehicular traffic on Butterfly Lane and Fairway Road.

Existing noise conditions on the project site were determined through monitoring using an ANSI Type II integrating sound level meter. Sound levels were recorded for a 24-hour period from 11:00 AM on September 19, 2002 to 11:00 AM on September 20, 2002. Conditions occurring on the site at the time of the measurement included a temperature of 68 degrees Fahrenheit, cloudy skies, and wind speed of 1.3 mph. Construction noise from the adjacent property to the north could be heard at the site. The noise meter was located 160 feet east of Butterfly Lane, at the approximate location of the proposed MAW outdoor patio area. This location is about 500 feet south of Highway 101 and 430 feet from the Union Pacific Railroad. Instantaneous sound levels were measured, integrated, and recorded by the sound level meter in 10-second intervals. The sound level data collected included hourly



L_{eq} , hourly statistical sound levels (L_{90} , L_{50} , L_{33} and L_{10}), L_{max} , L_{min} , and peak noise events. These measurements are a single day sample of the local noise environment, and actual long-term levels may vary considerably.

The CNEL measured during this time period was 62.5 dBA, while the Ldn was 62.3 dBA. The statistical sound levels measured during this 24-hour period are shown in Figure 1, and the hourly equivalent sound levels are shown in Figure 2.

Figure 1 Statistical Sound Levels

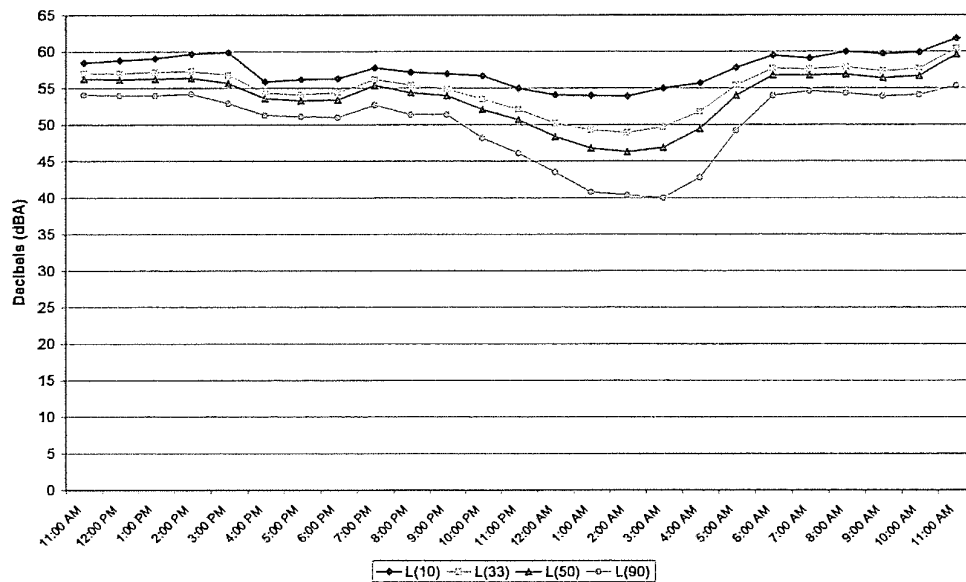


Figure 1 illustrates that the site experiences a relatively constant sound level with little variation over the 24-hour period. The L_{50} (that level exceeded 50% of the time) averaged 53.7 dBA with an hourly maximum of 59.6 dBA and a minimum of 46.3 dBA. Noise levels are slightly higher during the morning to early afternoon hours, which is most likely due to the presence of construction noise occurring on the adjacent property. The nighttime low occurred at about 2 AM.



Figure 2 Hourly Equivalent Sound Level (Leq)

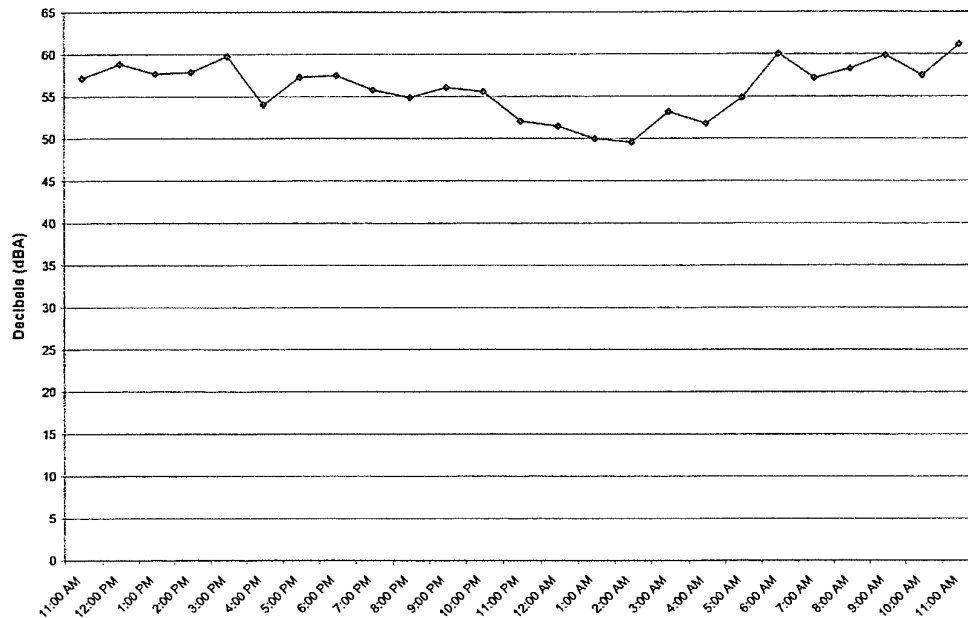


Figure 2 illustrates the hourly equivalent sound level (L_{eq}) during the noise measurement period for the site. While the statistical noise environment is controlled by the relatively constant flow of traffic along the freeway and arterials, the equivalent sound level is substantially affected by punctuated noise events. Because the CNEL is based on the L_{eq} , which is weighted by 10 dB during the nighttime hours because of sleep disturbance effects, the noise experienced at the site at night is an important contributor to the overall CNEL measured at the site. Nighttime levels at the site (12 am – 8 am) ranged from 49.6-60.1 dBA.

The noise measurements serve as an aid in calibrating the noise models used to estimate long-term sound levels associated with the transportation corridors. Existing and future noise levels associated with existing traffic along U.S. Highway 101 were estimated using the California Vehicle Noise Emission Levels (Caltrans, January 1987) and standard noise modeling equations adapted from the Federal Highway Administration noise prediction model. Existing average daily traffic volumes (ADT) for Highway 101 were obtained from the California Department of Transportation (Caltrans, 2002), and the future levels (2020) were obtained from County of Santa Barbara (SBCAG, 1999).

The location of the 24-hour noise measurement is about 500 feet from Highway 101 centerline. The calculated CNEL at this location is 62.4 dBA without consideration of the noise reducing effects of barriers or walls. Based upon future average daily traffic (ADT) counts for the freeway, which take into consideration the widening plans for the freeway, the calculated 2020 CNEL for the site at this location is 63.1 dBA. Therefore, the anticipated



increase in traffic volume estimated for the freeway would result in an increase of 0.7 dBA, which is not audible to the human ear.

The calculated CNEL for the site (62.4 dBA) corresponds closely to the CNEL from the measured sample (62.5 dBA). Neither of these results exceed the County's 65 dBA CNEL exterior standard for noise-sensitive land uses. Therefore, no mitigation is required.

Review of Music Academy Noise Study

An acoustical analysis was prepared by Matthew Brooke of ArtNTek in January of 2000. This report analyzed whether outdoor activities at the Music Academy of the West, or the increase in traffic associated with the improvements to the facility would result in a significant impact on nearby sensitive receptors, and to provide mitigation measures where appropriate. Existing noise conditions were determined by a combination of onsite noise measurements and previously gathered noise data from a nearby location.

The ArtNTek study measured ambient noise conditions at four locations on the project site in December 1999. The results from the monitoring found the ambient levels to range between 54-64 dBA. The CNEL values for various locations on the site were extrapolated from previously gathered noise data taken from the San Ysidro exit on Highway 101. The CNEL calculated for the site using this method ranged from 55-56 dBA.

The results of the ArtNTek 1999 measurements are consistent with noise levels found currently on the site. The location of the 24-hour monitoring is closest to Location # 4 (Butterfly Lane), of the ArtNTek study. The noise levels at this location ranged from 54-56 dBA in 1999, and results taken in 2002 for similar times of the day ranged from 54-57.9 dBA.

The ArtNTek study calculated the CNEL for this location to be 56 dBA, which is considerably lower than the CNEL from the 24-hour monitoring data (62.5 dBA), and from the CNEL calculated using the FHA noise prediction model (62.4 dBA). Since the method of CNEL calculation was not given in the ArtNTek study, the explanation for the lower level is not entirely clear.

We generally concur with the findings of the ArtNTek study, but suggest that the CNEL estimates based upon our measurements/calculations are more reflective of actual onsite conditions. We also believe that the mitigation approach suggested in the ArtNTek study may be too complex for effective enforcement. In order to mitigate noise impacts from amplified voice to sensitive receptors, we suggest simply limiting amplified sound at the property line to 65 dBA. This is consistent with County standards and would be easier to measure and enforce. Also, because 65 dBA is less than 3 dBA over ambient noise, such a level generally would not be noticeable.





If you have any questions about this correspondence, please do not hesitate to contact us.

Sincerely,
RINCON CONSULTANTS, INC.

Joanne Dramko, MESM
Associate

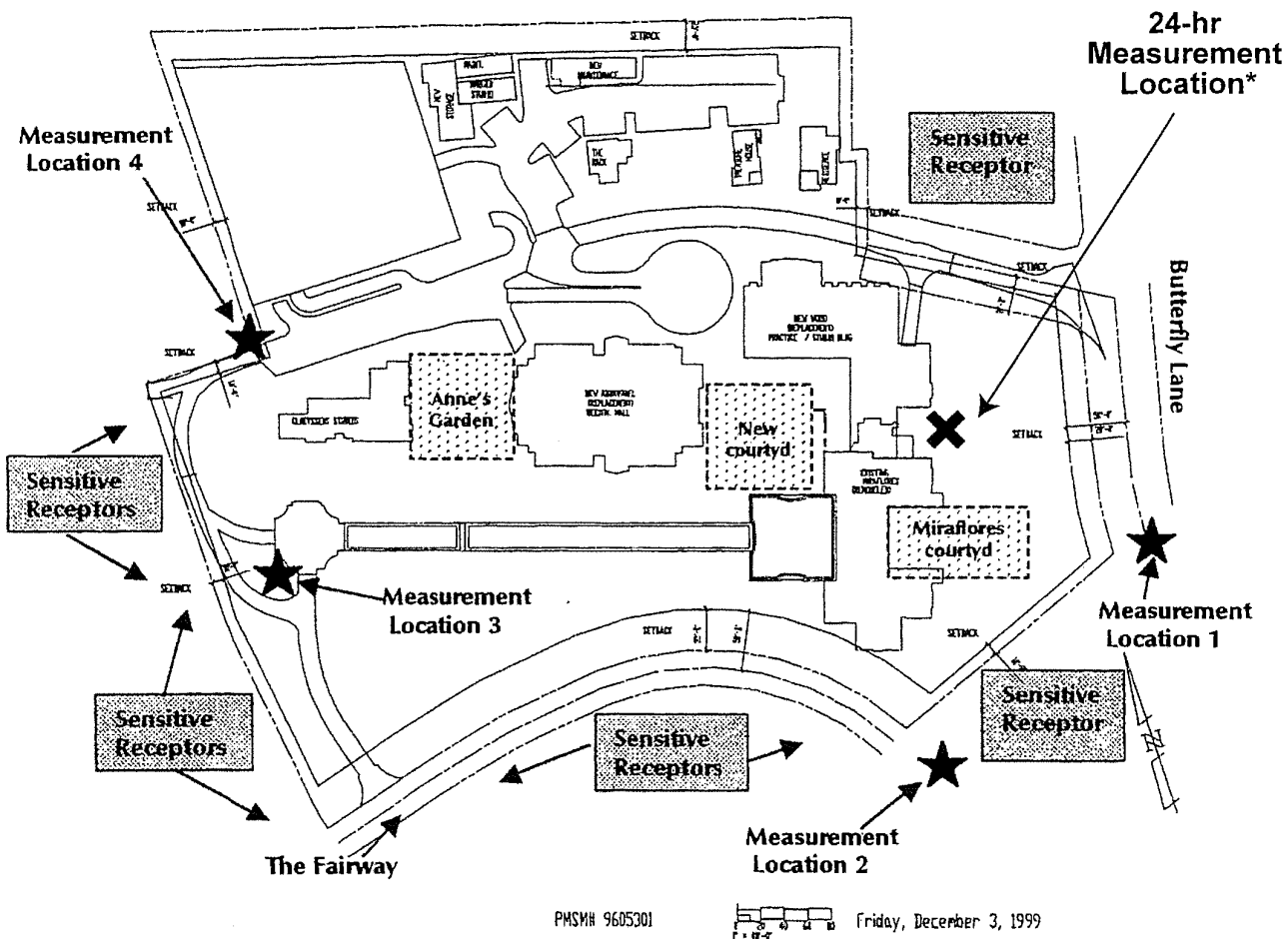
Joe Power, AICP
Planning Manager

Attachment: Noise Measurement Location Map, Noise Calculations

RECEIVED

OCT 01 2002

S.B. COUNTY
PLANNING & DEVELOPMENT



* September 19-20, 2002

Noise Measurement Location

Music Academy of the West 24-hour Noise Measurement Data
 C:\LARDAV\SLMUTIL\MUSIC.bin Interval Data

Date	Time	Meas										
		Duration	Leq	SEL	Lmax	Lmin	Peak	Uwpk	L(10)	L(33)	L(50)	L(90)
19Sep 02	11:00:00	3600	57.2	92.8	78	49.6	90.4	0	58.5	57	56.3	54.1
19Sep 02	12:00:00	3600	58.9	94.5	90.3	50.7	100.5	102.1	58.8	57	56.2	54
19Sep 02	13:00:00	3600	57.7	93.3	82.7	48.1	93.4	100.2	59.1	57.2	56.3	54
19Sep 02	14:00:00	3600	57.9	93.5	85.2	49.4	97.8	102.1	59.7	57.3	56.4	54.2
19Sep 02	15:00:00	3600	59.8	95.4	89.8	48.8	101.4	103.7	59.9	56.8	55.7	52.9
19Sep 02	16:00:00	3600	54	89.5	65.9	46.6	80.5	97.7	55.9	54.3	53.6	51.3
19Sep 02	17:00:00	3600	57.3	92.8	87.2	47.6	97.8	102.1	56.2	54.1	53.3	51.1
19Sep 02	18:00:00	3600	57.5	93.1	88.5	45.8	100	102.1	56.3	54.4	53.4	51
19Sep 02	19:00:00	3600	55.8	91.3	66.5	45.6	87.1	0	57.8	56.2	55.4	52.7
19Sep 02	20:00:00	3600	54.9	90.5	64.7	46.8	76.5	0	57.2	55.4	54.4	51.4
19Sep 02	21:00:00	3600	56.1	91.7	84.9	47.2	96.1	100.2	57	54.9	54	51.4
19Sep 02	22:00:00	3600	55.6	91.2	75	42.7	86.8	97.7	56.7	53.5	52.1	48.2
19Sep 02	23:00:00	3600	52.1	87.7	68.9	38.9	82.3	0	55	52.1	50.7	46.1
20Sep 02	0:00:00	3600	51.5	87.1	69.5	38	81.2	100.2	54.1	50.2	48.4	43.5
20Sep 02	1:00:00	3600	50	85.6	63.8	35.6	75.3	0	54	49.3	46.8	40.8
20Sep 02	2:00:00	3600	49.6	85.2	62.4	35.9	88.6	0	53.9	48.9	46.3	40.4
20Sep 02	3:00:00	3600	53.2	88.8	74.4	35.2	87.6	97.7	55	49.7	46.9	40
20Sep 02	4:00:00	3600	51.8	87.4	64.5	35.9	75.6	0	55.7	51.8	49.5	42.8
20Sep 02	5:00:00	3600	54.9	90.5	64.2	41.2	77.3	0	57.8	55.4	54	49.2
20Sep 02	6:00:00	3600	60.1	95.7	90.5	47.1	102.6	105	59.5	57.7	56.8	54
20Sep 02	7:00:00	3600	57.2	92.7	66.5	50.7	76.9	0	59.1	57.6	56.8	54.6
20Sep 02	8:00:00	3600	58.3	93.9	88.3	49.1	98.7	102.1	60	57.9	56.9	54.3
20Sep 02	9:00:00	3600	59.9	95.5	89.8	47.2	102.7	105	59.7	57.3	56.4	53.9
20Sep 02	10:00:00	3600	57.5	93.1	74	50.2	87.6	0	59.9	57.7	56.7	54.1
20Sep 02	11:00:00	3600	61.2	96.8	92.5	49.9	103.2	105	61.8	60.4	59.6	55.3

Date	Time	Leq	Ldn Time Factor	CNEL Time Factor
19Sep 02	11:00 AM	57.2	0	776247.117
19Sep 02	12:00 PM	58.9	0	588843.655
19Sep 02	1:00 PM	57.7	0	616595.002
19Sep 02	2:00 PM	57.9	0	954992.586
19Sep 02	3:00 PM	59.8	0	251188.643
19Sep 02	4:00 PM	54	0	537031.796
19Sep 02	5:00 PM	57.3	0	562341.325
19Sep 02	6:00 PM	57.5	0	380189.396
19Sep 02	7:00 PM	55.8	0	309029.543
19Sep 02	8:00 PM	54.9	0	407380.278
19Sep 02	9:00 PM	56.1	5	1288249.55
19Sep 02	10:00 PM	55.6	0	363078.055
19Sep 02	11:00 PM	52.1	0	162181.01
20Sep 02	12:00 AM	51.5	10	1412537.54
20Sep 02	1:00 AM	50	10	1000000
20Sep 02	2:00 AM	49.6	10	912010.839
20Sep 02	3:00 AM	53.2	10	2089296.13
20Sep 02	4:00 AM	51.8	10	1513561.25
20Sep 02	5:00 AM	54.9	10	3090295.43
20Sep 02	6:00 AM	60.1	10	10232929.9
20Sep 02	7:00 AM	57.2	10	5248074.6
20Sep 02	8:00 AM	58.3	10	6760829.75
20Sep 02	9:00 AM	59.9	0	977237.221
20Sep 02	10:00 AM	57.5	0	562341.325
20Sep 02	11:00 AM	61.2 Ave for 11am:	0	1318256.74
			Ldn:	62.3 CNEL: 62.5

ROADWAY TRAFFIC NOISE

Project: Music Academy of the West Project No.
 Date: 30-Sep-02
 Roadway: Highway 101

PROJECT DATA and ASSUMPTIONS

Vehicle Reference Energy Mean Emission Levels (FHWA 1977, TNM®, or CALVENO): TNM
 Distance to Receptor: 500 feet
 Site Condition (Hard or Soft): Soft
 Upgrade longer than 1 mile: 0 %
 Existing Total Traffic Volume (ADT): 91,000 vehicles
 Ambient Growth Factor: 0.0%
 Future Year: 2020
 Total Project Volume (ADT): vehicles
 Total Cumulative Growth Volume (ADT): 15900 vehicles
 Source of Traffic Data: Caltrans, 2002 and SB County, 1999

Daily Vehicle Mix

	Existing	Project	Future
Automobile	90.0%	90.0%	90.0%
Medium Truck	5.0%	5.0%	5.0%
Heavy Truck	5.0%	5.0%	5.0%

Source: Assumed given land use and road characteristics

Percentage of Daily Traffic

	Existing and Future		
	Day (7 am-7 pm)	Evening (7-10 pm)	Night (10 pm - 7 am)
Automobile	77.5%	12.9%	9.6%
Medium Truck	84.8%	4.9%	10.3%
Heavy Truck	86.5%	2.7%	10.8%

Source: Default Assumption

	Project		
	Day (7 am-7 pm)	Evening (7-10 pm)	Night (10 pm - 7 am)
Automobile	100.0%	0.0%	0.0%
Medium Truck	100.0%	0.0%	0.0%
Heavy Truck	100.0%	0.0%	0.0%

Source: Default Assumption

Average Speed

	Existing		
	Day (7 am-7 pm)	Evening (7-10 pm)	Night (10 pm - 7 am)
Automobile	35	35	35
Medium Truck	35	35	35
Heavy Truck	35	35	35

Source: Assumed average speed

	Future		
	Day (7 am-7 pm)	Evening (7-10 pm)	Night (10 pm - 7 am)
Automobile	35	35	35
Medium Truck	35	35	35
Heavy Truck	35	35	35

Source: Assumed average speed

ROADWAY TRAFFIC NOISE

Project: Music Academy of the West
 Date: 30-Sep-02

Project No. 0

Roadway: Highway 101

Vehicle Noise Emission Levels*: TNM

RESULTS

DAY-NIGHT AVERAGE LEVEL (Ldn)

	Ldn at Site 500 feet from road centerline	Distance to dBA Contour Line from roadway centerline, feet				
		75	70	65	60	55
Existing	62.0 dBA	68	147	316	681	1467
Existing + Project	62.0 dBA	68	147	316	681	1467
Future with Ambient Growth	62.0 dBA	68	147	316	681	1467
Future with Ambient Growth and Project	62.0 dBA	68	147	316	681	1467
Future with Ambient Growth and Cumulative Projects	62.7 dBA	76	163	352	758	1634
Future with Ambient, Cumulative, and Project Growth	62.7 dBA	76	163	352	758	1634

Change in Noise Levels

Due to Project	0.0 dBA
Due to Ambient Growth	0.0 dBA
Due to Ambient and Cumulative	0.7 dBA
Due to All Future Growth	0.7 dBA

COMMUNITY NOISE EXPOSURE LEVEL (CNEL)

	CNEL at Site 500 feet from road centerline	Distance to dBA Contour Line from roadway centerline, feet				
		75	70	65	60	55
Existing	62.4 dBA	72	155	333	717	1546
Existing + Project	62.4 dBA	72	155	333	717	1546
Future with Ambient Growth	62.4 dBA	72	155	333	717	1546
Future with Ambient Growth and Project	62.4 dBA	72	155	333	717	1546
Future with Ambient Growth and Cumulative Projects	63.1 dBA	80	172	371	799	1721
Future with Ambient, Cumulative, and Project Growth	63.1 dBA	80	172	371	799	1721

Change in Noise Levels

Due to Project	0.0 dBA
Due to Ambient Growth	0.0 dBA
Due to Ambient and Cumulative	0.7 dBA
Due to All Future Growth	0.7 dBA

*NOTES: Based on algorithms from the Federal Highway Administration "Traffic Noise Model @", FHWA-PD-96-010, January, 1998.

#N/A = Not Applicable

September 1, 2021
45dB Project #21023

<p>Acoustics Analysis: Music Academy of the West 1070 Fairway Rd Santa Barbara, CA 93108</p>	<p>Requested by: Suzanne Elledge Planning & Permitting Services, Inc. 1625 State St, Suite 1 Santa Barbara, CA 93101</p>	<p>Client/Owner: Music Academy of the West Attn: Mimi Do 1070 Fairway Rd Santa Barbara, CA 93108</p>
---	---	---

Executive Summary

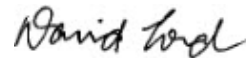
45dB Acoustics, LLC (“45dB”) has described and acoustically modeled typical amplified voice and music sound levels for cultural events having amplified speech and/or non-amplified acoustic music at seven outdoor areas at the above address. Prior noise analysis assumed outdoor music would not be amplified, and would typically comprise small string and/or woodwind ensembles.

Using SoundPLAN® to model sound level contours, we have concluded that sound levels will not exceed the 65dBA CNEL exterior noise limits of the County’s Thresholds and Guidelines at the property lines for a typical 3-hour evening event ending at 10pm with limited amplified speech and/or non-amplified acoustic music levels (i.e., below 79 dBA at 10 feet) at the Kinnear Fountain or in the Bock and Williams Gardens, and livelier events in all other locations (84 dBA at 10 feet). Two of these locations (Anne’s Garden and Kuehn Court) should limit events to two hours or less. Maximum sound levels from the events may exceed ambient levels at residential property lines and may require review/approval by the County per CEQA guidelines. The County Code is anticipated to be complied with, assuming events comply with the hours set forth in the Code.

for 45dB Acoustics, LLC



Sarah Taubitz



David Lord, Ph.D.

This report (including any enclosures and attachments) has been prepared for the exclusive use and benefit of the addressee(s) and solely for the purpose for which it is provided. No part of this report shall be reproduced, distributed or communicated to any third party without written permission. We do not accept any liability if this report is used for an alternative purpose from which it is intended, nor to any third party.

Contents

Executive Summary.....	i
1 Introduction.....	1
2 Compliance Requirements	4
2.1 Federal Regulation.....	4
2.2 State Regulation	4
2.2.1 State CEQA Guidelines	4
2.3 Local Regulation	5
3 Modeled Exterior Noise Levels and Compliance Prediction	7
3.1 Local Traffic.....	7
3.2 Local Railroad Schedule and Noise Levels	7
3.3 Existing Noise Environment	9
3.4 Event Sound Levels.....	11
4 Determination/Prediction of Compliance	12
4.1 Typical Event Program	12
4.2 Maximum Sound Levels at Property Lines During Events	17
5 Conclusions and Recommendations	18
5.1 Self-Management of Sound Levels.....	19
6 Appendix.....	20
6.1 Characteristics of Sound.....	20
6.2 Terminology/Glossary.....	21
6.3 SoundPLAN Acoustics Software.....	23
6.4 Characteristics of Sound	24
7 References	27

List of Figures

Figure 1: Music Academy of the West Site Plan with Outdoor Zones 2

Figure 2: 3D Acoustic Model..... 3

Figure 3: Santa Barbara County Code of Ordinances, Section 40-2..... 5

Figure 4: Santa Barbara County Environmental Thresholds and Guidelines, Section 13.B.3 (Reprinted) .. 6

Figure 5: Comparison of Various Railroad Noise Levels..... 8

Figure 6: CNEL Noise Contours for Ambient Conditions with Highway and Railroad Noise 10

Figure 7: CNEL Noise Contours for 3-Hour Event in Bock & Williams Gardens with Source Power Level of 105 dBA..... 13

Figure 8: CNEL Noise Contours for 3-Hour Event at Kinnear Fountain with Source Power Level of 105 dBA 14

List of Figures

Table 1: Traffic Count Data and 2021 Projections 7

Table 2: CNEL Levels at at Property Line Receiver Locations for Each Event Zone, with Source Power Levels at 105 dBA (dBA) 15

Table 3: CNEL Levels at at Property Line Receiver Locations for Events in Zones 3/4 and 11, with Source Power Levels at 100 dBA (dBA) 16

Table 4: Maximum Sound Levels at Selected Property Line Receiver Locations for Events at Each Outdoor Zone 17

Table 5: Examples of sound pressure levels 20

Table 6: Sound Level Change Relative Loudness/Acoustic Energy Loss 20

Table 7: How Loud are Things? (<https://chchearing.org/noise/common-environmental-noise-levels/>) 25

Table 8: Sound Level Change Relative Loudness/Acoustic Energy Loss 26

1 Introduction

This sound level assessment is submitted as supporting information for the Conditional Use Permit (CUP) Amendment for the Music Academy of the West that includes various changes to the site as well as the reintroduction of cultural ceremonies to be held at seven different outdoor spaces on the property. They expect to have up to 15 events per year, with maximum attendance of up to 225 people. Events would include amplified spoken voice and non-amplified acoustic music and would end by 10:00pm.

Prior noise analysis assumed outdoor music would not be amplified, and would typically comprise small string and/or woodwind ensembles.

This report analyzes the seven potential event locations, or zones, on the property for predicted compliance with Santa Barbara County's Environmental Thresholds and Guidelines Manual, as well as California Environmental Quality Act (CEQA).

The following factors are considered:

- The topographical relationship of amplified noise sources and the nearby potential sensitive receptors
- Identification of noise sources and their characteristics, and evaluation of predicted sound levels at the site's property lines
- Factors affecting sound level prediction at the property line, noise attenuation measures to be applied (if any), and analysis of the noise propagation considering the physical layout of the built environment
- Information on fundamentals of noise and vibration to aid in interpreting the report

The Music Academy of the West is located in Montecito, an unincorporated community in Santa Barbara County, approximately 2.5 miles east of downtown Santa Barbara, CA. The property is bordered on the north by the Union Pacific Railroad (UPRR) and Highway 101. A pedestrian railroad crossing at Butterfly Lane is also located to the northeast of the property. Road noise from Highway 101 and train noise from UPRR are expected to be the dominant sources of noise.

The site plan is shown below in Figure 1 along with the seven numbered outdoor spaces analyzed within this report. The locations include:

- Zone 1: Anne's Garden
- Zone 2/2.5: Holden Encore Society Garden/Presidents Garden
- Zone 3/4: Bock Garden/Williams Garden
- Zone 5: Kuehn Court
- Zone 7: Towbes Court
- Zone 9: Lind Patio
- Zone 11: Kinnear Fountain

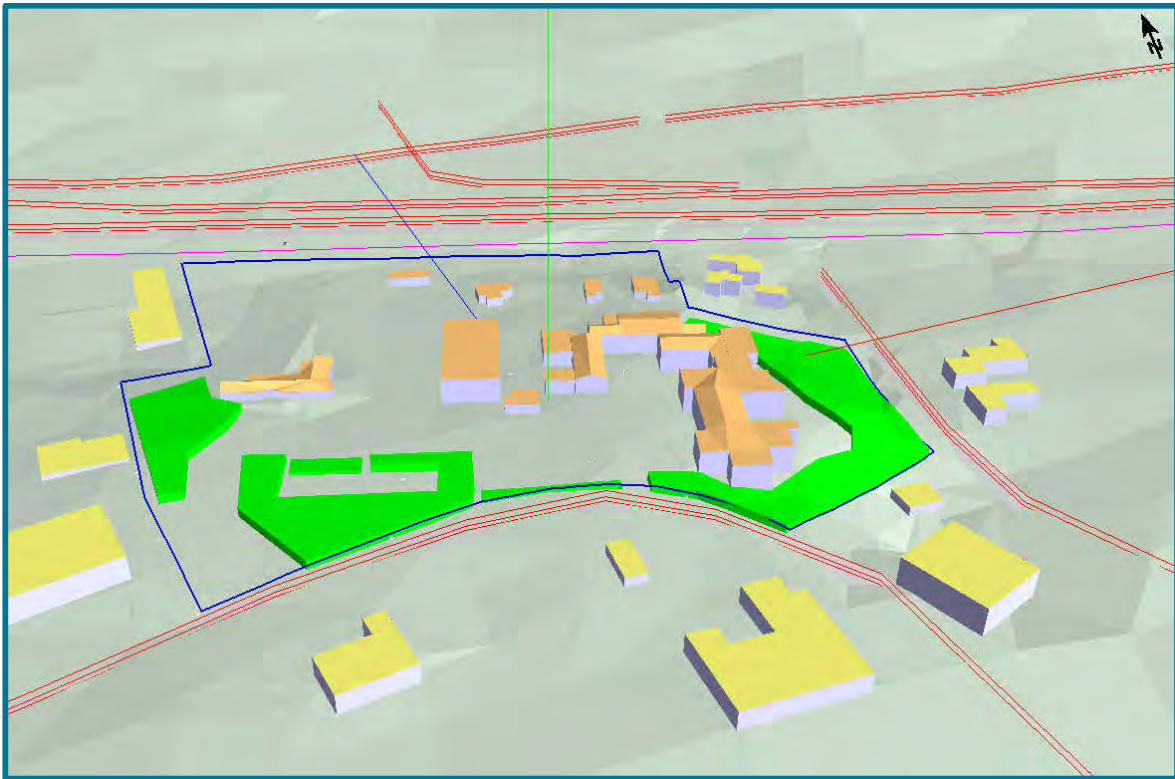
Figure 1: Music Academy of the West Site Plan with Outdoor Zones



Each zone has been acoustically modeled individually for a typical 2-hour evening event from 8-10pm. Compliance was evaluated, and conclusions drawn from these results.

Figure 2 shows the geometric setup within the acoustic model. Terrain (elevation data) is imported from Google Earth. Roads are shown as red lines and the railroad is shown as a pink line. The green areas represent dense bushes and/or trees. The blue line represents the property line around the perimeter of the site. Buildings are modeled with perfectly reflective surfaces for conservatively high resulting outdoor sound pressure levels.

Figure 2: 3D Acoustic Model



2 Compliance Requirements

Noise regulations are addressed by federal, state, and local government agencies, discussed below. Local policies are generally adaptations of federal and state guidelines, adjusted to prevailing local condition.

2.1 Federal Regulation

The adverse impact of noise was officially recognized by the federal government in the Noise Control Act of 1972, which serves three purposes:

- a) Promulgating noise emission standards for interstate commerce.
- b) Assisting state and local abatement efforts.
- c) Promoting noise education and research.

The Department of Transportation (DOT) assumed a significant role in noise control. The Federal Aviation Administration (FAA) regulates noise of aircraft and airports. Surface transportation system noise is regulated by the Federal Transit Administration (FTA). Freeways that are part of the interstate highway system are regulated by the Federal Highway Administration (FHWA). The Federal Railway Administration (FRA) regulates train traffic and subsequently train noise.

The nearest airport, Santa Barbara Airport, is located 11 miles west of the project and published noise contours do not affect the vicinity of this project. The most significant transportation noise sources are the local train line and Highway 101, located directly north of the property, and are modeled in this case to determine accurate background (i.e. non-Project related) noise levels.

2.2 State Regulation

2.2.1 State CEQA Guidelines

The significance of environmental noise impacts resulting from a proposed project may be evaluated based on the California Environmental Quality Act (CEQA) guidelines. CEQA asks the following applicable questions. These will be answered in Section 0.

Would the project result in:

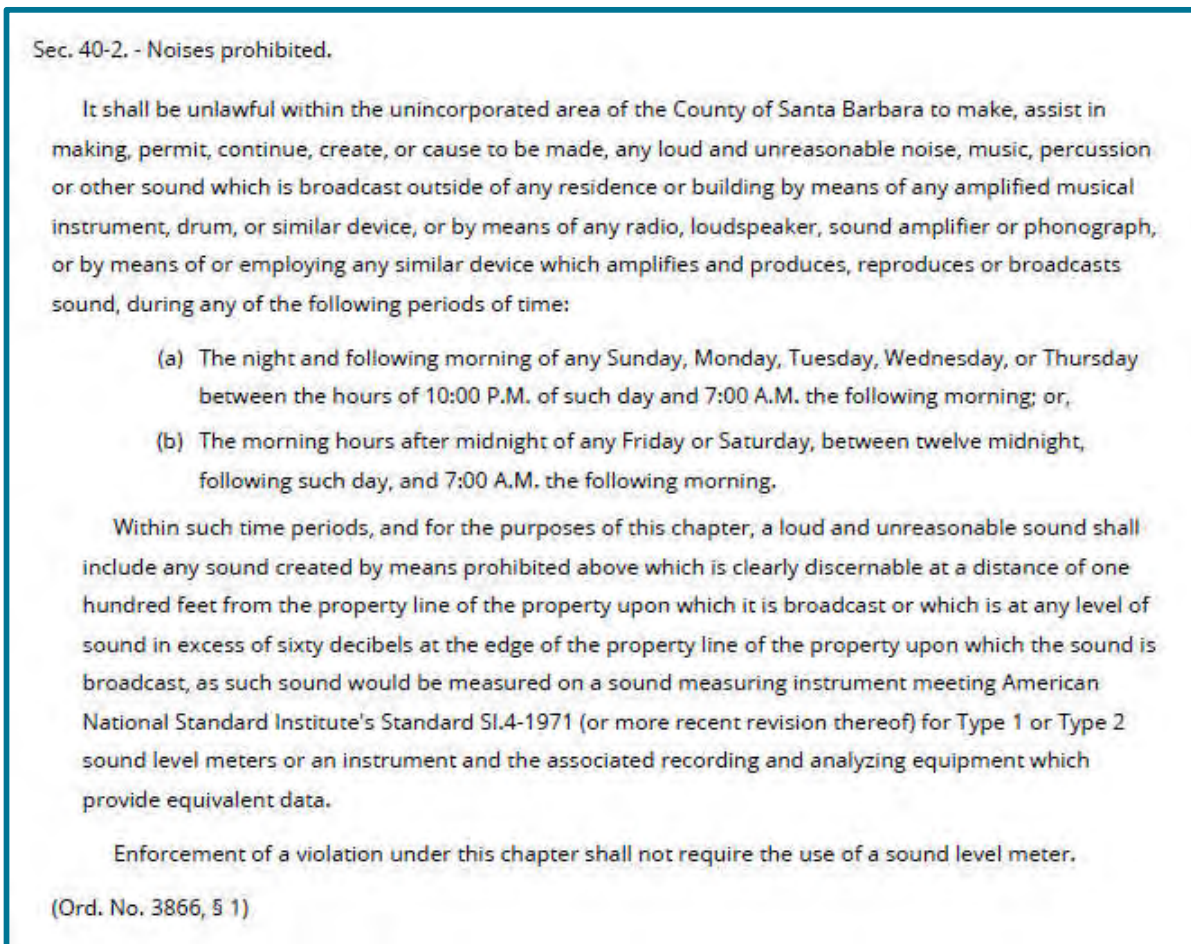
- *exposure of persons to or generation of noise levels in excess of standards established in the local General Plan or Noise Ordinance, or applicable standards of other agencies?*
- *exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?*
- *a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

- *a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

2.3 Local Regulation

The Santa Barbara County Code of Ordinances, reprinted in Figure 3 below, describes the various types of noise or amplified music that are prohibited during nighttime hours, which are between 10pm and 7am on Sunday through Thursday and between midnight and 7am on Friday and Saturday.

Figure 3: Santa Barbara County Code of Ordinances, Section 40-2



Although the County Code of Ordinances does not specify any daytime limits, the Santa Barbara County Environmental Thresholds and Guidelines Manual, Section 13.B.3, reprinted below in Figure 4, states that the proposed development may not generate CNEL levels above 65 dB(A) beyond its property lines. Community Noise Equivalent Levels, “CNEL”, are a 24-hour

equivalent level that includes a 5dB penalty for evening hourly levels and a 10dB penalty for nighttime hourly levels. See the Appendix for more background information about sound levels.

Figure 4: Santa Barbara County Environmental Thresholds and Guidelines, Section 13.B.3 (Reprinted)

3. **Noise thresholds.** The following are thresholds of significance for assisting in the determination of significant noise impacts. The thresholds are intended to be used with flexibility, as each project must be viewed in its specific circumstances.
 - a. A proposed development that would generate noise levels in excess of 65 dB(A) CNEL and could affect sensitive receptors would generally be presumed to have a significant impact.
 - b. Outdoor living areas of noise sensitive uses that are subject to noise levels in excess of 65 dB(A) CNEL would generally be presumed to be significantly impacted by ambient noise. A significant impact would also generally occur where interior noise levels cannot be reduced to 45 dB(A) CNEL or less.
 - c. A project will generally have a significant effect on the environment if it will increase substantially the ambient noise levels for noise-sensitive receptors adjoining areas. Per item a., this may generally be presumed when ambient noise levels affecting sensitive receptors are increased to 65 dB(A) CNEL or more. However, a significant effect may also occur when ambient noise levels affecting sensitive receptors increase substantially but remain less than 65 dB(A) CNEL, as determined on a case-by-case level.

Additionally, the Environmental Thresholds and Guidelines also refers to CEQA as a potential additional method of evaluation for a “substantial” increase in noise levels. As this leaves room for interpretation, we attempt to discuss the potential for substantial temporary increase later in this report.

3 Modeled Exterior Noise Levels and Compliance Prediction

All sound level contours in this report, unless otherwise specified, are presented as CNEL levels in units of A-weighted decibels (dBA) for direct comparison to the County Thresholds.

Reflection from the buildings and terrain, the attenuation due to ground cover (e.g., concrete, lawn, etc.), and air properties all affect the propagation of noise and resulting sound levels, and are included in the acoustic models presented. The ISO 9613 calculation standard implemented into SoundPLAN® conservatively assumes downwind propagation in all directions from noise sources.

3.1 Local Traffic

Traffic counts in annual average daily traffic (AADT) are input directly into SoundPLAN®, which predicts exterior (outdoor) noise levels due to those noise sources. Traffic counts have been provided for Highway 101 and the nearby on-and off-ramps by the State of California traffic for Coast Village Road was provided by the City of Santa Barbara, as shown in Table 111. Traffic counts for the applicable roads and interstate highway were increased by 1% per year to 2021 for present-day noise contours.

Table 1: Traffic Count Data and 2021 Projections

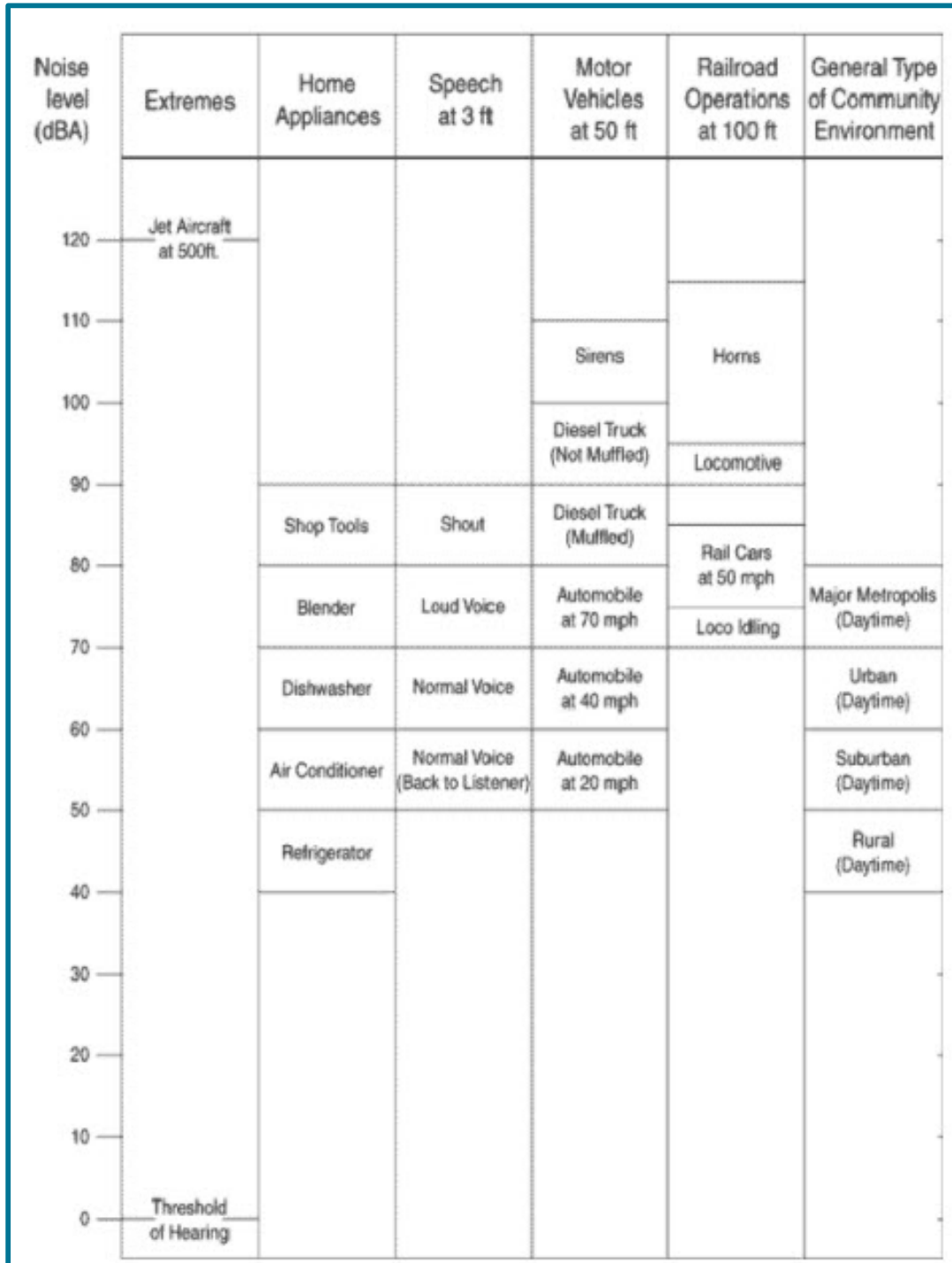
Road	AADT	Year	Years to Project	2021 AADT Projection with 1% Annual Growth
Highway 101	64700	2019	2	66000
Ramp Hwy 101 NB to Hermosillo	920	2017	4	957
Ramp Hwy 101 NB to Hwy 225	2100	2017	4	2185
Ramp Hwy 225 to Hwy 101 SB	5100	2017	4	5307
Coast Village Rd (E of Butterfly Ln)	11326	2016	5	11904
Coast Village Rd (W of Hermosillo)	13809	2017	4	14370

Sources: <https://dot.ca.gov/programs/traffic-operations/census>,
<https://www.santabarbaraca.gov/gov/depts/pw/stmain/traffic/default.asp>

3.2 Local Railroad Schedule and Noise Levels

Passenger and freight trains use the railroad tracks directly north of the property. The Amtrak Pacific Surfliner and Coast Starlight lines currently (as of April 2021) have 9 trains scheduled to pass by daily between 6am and 10pm and at 12:30am. Additionally, an average of two freight trains pass the site each day. A pedestrian crossing is located northeast of the property at the intersection with Butterfly Lane; trains are required to sound a warning horn for approximately 15 seconds as they approach each crossing. A chart of typical railroad sound levels is provided in Figure 5 below.

Figure 5: Comparison of Various Railroad Noise Levels



Source: <https://railroads.dot.gov/environment/noise-vibration/horn-noise-faq>

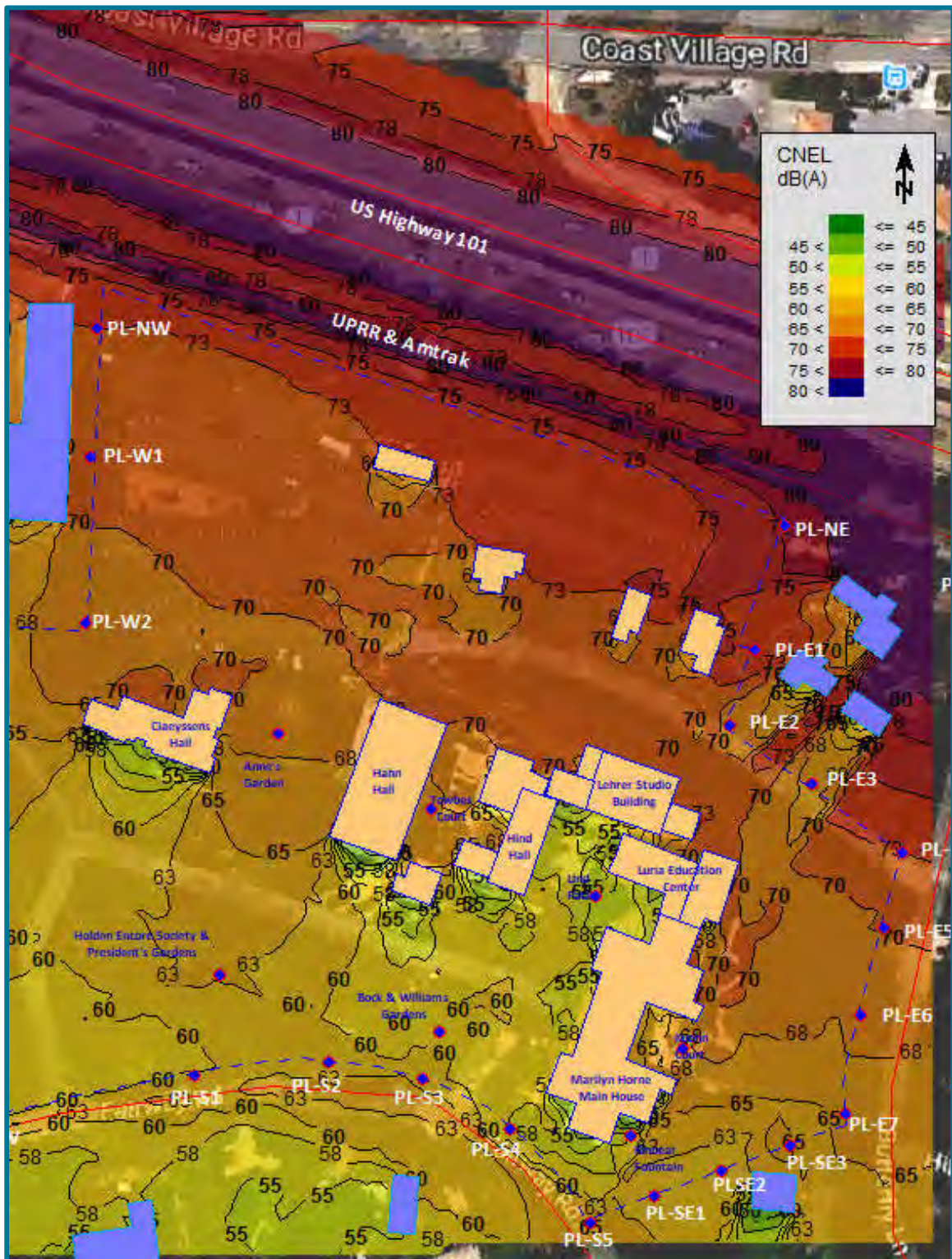
3.3 Existing Noise Environment

Figure 6 below shows the CNEL noise contours around the property due to the existing traffic and railroad noise sources. The SoundPLAN[®] noise model uses imported images from the Project plan as needed for the site layout. Linear noise sources for roads and highways are modeled with Federal Highway Administration Transportation Noise Model using the current and future traffic counts and added to the site plan.

Railroad noise is modeled as a linear sound source based on the train schedule and expected locomotive, rail car, and horn source levels, as discussed in Section 3.2. Noise contours due to the train horn are shown radiating from the pedestrian walkway at the northeast corner of the figure, which is central to the areas where the train horn sounds as trains approach the intersection from each direction.

Existing noise levels at the nearest residential property lines to the east and west range from 60-78 dBA CNEL.

Figure 6: CNEL Noise Contours for Ambient Conditions with Highway and Railroad Noise



3.4 Event Sound Levels

An initial power setting of 105 dBA was used for each of the sources representing the amplified voice or non-amplified music for the events in each of the seven zones, which is based upon our experience and knowledge of sound levels for these different types of event settings (see Appendix section 6.1). A point source with sound **power** level of 105 dBA, which equates to a sound **pressure** level of 84 dBA at a distance of 10 feet (3 meters) away, could represent amplified speech or non-amplified acoustic music group.

Because the orientation of the performances/events were not specified for the outdoor spaces, the sources are modeled as point sources with uniform directivity—meaning that the speaker outputs more equal sound in all directions. This ensures that our analysis will evaluate the events with speakers or music sources facing any direction.

Once the resulting levels at the property line are determined, conclusions may be drawn about the compliance of the levels occurring *at the event* and adjusted upward or downward in order to determine levels that should not be exceeded *at the event* in order to remain compliant *at the property line*.

4 Determination/Prediction of Compliance

A particular change—either increase or decrease—of a noise source will result in the same decibel change at a receiver location, for a given geometrical setup including terrain, buildings, etc. In other words, once the relationship between a particular sound level near the source/speaker and receiver is known, the corresponding sound pressure level at a given receiver location will increase or decrease by the same decibel amount that the source level changes. This dictates how high the level can be at the speaker location while staying within the County’s limits.

It is also important to note that the Lmax levels (generally an “instantaneous” 1-second Leq) can be approximately 10-15 dB higher than the average sound levels. This means that, even when CNEL or hourly levels may comply with a given criteria/limit, there will be moments where the level exceeds the hourly or CNEL limit. There is no momentary or short-duration limit criteria within the County’s Environmental Guidelines, nor in CEQA. Further, audibility does not necessarily indicate a noise exceedance.

4.1 Typical Event Program

For this analysis, a 3-hour event, held between 7-10pm, was modeled to evaluate the contribution of noise from each of the outdoor areas on the CNEL levels at the property line. A 3-hour event held in the evening hours represents a worst-case scenario, which ensures that shorter events or events held during daytime hours would not exceed CNEL limits.

Figure 775Figure 6 shows the resulting CNEL contours for the immediate area around the Music Academy of the West’s buildings for the 3-hour event with the source in Zone 3/4 (Bock and Williams Gardens) having a sound power level of 105 dBA. The blue dashed lines indicate the property lines and red stars (*) indicate speakers or noise sources. Levels at each receiver location can be found in Table 2.

With the typical source level modeled for this event, sources in the Bock & Williams Garden areas are predicted to cause the CNEL levels at the closest property lines to exceed the 65 dBA specified by the County of Santa Barbara.

The resulting CNEL contours for a 3-hour event with the source in Zone 11 (Kinneer Fountain) having a sound power level of 105 dBA are shown below in Figure 8. Similar to events held in the Bock & Williams Gardens, events in this location are also predicted to exceed the 65 dBA CNEL limits at the southeast property line.

Figure 7: CNEL Noise Contours for 3-Hour Event in Bock & Williams Gardens with Source Power Level of 105 dBA

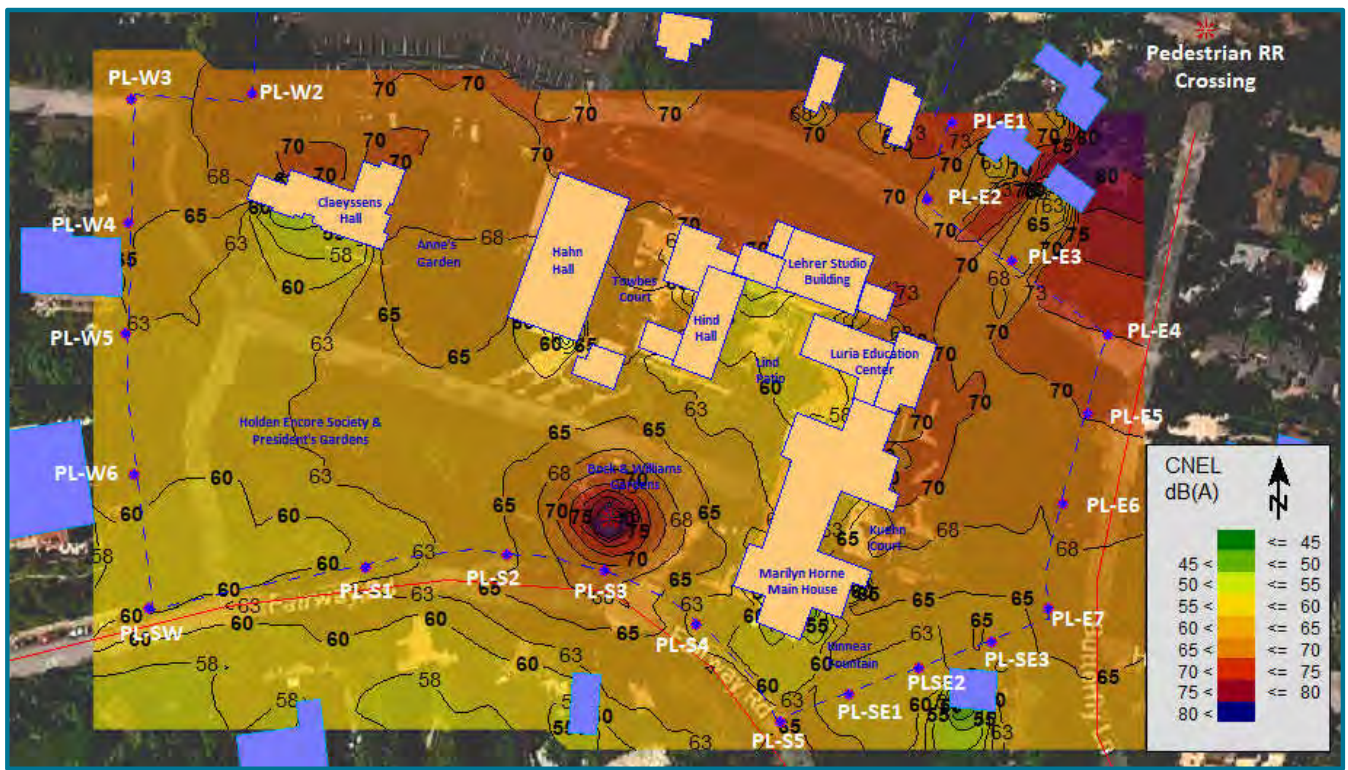


Figure 8: CNEL Noise Contours for 3-Hour Event at Kinnear Fountain with Source Power Level of 105 dBA



The CNEL levels predicted for each of the receiver locations at the property lines for each of the event zones, with source power levels of 105 dBA (84 dBA at 10 feet), are provided below in Table 2. Levels exceeding 65 dBA CNEL and ambient CNEL levels are marked in bold red text. The two locations modeled above (Bock & Williams Gardens and Kinnear Fountain) show levels exceeding the CNEL limit of 65 dBA at the nearest property lines.

Events in Kuehn Court are predicted to exceed 65 dBA CNEL by 1 dB at the southeast property line and events in Anne's Garden are predicted to exceed the ambient CNEL by 1 dB at the northwest corner of the property. Because these two locations exceed the Ambient CNEL by only 1 dB, events of shorter duration (less than three hours) would comply with the County's limits.

Table 2: CNEL Levels at at Property Line Receiver Locations for Each Event Zone, with Source Power Levels at 105 dBA (dBA)

Receiver Location	Ambient CNEL (dBA)	Zone 1: Anne's Garden	Zone 2/2.5: Holden/ President's Garden	Zone 3/4: Bock/ Williams Garden	Zone 5: Kuehn Court	Zone 7: Towbes Court	Zone 9: Lind Patio	Zone 11: Kinnear Fountain
PL-E1	75	75	75	75	75	75	75	75
PL-E2	69	69	69	69	69	69	69	69
PL-E3	67	67	67	67	67	67	67	67
PL-E4	72	72	72	72	72	72	72	72
PL-E5	70	70	70	70	70	70	70	70
PL-E6	68	68	68	68	69	68	68	68
PL-E7	66	66	66	66	66	66	66	66
PL-NE	78	78	78	78	78	78	78	78
PL-NW	72	73	72	73	72	72	72	72
PL-S1	60	61	63	61	60	61	61	60
PL-S2	62	62	63	65	62	62	62	62
PL-S3	61	62	62	69	61	61	62	61
PL-S4	58	58	59	62	58	59	60	58
PL-S5	64	64	64	64	64	64	64	66
PL-SE1	62	62	62	62	63	62	62	68
PL-SE2	61	61	61	61	63	61	61	64
PL-SE3	65	65	65	65	66	65	65	66
PL-SW	59	59	59	59	59	59	59	59
PL-W1	71	71	71	71	71	71	71	71
PL-W2	69	69	69	69	69	69	69	69
PL-W3	67	67	67	67	67	67	67	67
PL-W4	66	66	66	66	66	66	66	66
PL-W5	62	62	62	62	62	62	62	62
PL-W6	60	61	61	61	60	61	61	60

The two event locations, Bock & Williams Gardens and Kinnear Fountain, were also modeled with a lower source power level of 100 dBA (79 dBA at 10 feet), which would represent levels for amplified speech or a non-amplified acoustic music group without horns or drums. The CNEL levels predicted for each of the receiver locations at the property lines for these two event zones, with reduced source power levels are provided below in Table 3. Levels at each receiver location for both event zones remain in compliance with the County's code.

Table 3: CNEL Levels at at Property Line Receiver Locations for Events in Zones 3/4 and 11, with Source Power Levels at 100 dBA (dBA)

Receiver Location	Ambient CNEL (dBA)	Zone 3/4: Bock/Williams Garden	Zone 11: Kinnear Fountain
PL-E1	75	75	75
PL-E2	69	69	69
PL-E3	67	67	67
PL-E4	72	72	72
PL-E5	70	70	70
PL-E6	68	68	68
PL-E7	66	66	66
PL-NE	78	78	78
PL-NW	72	72	72
PL-S1	60	61	60
PL-S2	62	63	62
PL-S3	61	65	61
PL-S4	58	59	58
PL-S5	64	64	65
PL-SE1	62	62	65
PL-SE2	61	61	62
PL-SE3	65	65	65
PL-SW	59	59	59
PL-W1	71	71	71
PL-W2	69	69	69
PL-W3	67	67	67
PL-W4	66	66	66
PL-W5	62	62	62
PL-W6	60	61	60

4.2 Maximum Sound Levels at Property Lines During Events

In addition to CNEL levels, the maximum expected sound levels at each receiver location were modeled to determine if an event would contribute to a “substantial temporary increase” in ambient sound level, per CEQA regulations. Maximum levels (Lmax) during the events from each zone at selected receiver locations (nearest to each zone) are presented in Table 443 below along with the maximum ambient levels.

While CEQA does not define what a substantial or significant temporary increase in levels would be, the model shows only two receiver locations that are expected to have a slight increase of 1-2 dB over the maximum ambient levels observed for these receivers, which are located along Fairway Road to the south of the property and not on the neighboring residential property lines.

Table 4: Maximum Sound Levels at Selected Property Line Receiver Locations for Events at Each Outdoor Zone

Event Zone	Sensitive Receiver Locations	Ambient Lmax (dBA)	Event Lmax (dBA)	Increase Over Ambient Lmax (dB)
Zone 1: Anne’s Garden (Source Power Level of 105 dBA)	PL-NW	96	73	-
	PL-S1	77	69	-
	PL-S3	81	65	-
Zone 2/2.5: Holden Encore Society Garden/Presidents Garden (Source Power Level of 105 dBA)	PL-S1	77	79	2
	PL-S2	83	77	-
	PL-S4	76	69	-
Zone 3/4: Bock Garden/Williams Garden (Source Power Level of 100 dBA)	PL-NW	96	66	-
	PL-S3	81	82	1
	PL-S4	76	73	-
Zone 5: Kuehn Court (Source Power Level of 105 dBA)	PL-SE1	84	74	-
	PL-SE2	84	77	-
	PL-SE3	88	78	-
Zone 7: Towbes Court (Source Power Level of 105 dBA)	PL-S1	77	67	-
	PL-S4	76	70	-
Zone 9: Lind Patio (Source Power Level of 105 dBA)	PL-S1	77	67	-
	PL-S3	81	75	-
	PL-S4	76	74	-
Zone 11: Kinnear Fountain (Source Power Level of 100 dBA)	PL-S5	85	76	-
	PL-SE1	84	80	-
	PL-SE2	84	75	-
	PL-SE3	88	70	-

5 Conclusions and Recommendations

Based on the above analysis for 3-hour evening events such as cultural ceremonies with non-amplified (acoustic) bands and/or amplified speech (which has a sound power level of approximately 105 dBA, or sound pressure level of 84 dBA measured at 10 feet) in the outdoor performance spaces at Music Academy of the West, sound levels at the property lines are predicted to be in compliance with the County's Guidelines and Thresholds 24-hour equivalent limit of 65dBA CNEL for events held in Zones 2/2.5, 7, and 9 (Holden Encore Society and President's Gardens, Towbes Court, and Lind Patio).

Events in Zones 1 and 5 (Anne's Garden and Kuehn Court) should be limited to shorter duration events of two hours or less to remain in compliance.

Events held in Zones 11 or 3/4, at the Kinnear Fountain or in the Bock and Williams Gardens, due to their proximity to residential property lines, must maintain quieter levels to prevent levels at the property lines from exceeding the 65dBA CNEL limit. Therefore, we recommend limiting the source levels in these two locations to a sound power level of 100 dBA or less, which equates to a sound pressure level of 79 dBA at 10 feet and represents sources such as amplified speech or quieter sources of non-amplified acoustic music that do not incorporate drums or horns. Drums and horn instruments are not disqualified *per se*, however as these have a large dynamic range of sound levels and are more impulsive, they tend to draw more attention and correlate with a higher risk of annoyance and awareness by potentially sensitive receptors (i.e., humans). We also recommend holding shorter duration events (2 hours or less) at these two locations.

Compliance with the County Code is also expected, assuming that events stay within the hours as defined by the Code.

Additionally, the CEQA requirements are addressed below **in bold**.

Would the project result in:

- a) generation of noise levels in excess of standards established in the local General Plan or Noise Ordinance, or applicable standards of other agencies?

Outdoor events with amplified speech and non-amplified music will slightly increase the ambient noise levels above the existing road traffic and railroad noise levels at neighboring properties. If the maximum sound level increases are deemed substantial per CEQA, some locations may be limited as to the types of events and/or music levels allowed (i.e. small strings-only bands without drums, horns, etc.) . If louder events are desired, we suggest monitoring the source levels with a reputable system, as discussed below in Section 5.1.

- b) generation of excessive ground-borne vibration or ground-borne noise levels?

Excessive ground-borne vibration or ground-borne noise are not anticipated from any outdoor events.

- c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Not applicable

5.1 Self-Management of Sound Levels

Because it is difficult for anyone to discern differences in source levels such as the 82 dBA at 10 feet as used in the modeled simulations, we include in this report some commercially-available tools that laypeople, DJs and others may use to self-manage and accurately measure and control sound levels created at these events.

There are many commercial solutions for monitoring sound levels at a given location that may be of assistance in maintaining good neighbor relationships. Below are two such solutions we would suggest if the Music Academy of the West wishes to monitor their own sound levels:

- www.StudioSixDigital.com offers a suite of affordable apps called “Audio Tools” for Apple-brand devices (e.g., iPhone or iPod). When a Class 2 (survey grade) or Class 1 (precision grade) external microphone is plugged into such a device, accurate sound levels may be acquired. Their website lists several compliant microphone options.
- Class 1 high-precision meters and calibrators are “engineering grade”, while Class 2 are mid-grade accuracy, lower cost, and suitable for use by laypeople in the field while still allowing for accurate measurements. For an extremely affordable standalone Class 2 sound level meter, SoftdB’s Piccolo and Piccolo II are sold in the USA through Scantek, Inc. here: <https://www.scantekinc.com/products/sound-level-meters/softdb/piccolo-compact-sound-level-meter-and-datalogger/> This would allow for a permanent sound level monitoring “station” at any desired location without the need for an Apple product.
- Any sound measurement device should be calibrated using a calibrator in order to continually ensure that the device/meter is calibrated to report accurate sound levels. A Class 2 calibrator can be purchased from many suppliers for a few hundred dollars.
- **45dB** is available to consult with business owners wishing to monitor their own sound emission. Be wary of cheap products sold on Amazon or other marketplaces—if it is not IEC/ANSI certified as a Class/Type 1 or 2 device, it is not to be relied upon.

6 Appendix

6.1 Characteristics of Sound

When an object vibrates, it radiates part of its energy as acoustical pressure in the form of a sound wave. Sound can be described in terms of amplitude (loudness), frequency (pitch), or duration (time). The human hearing system is not equally sensitive to sound at all frequencies. Therefore, to approximate this human, frequency-dependent response, the A-weighted filter system is used to adjust measured sound levels. The normal range of human hearing extends from approximately 0 to 140 dBA.

Table 5: Examples of sound pressure levels

0dB SPL	- The threshold of hearing. This is the quietest sound that a child or young adult with good hearing can detect at 1kHz. It is not silence/
10 - 20dB SPL	Very Faint A gentle breeze through the trees.
20 - 30dB SPL	- A soft whisper (at 1 meter).
30 - 40dB SPL	- A quiet auditorium.
40 - 60db SPL	- Background music in a cafe, bar or restaurant.
60 - 70dB SPL	- Typical conversation levels (from the listener's position).
70 - 80dB SPL	- The cabin of an aircraft during normal cruise conditions.
80 - 90dB SPL	- Typical wedding or dinner-dance band (typical audience position).
90 - 100dB SPL	- Loud orchestra (playing <i>fff</i> , as it would sound in the front row of the audience).
100 - 110dB SPL	- Typical disco.
110 - 115dB SPL	- A loud rock band (front rows of audience).
115 - 130dB SPL	- Threshold of pain. Often given as 120 dB SPL, this varies with frequency, and from person to person.
140dB SPL	- Jet engine from 3 meters.

Unlike linear units such as inches or pounds, decibels are measured on a logarithmic scale, representing points on a sharply rising curve. Because of the physical characteristics of noise transmission and of noise perception, the relative loudness of sound does not closely match the actual amounts of sound energy. Table 665 below presents the subjective effect of changes in sound pressure levels.

Table 6: Sound Level Change Relative Loudness/Acoustic Energy Loss

0 dBA	Reference 0%
-3 dBA	Barely Perceptible Change 50%
-5 dBA	Readily Perceptible Change 67%
-10 dBA	Half as Loud 90%
-20 dBA	1/4 as Loud 99%
-30 dBA	1/8 as Loud 99.9%

Source: *Highway Traffic Noise Analysis and Abatement Policy and Guidance*, U.S. Department of Transportation, Federal Highway Administration, Office of Environment and Planning, Noise and Air Quality Branch, June 1995.

Sound levels are generated from a source and their decibel level decreases as the distance from that source increases. Sound dissipates exponentially with distance from the noise source. This phenomenon is known as spreading loss. Generally, sound levels from a point source will decrease by 6 dBA for each doubling of distance. Sound levels for a highway line source vary differently with distance because sound pressure waves propagate along the line and overlap at the point of measurement. A closely spaced, continuous line of vehicles along a roadway becomes a line source and produces a 3 dBA decrease in sound level for each doubling of distance. However, experimental evidence has shown that where sound from a highway propagates close to “soft” ground (e.g., plowed farmland, grass, crops, etc.), a more suitable drop-off rate to use is not 3.0 dBA but rather 4.5 dBA per distance doubling (FHWA 2010).

When sound is measured for distinct time intervals, the statistical distribution of the overall sound level during that period can be obtained. The Leq is the most common parameter associated with such measurements. The Leq metric is a single-number noise descriptor that represents the average sound level over a given period of time. For example, the L50 noise level is the level that is exceeded 50 percent of the time. This level is also the level that is exceeded 30 minutes in an hour. Similarly, the L02, L08 and L25 values are the noise levels that are exceeded 2, 8, and 25 percent of the time or 1, 5, and 15 minutes per hour. Other values typically noted during a noise survey are the Lmin and Lmax. These values represent the minimum and maximum root-mean-square noise levels obtained over the measurement period.

Because community receptors are more sensitive to unwanted noise intrusion during the evening and at night, State law requires that, for planning purposes, an artificial dB increment be added to quiet-time noise levels in a 24-hour noise descriptor called the CNEL or Ldn. This increment is incorporated in the calculation of CNEL or Ldn, described earlier.

6.2 Terminology/Glossary

A-Weighted Sound Level (dBA)

The sound pressure level in decibels as measured on a sound level meter using the internationally standardized A-weighting filter or as computed from sound spectral data to which A-weighting adjustments have been made. A-weighting de-emphasizes the low and very high frequency components of the sound in a manner similar to the response of the average human ear. A-weighted sound levels correlate well with subjective reactions of people to noise and are universally used for community noise evaluations.

Air-borne Sound

Sound that travels through the air, differentiated from structure-borne sound.

Ambient Sound Level

The prevailing general sound level existing at a location or in a space, which usually consists of a composite of sounds from many sources near and far. The ambient level is typically defined by the Leq level.

Background Sound Level

The underlying, ever-present lower level noise that remains in the absence of intrusive or intermittent sounds. Distant sources, such as Traffic, typically make up the background. The background level is generally defined by the L90 percentile noise level.

Community Noise Equivalent Level (CNEL)

The Leq of the A-weighted noise level over a 24-hour period with a 5-dB penalty applied to noise levels between 7 p.m. and 10 p.m. and a 10-dB penalty applied to noise levels between 10 p.m. and 7 a.m. CNEL is similar to Ldn.

Day-Night Sound Level (Ldn)

The Leq of the A-weighted noise level over a 24-hour period with a 10-dB penalty applied to noise levels between 10 p.m. and 7 a.m. Ldn is similar to CNEL.

Decibel (dB)

The decibel is a measure on a logarithmic scale of the magnitude of a particular quantity (such as sound pressure, sound power, sound intensity) with respect to a reference quantity.

DBA or dB(A)

A-weighted sound level. The ear does not respond equally to all frequencies, and is less sensitive at low and high frequencies than it is at medium or speech range frequencies. Thus, to obtain a single number representing the sound level of a noise containing a wide range of frequencies in a manner representative of the ear's response, it is necessary to reduce the effects of the low and high frequencies with respect to the medium frequencies. The resultant sound level is said to be A-weighted, and the units are dBA. The A-weighted sound level is also called the noise level.

Energy Equivalent Level (Leq)

Because sound levels can vary markedly in intensity over a short period of time, some method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, one describes ambient sounds in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called Leq. In this report, an hourly period is used.

Field Sound Transmission Class (FSTC)

A single number rating similar to STC, except that the transmission loss values used to derive the FSTC are measured in the field. All sound transmitted from the source room to the receiving room is assumed to be through the separating wall or floor-ceiling assembly.

Noise reduction (NR)

Noise reduction is the difference between outdoor sound level and indoor sound level. It is not identical to Sound Transmission Class.

Outdoor-Indoor Transmission Class (OITC)

A single number classification, specified by the American Society for Testing and Materials (ASTM E 1332 issued 1994), that establishes the A-weighted sound level reduction provided by building facade components (walls, doors, windows, and combinations thereof), based upon a reference sound spectrum that is an average of typical air, road, and rail transportation sources. The OITC is the preferred rating when exterior façade components are exposed to a noise environment dominated by transportation sources. Once built, as much as a 5-point reduction in Apparent Outside-Inside Transmission Class (OITC) from the original, as-designed OITC may be expected.

Percentile Sound Level, Ln

The noise level exceeded during n percent of the measurement period, where n is a number between 0 and 100 (e.g., L10 or L90)

Sound Transmission Class (STC)

STC is a single number rating, specified by the American Society for Testing and Materials, which can be used to measure the sound insulation properties for comparing the sound transmission capability, in decibels, of interior building partitions for noise sources such as speech, radio, and television. It is used extensively for rating sound insulation characteristics of building materials and products.

Structure-Borne Sound

Sound propagating through building structure. Rapidly fluctuating elastic waves in gypsum board, joists, studs, etc.

Sound Power Level

Sound power level is the acoustic energy emitted by a source which produces a **sound pressure level** at some distance. While the sound power level of a source is fixed, the sound pressure level depends upon the distance from the source and the acoustic characteristics of the area in which it is located.

Sound Exposure Level (SEL)

SEL is the sound exposure level, defined as a single number rating indicating the total energy of a discrete noise-generating event (e.g., an aircraft flyover) compressed into a 1-second time duration. This level is handy as a consistent rating method that may be combined with other SEL and Leq readings to provide a complete noise scenario for measurements and predictions. However, care must be taken in the use of these values since they may be misleading because their numeric value is higher than any sound level which existed during the measurement period.

Subjective Loudness Level

In addition to precision measurement of sound level changes, there is a subjective characteristic which describes how most people respond to sound:

- A change in sound level of 3 dBA is *barely perceptible* by most listeners.
- A change in level of 6 dBA is *clearly perceptible*.
- A change of 10 dBA is perceived by most people as being *twice* (or *half*) as loud.

6.3 SoundPLAN Acoustics Software

SoundPLAN®, the software used for this acoustic analysis, is an acoustic ray-tracing program dedicated to the prediction of noise in the environment. Noise emitted by various sources propagates and disperses over a given terrain in accordance with the laws of physics. Worldwide, governments and engineering associations have created algorithms to calculate acoustical phenomena to standardize the assessment of physical scenarios. Accuracy has been validated in independent published studies to be ± 2.7 dBA with an 85% confidence level for a wide range of scenarios and calculation standards.

The software calculates sound attenuation of environmental noise, even over complex terrain, uneven ground conditions, and with complex obstacles. The modeling software calculates the sound field in accordance with ISO 9613-2 “Acoustics - Attenuation of sound during

propagation outdoors, Part 2: General Method of Calculation.” This standard states that “this part of ISO 9613 specifies an engineering method for calculating the attenuation of sound during propagation outdoors, in order to predict the levels of environmental noise at a distance from a variety of sources. The method predicts the equivalent continuous A-weighted sound pressure level under meteorological conditions favorable to propagation from sources of known sound emissions. These conditions are for downwind propagation under a well-developed moderate ground-based temperature inversion, such as commonly occurs at night.” Accuracy of this calculation standard is stated to be +/- 1dB at source-receiver distances of less than 1000m and noise source heights of less than 10m.

6.4 Characteristics of Sound

When an object vibrates, it radiates part of its energy as acoustical pressure in the form of a sound wave. Sound can be described in terms of amplitude (loudness), frequency (pitch), or duration (time). The human hearing system is not equally sensitive to sound at all frequencies. Therefore, to approximate this human, frequency-dependent response, the A-weighted filter system is used to adjust measured sound levels. The normal range of human hearing extends from approximately 0 to 140 dBA. Unlike linear units such as inches or pounds, decibels are measured on a logarithmic scale, representing points on a sharply rising curve.

Examples of sound levels are listed on websites such as:

- “Time to Listen: Most Regular Patrons of Music Venues Prefer Lower Volumes”
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6438925/>
- The Center for Hearing and Communication <https://chchearing.org/noise/common-environmental-noise-levels/>
- University of Michigan <https://www.uofmhealth.org/health-library/tf4173>
- https://www.researchgate.net/publication/328133495_Expected_Sound_Levels_at_Concert_Venues_for_Amplified_Music

Some common noise levels of various sources are listed in Table 776, with the understanding that these are sound pressure levels experienced at/near the listener’s ear, some distance from the source.

Table 7: How Loud are Things? (<https://chchearing.org/noise/common-environmental-noise-levels/>)

• 50 refrigerator	• 40 quiet office, library	• 40 quiet residential area
• 50 – 60 electric toothbrush	• 50 large office	• 70 freeway traffic
• 50 – 75 washing machine	• 65 – 95 power lawn mower	• 85 heavy traffic, noisy restaurant
• 50 – 75 air conditioner	• 80 manual machine, tools	• 90 truck, shouted conversation
• 50 – 80 electric shaver	• 85 handsaw	• 95 – 110 motorcycle
• 55 coffee percolator	• 90 tractor	• 100 snowmobile
• 55 – 70 dishwasher	• 90 – 115 subway	• 100 school dance, boom box
• 60 sewing machine	• 95 electric drill	• 110 disco
• 60 – 85 vacuum cleaner	• 100 factory machinery	• 110 busy video arcade
• 60 – 95 hair dryer	• 100 woodworking class	• 110 symphony concert
• 65 – 80 alarm clock	• 105 snow blower	• 110 car horn
• 70 TV audio	• 110 power saw	• 110 – 120 rock concert
• 70 – 80 coffee grinder	• 110 leafblower	• 112 personal cassette player on high
• 70 – 95 garbage disposal	• 120 chain saw, hammer on nail	• 117 football game (stadium)
• 75 – 85 flush toilet	• 120 pneumatic drills, heavy machine	• 120 band concert
• 80 pop-up toaster	• 120 jet plane (at ramp)	• 125 auto stereo (factory installed)
• 80 doorbell	• 120 ambulance siren	• 130 stock car races
• 80 ringing telephone	• 125 chain saw	• 143 bicycle horn
• 80 whistling kettle	• 130 jackhammer, power drill	• 150 firecracker
• 80 – 90 food mixer or processor	• 130 air raid	• 156 capgun
• 80 – 90 blender	• 130 percussion section at symphony	• 157 balloon pop
• 80 – 95 garbage disposal	• 140 airplane taking off	• 162 fireworks (at 3 feet)
• 110 baby crying	• 150 jet engine taking off	• 163 rifle
• 110 squeaky toy held close to the ear	• 150 artillery fire at 500 feet	• 166 handgun
• 135 noisy squeeze toys	• 180 rocket launching from pad	• 170 shotgun

Because of the physical characteristics of noise transmission and of noise perception, the relative loudness of sound does not closely match the actual amounts of sound energy. Table 887 below presents the subjective effect of changes in sound pressure levels.

Table 8: Sound Level Change Relative Loudness/Acoustic Energy Loss

0 dBA	Reference 0%
-3 dBA	Just Perceptible Change 50%
-5 dBA	Readily Perceptible Change 67%
-10 dBA	Half as Loud 90%
-20 dBA	1/4 as Loud 99%
-30 dBA	1/8 as Loud 99.9%

Source: Highway Traffic Noise Analysis and Abatement Policy and Guidance, U.S. Department of Transportation, Federal Highway Administration, Office of Environment and Planning, Noise and Air Quality Branch, June 1995.

Sound levels are generated from a source and their decibel level decreases as the distance from that source increases. Sound dissipates exponentially with distance from the noise source. This phenomenon is known as spreading loss. Generally, sound levels from a point source will decrease by 6 dBA for each doubling of distance. Sound levels for a highway line source vary differently with distance because sound pressure waves propagate along the line and overlap at the point of measurement. A closely spaced, continuous line of vehicles along a roadway becomes a line source and produces a 3 dBA decrease in sound level for each doubling of distance. However, experimental evidence has shown that where sound from a highway propagates close to “soft” ground (e.g., plowed farmland, grass, crops, etc.), a more suitable drop-off rate to use is not 3.0 dBA but rather 4.5 dBA per distance doubling (FHWA, 2010).

When sound is measured for distinct time intervals, the statistical distribution of the overall sound level during that period can be obtained. The Leq is the most common parameter associated with such measurements. The Leq metric is a single-number noise descriptor that represents the average sound level over a given period of time. For example, the L50 noise level is the level that is exceeded 50 percent of the time. This level is also the level that is exceeded 30 minutes in an hour. Similarly, the L02, L08 and L25 values are the noise levels that are exceeded 2, 8, and 25 percent of the time or 1, 5, and 15 minutes per hour. Other values typically noted during a noise survey are the Lmin and Lmax. These values represent the minimum and maximum root-mean-square noise levels obtained over the measurement period.

Because community receptors are more sensitive to unwanted noise intrusion during the evening and at night, State law requires that, for planning purposes, an artificial dB increment be added to quiet-time noise levels in a 24-hour noise descriptor called the CNEL or Ldn. This increment is incorporated in the calculation of CNEL or Ldn, described earlier.

7 References

1. Santa Barbara County Code of Ordinances, Chapter 40 – Nighttime Noise Restrictions, January 29, 2021.
2. County of Santa Barbara Planning and Development, Environmental Thresholds and Guidelines Manual, September 2008.
3. California Environmental Quality Act Statute & Guidelines, 2019.
4. American National Standards Institute, Inc. 2004. *ANSI 1994 American National Standard Acoustical Terminology*. ANSI S.1.-1994, (R2004), New York, NY.
5. California Department of Transportation (Caltrans). 1982. *Caltrans Transportation Laboratory Manual*.
6. _____. 1998. Caltrans Traffic Noise Analysis Protocol for New Highway Construction and Highway Reconstruction Projects
7. Federal Highway Administration. 2006. *FHWA Roadway Construction Noise Model User's Guide Final Report*. FHWA-HEP-05-054 DOT-VNTSC-FHWA-05-01
8. Harris, Cyril M., editor. 1979 *Handbook of Noise Control*.

5.9 Noise

Background:

The discussion of existing and anticipated noise levels in this section is based on information provided in two acoustical reports. The first was submitted by the applicant in January 2000 (artNTEK, 1/19/00). That study was used to prepare the CEQA Initial Study/EIR Scoping Document. During preparation of this EIR, the artNTEK assessment was peer-reviewed by Rincon Consultants (9/30/02) under contract with the County of Santa Barbara. The Rincon Consultants report includes additional on-site acoustical measurements, specifically in the area of the proposed outdoor terrace dining area, above Butterfly Lane. It also provides an estimate for future noise levels on-site based on future traffic volume increases on Highway 101. The Rincon Consultants report generally concurs with the findings of the artNTEK report. The two exceptions were with regard to the method used to establish the Community Noise Equivalent Level and the feasibility of mitigation proposed to address the proposal for outdoor amplification. These issues are discussed further, later in this section. The noise analysis in this section includes excerpts from both the artNTEK and Rincon Consultants reports. Both studies are included in the EIR Appendix section.

Noise Characteristics, Measurements, Terminology:

Noise levels are typically measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighted sound pressure scale adjusts actual sound power levels to be consistent with frequencies that are most audible to the human ear. The duration of a noise event and the time of day in which noise occurs both affect our perception and sensitivity to noise levels. The equivalent noise level (L_{eq}) is used to sum up noise levels over a period of time, typically over one-hour, expressed as $L_{eq}1H$. The Community Noise Equivalent (CNEL) is further used by many jurisdictions, including Santa Barbara County, to weight the hourly L_{eqs} in a manner which acknowledges that noise is typically most noticeable in the evening and nighttime hours. CNEL measurement weighting includes the addition of 5 dBA to evening noise levels and 10 dBA to nighttime noise levels.

County Thresholds:

The County's Environmental Thresholds and Guidelines Manual includes thresholds of significance to assist in determining whether a project would result in significant noise impacts. The County's Thresholds use the Community Noise Equivalent Level (the 24-hour weighted average index), which best addresses constant background noise, such as freeway traffic. As a result, intermittent noise events could significantly exceed existing ambient noise levels without exceeding the CNEL threshold. In addition, noise from outdoor events can be more noticeable to neighbors than the constant of background freeway traffic noise. In addition to specific numeric thresholds for noise levels, the County's Noise Thresholds address the issue of project-generated increases in noise that falls below the numeric thresholds, but which may still be considered a substantial or significant increase in ambient noise levels. (Also see discussion of the Quality of Life threshold in the Land Use section of this EIR). The following would typically result in a determination of significant impact:

1. Project Generated Noise: Sensitive receptors, including residents or students, would be exposed to project-generated noise levels in excess of 65 dBA CNEL;
2. On-Site Noise Sensitive Uses: For noise sensitive uses (e.g., educational facilities), outdoor areas of the site would be subject to ambient noise levels in excess of 65 dBA CNEL and indoor areas would be subject to noise levels in excess of 45 dBA CNEL;
3. Substantial Increase in Noise: A project would generally have a significant effect on noise sensitive receptors in adjoining areas (e.g., residential neighbors) if ambient noise levels increase to 65 dBA CNEL or over. However a significant effect may also occur when ambient noise levels increase “substantially” for adjoining noise sensitive receptors, even if they remain less than 65 dBA CNEL. This is to be determined on a case-by-case basis.
4. Short-Term Grading and Construction Noise: Temporary exposure of sensitive receptors to excessive noise (65 dBA CNEL) during the construction period.

Setting:

The Union Pacific Railroad (UPRR) tracks and State Highway 101 are located immediately north of the subject property. The highest elevations on the property are in the southern and central portions of the site. The topography generally descends from these areas toward the north (toward Highway 101 and the railroad tracks) and east (toward Butterfly Lane).

The primary noise source affecting the Music Academy of the West property and its nearest neighbors is vehicular traffic on Highway 101. Secondary noise sources include the railroad, vehicular traffic on Butterfly Lane and Fairway Road, and small aircraft over-flights.

The artNTEK study measured ambient noise conditions at four locations on the property on December 9, 1999 (Thursday evening), December 18, 1999 (Saturday afternoon) and December 22, 1999 (Wednesday evening). This monitoring identified ambient noise levels of 54-64 dBA. The artNTEK study identifies CNEL values of 55-56 dBA. These CNEL levels were extrapolated from previously gathered 24-hour noise data, taken at the San Ysidro exit on Highway 101. The measurements for ambient noise levels are generally consistent with the noise levels found on-site by Rincon Consultants.

Rincon Consultants performed 24-hour noise monitoring on-site from 11:00 a.m., Wednesday, September 19, 2002 to 11:00 a.m., Thursday, September 20, 2002. This monitoring was performed in the area of the proposed outdoor terrace dining area, above Butterfly Lane. This location is uphill from Location #4 of the artNTEK study. The sound of power tools, associated with construction on the adjacent property to the north, could be heard at the site during the monitoring period. The monitoring data includes this noise source. Rincon Consultants identified an existing CNEL of 62.5 dBA for the proposed terrace dining area, using the 24-hour monitoring data. Rincon Consultants results using the FHA noise prediction model resulted in a nearly identical CNEL of 62.4 dBA. The noise levels found at the artNTEK study's Location #4 monitoring site⁵⁰, were similar to those found by Rincon Consultants in 2002 (55-56 dBA and 54-57.9 dBA respectively). However, the artNTEK study extrapolated the CNEL values from previously gathered data, and the calculated CNEL was 55-56 dBA, substantially lower than the Rincon Consultants CNEL of 62.5 dBA. The

⁵⁰ This was the closest artNTEK monitoring location to the Rincon Consultants outdoor dining terrace monitoring site.

Rincon Consultants report suggests that their measured/calculated estimates of CNEL are more reflective of actual onsite conditions. In addition, because the Rincon Consultants data is more specific for the outdoor dining terrace, 62.5 dBA CNEL will be utilized as the assumed CNEL for this area.

Impact Discussion:

Interior Noise Levels

Interior noise levels are not expected to exceed the 45 CNEL threshold, as most standard construction design would typically attenuate exterior noise to less than 45 CNEL inside of the buildings. However, in the event that alternative construction design is proposed, the potential exists for impacts to students, faculty, the public or others inside the various structures on-site.

Exposure to Noise in the Outdoor Terrace Dining Area

The initial study identified potentially significant impacts from exposure of students to excessive outdoor noise levels in the proposed new terrace dining area above Butterfly Lane⁵¹. Noise measurements performed by Rincon Consultants in the proposed outdoor terrace dining area identified existing noise levels of 62.5 dBA CNEL and cumulative noise levels of 63.1 dBA CNEL, which are both below the County's outdoor threshold of 65 dBA CNEL. Therefore, noise impacts to sensitive receptors in the outdoor terrace area would be less than significant.

Although outdoor noise levels in this area would not exceed the threshold, this level of noise may still be considered annoying, particularly in order for 150 students and 89 staff/faculty to have conversations in this planned outdoor eating area. In response to the Draft EIR, this outdoor patio was reduced in size (and closer to the student services building) and a five foot high wall was placed around it. There would still be direct access from the patio to the retaining wall. Popular use of the retaining wall areas for dining could trigger future requests from the Music Academy for installation of noise attenuating measures, such as a sound wall along the north and/or east sides. A sound wall or other such structure could result in aesthetic and land use impacts. Aesthetic and/or land use compatibility related impacts that could result from potential requests for installation of noise attenuating structures are addressed in the aesthetics and land use sections of this document.

The other outdoor area of the site which is proposed to be modified by the project is limited to the new courtyard, just west of the student services building. The new courtyard would be substantially shielded from noise sources by the new practice studio, recital hall and student services buildings, thereby reducing noise levels in this area. No other outdoor areas of the site are proposed to be modified for noise sensitive uses (e.g., instruction, concerts, presentations, other types of public assembly, etc.). Therefore, impacts associated with other noise sensitive uses, occurring in outdoor areas on-site, are expected to be less than significant. If elevated noise levels that are below the 65 dBA CNEL threshold are found to be annoying, it is expected that Music Academy participants will

⁵¹ The new patio between Treasure House and The Rack was not identified as an area where students could be exposed to excessive outdoor noise levels, as it is not proposed to be used for instructional, dining, or other school related purposes, nor would it be attractive for use as a location for luncheons, etc., (involving public assembly, another noise sensitive use).

choose to relocate to another, quieter, portion of the site, such as the new cloistered patio or existing terrace patio behind Miraflores.

Off-site Impacts

Off-site noise impacts would potentially result from four aspects of the project:

1. *New Terrace Dining area and Balconies* and related increase in activity on the perimeter of the property, at the terrace above Butterfly Lane and balconies on the new student services and instructional/practice studio building;
2. *Allowance for Amplification* (hand-held microphone) in the proposed new courtyard between Mira Flores and the new recital hall;
3. *Increased vehicular traffic* on neighborhood streets;
4. *Short-term construction* related noise;

New Terrace Dining Area and Balconies

The Music Academy proposes the construction of a new outdoor terrace, which would extend from the new student services building downslope toward Butterfly Lane. This area would be used for dining for the Academy's 150 Summer Music Program students and would also be accessible to attendees at other Music Academy events, employees, up to 89 summer faculty, etc. Specific activities in this area have not been identified and it is assumed that non-amplified music may also be allowed in this area. It is also assumed that summer picnic concert attendees (up to 480 attendees) and others using the Music Academy facilities would have access to this terrace dining area along with the new interior dining area in the proposed student services building. The revised plans have reduced the size of the patio area somewhat and added a five foot wall around this area. However, there is still access to the retaining walls' "seating" below the walled-in area. In addition, if gatherings in the outdoor patio include events where guests are not seated, the five foot wall would have less effect on attenuating noise levels.

Balconies are proposed along portions of the north and east sides of the new student services and instructional/practice studio buildings. Given existing noise levels in this area, increased activity in the terrace and balcony areas are not expected to result in noise levels that would exceed the 65 dBA CNEL outdoor threshold. However, noise from a large number of people in these areas (e.g., 150 students, 89 faculty/staff and/or event attendees dining and talking on the new terrace) may be noticeable to the pedestrians and neighbors along Butterfly Lane throughout the day, but particularly in the evening. Extension of such Academy activities toward the perimeter of the property would not exceed specific noise thresholds, but any increase in activities and related noise at the property perimeter would potentially contribute to neighborhood compatibility problems between this non-residential use and its adjacent residential neighborhood. Although this would not be considered a significant noise impact, the proposed new outdoor dining area is further discussed in the land use and aesthetic sections of this document.

Proposed Allowance for Amplification (Use of Hand Held Microphone)

Both noise reports found that long-term noise levels on-site would not exceed the County's thresholds for noise sensitive land uses. However, as identified in artNTEK study, the CNEL averaging methodology does not account for substantial increases in periodic, shorter term, ambient

noise levels, which adjacent neighbors may be exposed to. The artNTEK report addresses this issue with regard to the Music Academy's proposal to allow outdoor amplification of the spoken voice in the area north of the student services building:

Indeed, if PA use was limited to 20 minutes within any 24-hour period, levels of up to 75 dBA would be allowable at the property line without causing a significant increase in the existing ambient CNEL value. However, levels as high as this would probably be annoying to neighbors, even though they would not exceed County Thresholds.

The artNTEK study proposed mitigation involves specifying the volume allowed on the amplification equipment used for outdoor events in the cloistered courtyard area. The Rincon Consultants study recommended that the artNTEK proposed mitigation may be too complex for effective enforcement. Rincon Consultants concluded that limiting ambient noise levels to a maximum of 65 decibels at the property line, without any averaging, would be a preferable method for enforcing limits on outdoor amplification. However, staff has continuing concerns that allowing a change of up to 10 dB in peak noise levels would potentially result in a noticeable change in ambient noise levels for the project's residential neighbors, especially given that the only measurements done along Fairway Road identify an existing CNEL of only 55 dBA (artNTEK). This level may under-estimate existing noise levels (as indicated by the differences in CNEL reported in the two different studies for the Butterfly Lane area). However, it is reasonably foreseeable, based on available information, that allowance for outdoor amplification of the spoken voice could result in a change in ambient noise levels of somewhere between 2.5 and 10 dBA. As little as 3 dBA is accepted as being the smallest noise level change that could be noticeable in the field. Both the County's Noise thresholds and the Quality of Life threshold identify the potential for significant impact if a project would result in a substantial increase in ambient noise levels, even if noise levels would not exceed 65 dB(A) CNEL. A 10 dB increase would be considered substantial. Periodic, 65-decibel noise from a microphone could be considered a nuisance to surrounding residential neighbors, particularly if it occurs on a regular basis or for long periods of time. Therefore the proposed allowance for amplification of the spoken voice would be considered a potentially significant impact

Increased Vehicular Traffic

Attendance and related traffic is proposed to decrease during the 44-week "non-summer" season. As a result, impacts from increased vehicular traffic during the majority of the year would be less than significant.

Increased attendance and related project-generated traffic noise would occur for an eight-week period between mid-June and mid-August, during the Summer Music Festival program. Traffic in the neighborhood is already greatest at this time of the year due to increased vehicle trips associated with the Biltmore Hotel, the Coral Casino, and the popularity of Butterfly Beach. It is already the Music Academy's busiest season as well.

Although the Music Academy is proposing to reduce annual attendance and related activities on-site, they are proposing an approximate 60% increase in attendance during their eight-week summer season, from 17,681 to 29,425 attendees. Existing traffic volumes on Butterfly Lane are approximately 1,000 ADT. Therefore, project generated traffic would increase existing traffic levels

on Butterfly Lane by less than 20%, resulting in an increase in ambient noise levels on Butterfly (including vehicle noise from Highway 101), 700 feet south of Highway 101 of less than .3 dBA CNEL (Joanne Dramko, Rincon Consultants, personal communication 2/19/03). This would not be considered a significant impact. Incremental increases in summer noise levels from project generated traffic on neighborhood streets may, however, still be considered a nuisance by neighboring residents and is expected to contribute to compatibility impacts identified in the land use section.

Short-Term Construction Impacts:

Site grading and construction activities are expected to involve three separate phases. However, if funding is available, one or more phases may be combined resulting in an overall shorter period of grading and construction on-site. Short-term noise impacts associated with the grading and construction period(s) (e.g., grading, import/export of fill material, other truck traffic, installation of pilings for the parking structure, etc.) would be considered potentially significant, due to the project's proximity to a number of single family homes, which are considered noise sensitive uses. Short-term construction noise would also impact any on-going noise sensitive activities at the site, such as educational activities or events involving public assembly. Therefore, short-term construction-related noise would be considered a significant, short-term impact.

Cumulative Impacts:

Increased noise levels on-site would contribute incrementally to other increased noise levels in the area from potentially increased activities and related vehicle traffic at Butterfly Beach, the Biltmore, Coral Casino, construction of Highway 101 improvements, and expected increases in traffic volumes on Highway 101. The greatest change to overall noise levels in the area is expected to result from anticipated increases in traffic volumes on Highway 101.

With regard to traffic noise in the neighborhood, expected traffic volume increases on Highway 101 would have a greater impact on area noise levels than comparably smaller increases in traffic from the Music Academy on local streets. (J. Dramko, Rincon Consultants, 2/7/03 comments). In addition, noise generated by traffic on neighborhood streets would drop off with distance from the street itself and would be further attenuated by existing structures, walls, etc. If additional cumulative traffic from future projects in the area and/or increased beach traffic were factored in, the Music Academy's proportion of traffic on Butterfly and other neighborhood streets would be less. Given existing and projected ambient noise levels in the area, this level of traffic increase would contribute cumulatively to increased noise levels in the area, but would be considered an adverse, but less than significant impact.

Future traffic volumes were considered in evaluating reasonably foreseeable noise levels in the proposed outdoor terrace dining area. However, cumulative outdoor noise levels in that area (63.1 dBA CNEL) are expected to remain below the County's outdoor threshold of 65 dBA CNEL.

Mitigation:

1. 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. In addition, 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. **Plan Requirements:** Signs stating these restrictions shall be provided by the applicant and posted on site at both the Fairway and Butterfly Lane driveways, in a location visible from the street. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.

MONITORING: Building Inspectors and Permit Compliance shall spot check and respond to complaints.

2. Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded to P&D's satisfaction and shall be located as far as possible from occupied residences and. **Plan Requirements:** The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. **Timing:** Equipment and shielding shall remain in the designated location(s) throughout construction activities.

MONITORING: Permit Compliance shall perform site inspections to ensure compliance.

3. Construction routes shall be limited to those shown on the proposed construction route plan. The Music Academy shall make a best effort to receive approval for use of the railroad right-of-way for construction related vehicle traffic. If this approval is granted, trucks used to export excess fill material shall be routed along the railroad right-of-way to Channel Drive and Highway 101 and this same route shall be used when entering the site. The applicant shall provide all adjacent property owners with a construction activity schedule and construction routes 10 days in advance of construction activities. Any alterations or additions shall require a minimum one day advance notification. **Plan Requirements and Timing:** The applicant shall submit a copy of the schedule and mailing list to Permit Compliance 14 days prior to initiation of any earth movement.

MONITORING: Permit Compliance shall perform periodic site inspections to verify compliance with activity schedules.

4. Use of amplified sound on-site shall be limited as follows:
 - a) Location: the "cloistered" outdoor courtyard;
 - b) Frequency: four times per year;
 - c) Duration: not more than four hours per event;
 - d) Level: not to exceed 65 dBA at the Music Academy property line;
 - e) Time of Day: Beginning no earlier than 9:00 a.m. and ending no later than 9:00 p.m..

The project description shall be revised per the above requirements. In addition, a separate condition of approval shall be included stating this condition. In order to facilitate enforcement of this condition, the Music Academy shall purchase a device

which can accurately measure ambient noise levels. This device shall be available on-site and shall be used at each event to ensure maximum noise levels are not exceeded at the property line. The Music Academy shall designate one or more employees to train in the use of the device. At least one noise measurement shall be taken and recorded at the beginning of each event involving outdoor amplification and amplification volume(s) shall be reduced if necessary. **Plan Requirements and Timing:** Notes stating these requirements shall be included on the project plans. The plans shall be submitted to the County for review and approval prior to approval of CDPs for construction. The notes shall specifically be applied to the plans in the area of the cloistered courtyard. The Music Academy shall keep records on activities involving outdoor amplification, including the dates, durations and noise levels measured at each event. This information shall be submitted to the County as part of the twice annual record of site attendance/activities report.

MONITORING: Permit Compliance shall site inspect as necessary to confirm compliance with this condition.

5. If P&D receives complaints from neighbors regarding compliance with the measure addressing outdoor amplification or complaints regarding the allowable noise levels, the project shall be returned to the Planning Commission to determine whether the allowance for limited outdoor amplification shall be continued, modified, or eliminated. The decision to return to the Planning Commission for consideration of this issue shall be at the discretion of the Director of P&D. The applicant shall be required to fund staff time (and any acoustical evaluation) necessary to address complaints regarding amplification as well as the costs associated with a return to the Planning Commission. Refusal to fund work necessary to return to the Planning Commission would be considered a violation of the CUP.
6. All proposed structures shall be designed to reduce interior noise levels to 45 dBA CNEL with doors and windows closed. **Plan Requirements and Timing:** An acoustical engineer shall sign-off project building plans confirming that the proposed construction design will attenuate noise levels inside the structure accordingly. All construction techniques and recommendations of the acoustical engineer shall be incorporated into design of the project and detailed on building plans. Prior to occupancy clearance, indoor noise levels shall be measured by an acoustical engineer to confirm adequacy of construction design (or additional measures shall be incorporated to reduce indoor noise levels to 45 dBA).

MONITORING: Building Inspectors shall ensure that all noise control measures have been implemented according to the approved plans. If an acoustical survey is required, P&D will ensure recommended levels have been reached prior to occupancy clearance.

Residual Impacts:

With incorporation of identified mitigation measures, on-site and off-site noise impacts would be considered less than significant. However, please refer to the land use section of this EIR for additional discussion of nuisance noise and compatibility with the surrounding neighborhood.



COUNTY OF SANTA BARBARA CALIFORNIA

MONTECITO PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU STREET
SANTA BARBARA, CALIFORNIA 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

April 7, 2023

Heidi Jones
SEPPS
1625 State Street #1
Santa Barbara, CA 93101

MONTECITO PLANNING COMMISSION
HEARING OF APRIL 5, 2023

RE: *Music Academy of the West CUP Revision; 21RVP-00000-00109, 21CDP-00000-00129*

Hearing on the request of the Music Academy of the West to consider:

- a) **Case Nos. 21RVP-00000-00109 and 21CDP-00000-00129** for approval of a Revised Conditional Use Permit (CUP) to Case No. 90-CP-111 RV01 and associated Coastal Development Permit to update the CUP and revise operational conditions with no new structural development or increase in annual or daily attendance caps, in compliance with Sections 35-172.11.3 and 35-169 of Article II, on property zoned Single Family Residential (1-E-1); and,
- b) Accept the Addendum to Environmental Impact Report (03-EIR-06) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. There are no new significant environmental impacts as a result of this modification request. The original EIR identified significant effects on the environment in the following categories: aesthetics/visual resources, archaeological resources, biological resources, grading/drainage, fire protection, land use compatibility, noise, solid waste generation, transportation/circulation, and water quality.

The Addendum to the EIR and all documents may be reviewed at the Planning and Development Department, 123 East Anapamu Street, Santa Barbara or on-line at <https://www.countyofsb.org/201/Projects>. The application involves Assessor Parcel Nos. 009-282-029 and -030, located at 1070 Fairway Road, in the Montecito Community Plan area, First Supervisorial District.

Dear Ms. Jones:

000236

At the Montecito Planning Commission hearing of April 5, 2023, Commissioner Miller moved, seconded by Commissioner Kupiec and carried by a vote of 3 to 1 (Stahl no; Senauer absent) to:

1. Make the required findings for approval of the project specified in Attachment A of the staff report dated March 7, 2023, including CEQA findings;
2. After considering the environmental review documents included as Attachments C and D (Addendum to 03-EIR-06, dated March 7, 2023 together with the previously certified Final EIR [03-EIR-06] for the Music Academy of the West Master Plan Revised Conditional Use Permit 90-CP-111 RV01), determine that as reflected in the CEQA findings, no subsequent Environmental Impact Report or Negative Declaration shall be prepared for this project; and
3. Approve the project, Case Nos. 21RVP-00000-00109 and 21CDP-00000-00129, subject to the conditions included as Attachment B of the staff report dated March 7, 2023, and as revised at the hearing of April 5, 2023.

REVISIONS TO CONDITIONS OF APPROVAL

Conditions of Approval No. 1 of 21RVP-00000-00109 and 21CDP-00000-00129 is revised as follows (added text in bold and italic):

...Summary of Operational Changes...

- ~~Implement~~ Maintain a *Cut-Through Reduction Plan (CTRP)* to discourage vehicles coming to the MAW for no reason other than to gain access to the east of the site (Butterfly Lane and beyond) using the MAW internal road as a circulation “short-cut.” ~~The plan as proposed by the applicant would require cut through traffic to pay a substantial fee (\$10.00 minimum) to exit the campus;~~
- ***The Music Academy shall assign a full-time staff member year-round to actively monitor and direct parking, vehicular flow, and traffic on-site and at the gates to reduce neighborhood traffic impacts...***

Operational Changes...

5. The SLE facility renter shall provide a monitor dedicated to ride share assistance at the end of each event to decrease the potential neighborhood nuisance caused by lost/confused drivers. Note: ride share drivers’ ability to locate the correct entrance to the MAW is often dependent on how the rider(s) enter(s) their pick up location into the ride share app.

6. For SLEs, traffic shall be routed in and out through the main gate on Fairway Road.

~~7.6.~~ The following tools for self-management of sound levels shall be implemented for SLEs with outdoor amplified spoken word and/or unamplified/acoustic music:

- a. Facility renter must provide personnel to manage each SLE. The manager(s) shall be present from set up to break down of event, shall not be considered a guest, and shall not drink alcohol during the event.

- b. At Zones 1, 3, 4, and 5 (i.e., areas near the southern property lines): acoustic music programming, and/or amplified spoken voice shall be limited to no more than two hours total.
 - c. At Zones 2, 2.5, 7, and 9: acoustic music programming and/or amplified spoken voice shall be limited to no more than four hours total.
 - d. Outdoor amplified sound for SLEs shall be limited to spoken voice.
 - e. PA systems shall be pointed away from neighbors whenever and wherever possible.
 - f. SLEs shall only occur within the hours of 9:00 AM to 10:00 PM. Guests and related vehicle traffic shall vacate the site by 10:30 PM.
 - g. Outdoor amplified spoken word and/or unamplified/acoustic music related to SLEs shall end no later than 9:00 PM.
 - h. A MAW staff member shall be designated as a point-of-contact for any potential neighbor concerns.
 - i. An additional MAW-approved security officer shall be present for the duration of all SLEs to help ensure that guests comply with MAW policies and requirements.
- ~~8.7.~~ Amplified music shall be limited to indoor locations in Lehmann Hall or Weinman Hall and shall commence no earlier than 4:30 PM and end no later than 9:00 PM.
- ~~9.8.~~ Increase the total allowances of use of amplified spoken voice from twice per calendar year to 17 per calendar year.
- ~~10.9.~~ Parking shall be limited to the MAW parking lots.
- ~~11.10.~~ Allow meetings/seminars and non-profit events, taken together, to total no more than 41 events and limit these to the non-summer season. Public attendance at these events shall be subject to and included within the campus-wide attendance caps: any given time (330410), daily (900) and non-summer season (25,000) limitations annual (47,000) with the exception that meetings/seminars shall be restricted to no more than 175350 participants/event (consistent with historic levels); and
- ~~12.11.~~ Upon completion of on-site parking improvements (290 spaces), p-Project related parking demand shall be accommodated on the project site (not in overflow lots or on-street). ...

The attached findings and conditions reflect the Montecito Planning Commission's actions of April 5, 2023.

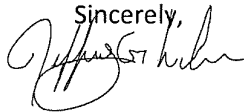
The action of the Montecito Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Montecito Planning Commission by appropriate means

prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Montecito Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, April 17, 2023 at 5:00 p.m.**

Final action by the County on this project may be appealed to the Coastal Commission by the applicant, an aggrieved person, as defined above, or any two members of the Coastal Commission within the 10 working days following the date the County's Notice of Final Action is received by the Coastal Commission.

Sincerely,



Jeff Wilson
Secretary to the Montecito Planning Commission

cc: Case File: 21RVP-00000-00109, 21CDP-00000-00129
Shana Gray, California Coastal Commission, 89 S. California Street, Suite 200, Ventura, CA 93001
Montecito Association, P.O. Box 5278, Montecito, CA 93150
Owner: Music Academy of the West, Mimi Do, 1070 The Fairway, Santa Barbara, CA 93108
County Chief Appraiser
Fire Department
Flood Control
Community Services Department
Public Works
Das Williams, First District
Steve Conner, Planner

**Attachments: Attachment A – Findings
Attachment B – Conditions of Approval**

JW/dmv

G:\GROUP\PERMITTING\Case Files\RVP\21 Cases\21RVP-00000-00109 Music Academy of the West\600 Decision Maker\MPC\04 Action Letter\04-05-23actltr.doc

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

1.1.1.1 ADDENDA TO ENVIRONMENTAL IMPACT REPORT

Findings pursuant to Public Resources Code section 21081 and the California Environmental Quality Act Guidelines Sections 15162 and 15164:

The Montecito Planning Commission has considered the Addendum dated February 7, 2023, together with the previously certified EIR (03-EIR-06) for the Music Academy of the West Master Plan Conditional Use Permit Revision project. The Addendum reflects the independent judgment of the Montecito Planning Commission and has been completed in compliance with CEQA. The Addendum, together with the EIR 03-EIR-06, is adequate for this proposal. On the basis of the whole record, including the Addendum, the previously certified CEQA document, and any public comments received, the Montecito Planning Commission finds that the project changes described in the Addendum will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment nor present new information of substantial importance pursuant to State CEQA Guidelines Sections 15162 and 15164.

Please see Attachment C, 03-EIR-06 Addendum, incorporated herein by reference.

1.1.2 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Montecito Planning Commission of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101. The document is also available at: <https://cosantabarbara.box.com/s/27z5pp8sdxbf4jptncaru92eut60eajv>.

1.1.3 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

1.1.4 FINDINGS ADDRESSING ADDENDUM ISSUE AREAS

The Addendum prepared for the project addressed the following issues: land use compatibility, noise, and transportation/circulation. All other issue areas were determined to be unaffected by the proposed project.

2.0 ADMINISTRATIVE FINDINGS

2.1.1 CONDITIONAL USE PERMIT FINDINGS

A. Findings required for all Conditional Use Permits. In compliance with Section 35-172.8 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Major or Minor Conditional Use Permit the review authority shall first make all of the following findings:

- 1. That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.**

The Montecito Planning Commission finds that the project site is adequate in size, shape, location and physical characteristics to accommodate the proposed program and operational use changes. The subject property is 9.07 acres in size and is located in a built-out, urban neighborhood. As discussed in Sections 6.1, 6.2 and 6.3 of this staff report, dated March 7, 2023 and incorporated herein by reference, no new structural development is included with the proposed revision to the CUP, the daily and annual maximum public attendance limitations will not be changed, there will be no significant traffic impacts, and the addition of amplified and acoustic sound outdoors will be monitored and managed to be consistent with current ambient noise levels and maintain compliance with the 65 dBA maximum at property lines where applicable.

- 2. That adverse environmental impacts are mitigated to the maximum extent feasible.**

The Montecito Planning Commission finds that the project will have no adverse environmental impacts and no further environmental review is required under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15164. Mitigation measures from the prior EIR, 03-EIR-06, that remain applicable have been carried over to the current proposal to ensure that any project-related impacts will be reduced to the maximum extent feasible. In addition, as discussed in the Sections 4.0, 6.2 and 6.3 of this staff report, dated March 7, 2023 and incorporated herein by reference, the project is designed to maintain daily and annual public attendance caps, utilize best practices for

managing sound level requirements at property lines and balance the proposed CUP changes in a manner that results in no new environmental impacts.

3. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

The Montecito Planning Commission finds that streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed Conditional Use Permit revisions. By adhering to the daily and annual attendance caps, the project will not result in a significant increase in traffic beyond that which is already generated by the existing educational/institutional uses, as discussed in Section 6.2 of the Montecito Planning Commissions staff report dated March 7, 2023, and incorporated herein by reference; and as discussed in the Traffic, Parking and VMT Analysis (Attachment F of the staff report). Additionally, there is no change to the circulation pattern as part of the project and the area roadways continue to function within acceptable capacities.

4. That there will be adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

The Montecito Planning Commission finds that there will be adequate public services available to serve the project. As discussed in Section 6.2 of the Montecito Planning Commissions staff report dated March 7, 2023, and incorporated herein by reference, the subject property is currently served by the Montecito Water District, Montecito Sanitary District, Montecito Fire Protection District, and Santa Barbara County Sheriff's Office. The applicant provided service availability letters for the proposed change of resale shop use to residential/accessory use, including a Certificate of Water Service Availability from the Montecito Water District and a Sewer Availability Letter from the Montecito Sanitary District (Attachments E and F to the Montecito Planning Commission staff report dated March 7, 2023, incorporated herein by reference).

5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.

The Montecito Planning Commission finds that the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area. The proposed project will be compatible with the community's residential, small town, semi-rural character because the change of uses will not exceed the existing maximum annual or daily public attendance caps of 900 and 47,000,

respectively, nor will it result in a further increase in the uses allowed. The proposed changes include shifting a portion (50 seats) of the maximum allowed seating capacity in one venue (Yzurdiaga Hall) to another (Hahn Hall), eliminating seasonal maximum public attendance (while maintaining the annual maximum public attendance), increasing the “any given time” maximum public attendance from 330 to 410 while maintaining the daily cap of 900, increasing the maximum participants per seminars/meetings from 175 to 350 (consistent with the proposed maximum seating capacity of Hahn Hall), increasing the instructional student population from 150 to 175, reintroducing Significant Life Events and associated outdoor sound, repurposing the resale shops (Treasure House & The Rack) for mission-driven activities (residencies and event support), allowing administrative office use of the resale shop storage building (no associated increase in staff/population), allowing other MAW employees to occupy the caretaker residence, and adding artistic and wellness purposes (dance, yoga, meditation, visual and performing arts, etc.) to the allowed public use of the studio spaces (music practice and recording). In accordance with the monitoring and reporting that was required as a condition of approval for the latest revision of the CUP (90CP-111 RV01) in 2004, the maximum attendance number has not been exceeded and there have been no reported zoning violations on the property. Additionally, no new structural development is proposed. With the restrictions that remain in place to regulate use of the campus, the proposed project will not be incompatible with the health, welfare, safety and convenience of the neighborhood.

6. That the project is in conformance with the applicable provisions and policies of this Article and the Coastal Land Use Plan.

The Montecito Planning Commission finds that, as discussed in Sections 6.2 and 6.3 of this staff report, dated March 7, 2023, and incorporated herein by reference, the proposed project will comply with all applicable requirements of Article II and the Comprehensive Plan, including the Coastal Land Use Plan and the Montecito Community Plan.

7. That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.

The Montecito Planning Commission finds that the proposed project is not located in a designated rural area and therefore this finding is not applicable to the proposed project.

8. That the project will not conflict with any easements required for public access through, or public use of the property.

The Montecito Planning Commission finds that the project will not conflict with any easements required for public access through, or public use of the property. There are no public easements on the property. No new structural development is proposed and the internal circulation system will remain unchanged.

9. That the proposed use is not inconsistent with the intent of the zone district.

The Montecito Planning Commission finds that the proposed use is not inconsistent with the intent of the zone district. The Music Academy has operated on the subject site with various Conditional Use Permits since 1951. As discussed in Section 6.3 of this Staff Report, dated March 7, 2023, and incorporated herein by reference, the proposed use is consistent with the intent of the subject lot's 1-E-1 zoning designation with the Conditional Use Permit.

2.1.2 COASTAL DEVELOPMENT PERMIT FINDINGS

A. Findings required for all Coastal Development Permits. In compliance with Section 35-60.5 of the Article II Coastal Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.

The Montecito Planning Commission finds that adequate services are available to serve the project, as discussed in Section 6.2 of the staff report dated March 7, 2023, herein incorporated by reference and Finding 2.1.1.A(4).

B. Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission. In compliance with Section 35-169.5.3 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:

1. **The proposed development conforms:**
 - a. **To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan;**

The Montecito Planning Commission finds that the project conforms to applicable policies of the Comprehensive Plan, including the Coastal Land Use

Plan and Montecito Community Plan, as discussed in Section 6.2 of the Staff Report dated March 7, 2023, and incorporated herein by reference.

- b. **The applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 161 (Nonconforming Use of Land, Buildings and Structures).**

The Montecito Planning Commission finds that the project conforms to applicable provisions of the Article II Coastal Zoning Ordinance, as discussed in Section 6.3 of the staff report dated February 7, 2023, herein incorporated by reference.

- 2. **The proposed development is located on a legally created lot.**

The Montecito Planning Commission finds that the proposed development is located on legally created lots, as shown in the 1971 Parcel Map 11,424.

- 3. **The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).**

The Montecito Planning Commission finds, as discussed in Section 6.3 of the staff report dated March 7, 2023, and incorporated herein by reference, the proposed project will comply with all applicable requirements of Article II, the Coastal Zoning Ordinance. There are no zoning or building violations recorded against the subject parcel. As conditioned, the subject property is, and the proposed project will be, in full compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and all other applicable provisions of Article II and all processing fees have been paid to date.

- 4. **The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.**

The Montecito Planning Commission finds, as discussed in Section 6.2 of the staff report, dated March 7, 2023, and incorporated herein by reference, the proposed development will not significantly obstruct public views from the Highway 101/railroad corridor, Butterfly Road, Fairway Road or from a public recreation area to, and along the coast. The project consists of changes to the permitted existing educational/institutional land use and operations on the lot. No new structural development is proposed.

5. **The proposed development will be compatible with the established physical scale of the area.**

The Montecito Planning Commission finds, as discussed in Sections 6.2 and 6.3 of the staff report, dated March 7, 2023, and incorporated herein by reference, the proposed development is compatible with the established physical scape of the area. No new structural development or physical alterations are proposed as part of the project.

6. **The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.**

The Montecito Planning Commission finds that the proposed development is located in an existing developed urban neighborhood and entirely within the parcel boundaries of the subject parcel. The proposed project will not impact public access to or along the beach along this area of the coast as there are no vertical or lateral access points to the beach on or adjacent to this parcel.

C. Additional findings required for sites within the Montecito Community Plan area.

1. **In compliance with Section 35-215 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Major Conditional Use Permit on sites within the Montecito Community Plan area the decision-maker shall first make all of the following findings:**

- a. **That the project meets all the applicable development standards included in the Montecito Community Plan of the Coastal Land Use Plan.**

The Montecito Planning Commission finds that, as discussed in Section 6.2 of the staff report dated March 7, 2023, and incorporated herein by reference, the project complies with applicable development standards of the Montecito Community Plan.

- b. **The project will not potentially result in traffic levels higher than those anticipated for the parcel by the Montecito Community Plan and its associated environmental documents; or if the project will result in higher traffic levels, that the increase in traffic is not large enough to cause the affected roadway(s) and/or intersection(s) to exceed their designated acceptable capacity levels at buildout of the Montecito Community Plan or that road improvements included as part of the project description are consistent with provisions of the Comprehensive Plan (specifically the**

Montecito Community Plan) and are adequate to fully offset the identified potential increase in traffic.

The Montecito Planning Commission finds that, as discussed in Section 6.2 of the staff report dated March 7, 2023, and incorporated herein by reference, the project will not result in traffic levels higher than those anticipated for the parcel by the Montecito Community Plan since the Music Academy has been operating on this site since 1951 and has had higher levels of use at times throughout its history. As such, the traffic levels associated with operation of the Music Academy were properly accounted for in the Montecito Community Plan as part of the baseline traffic conditions. The change in traffic associated with the proposed operational changes will not cause an exceedance of the adopted roadway volumes or intersection delay. No road improvements are proposed or necessary as part of the project.

c. That the development will not adversely impact recreational facilities and uses.

The Montecito Planning Commission finds that, as discussed in Section 6.2 of the staff report dated March 7, 2023 and incorporated herein by reference, the proposed project will not adversely impact recreational facilities and uses. No recreational facilities exist on the subject lot, existing circulation patterns will not change as a result of this project, and traffic levels will be similar to existing conditions to ensure that recreational use of roadways in the project vicinity will not be adversely impacted.

ATTACHMENT B.1

SANTA BARBARA COUNTY CONDITIONAL USE PERMIT
ARTICLE III, CHAPTER 35
CASE NO. 21RVP-00000-00109

I. A Conditional Use Permit is Hereby Granted:

TO: The Music Academy of the West

APN: 009-282-029, -030

PROJECT ADDRESS: 1070 Fairway Rd

ZONE: 1-E-1

AREA: Montecito

SUPERVISORIAL DISTRICT: First

FOR: Music Conservatory

~~**Advisory statement from the Board of Supervisors with regard to neighborhood compatibility and its intent in approving 90-CP-111 RV01:** In granting this permit, the Board of Supervisors advises future decision makers that based on the evidence in the record at this time, the operation and site development at the Music Academy have reached a maximum level able to be found consistent with the health, welfare, safety, and convenience of the neighborhood and the Board of Supervisors recommends that no further increase in use, density, or development be allowed.~~

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

1. This Conditional Use Permit is based upon and limited to compliance with the project description and revised conditions of approval below. Physical development is as previously approved by 90-CP-111 RV01 (the hearing exhibits marked A-L, with Planning Commission hearing stamp date of June 16, 2004 (plans dated May 2004 except plan PL-2 dated 1/30/04)). Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The Music Academy of the West Conditional Use Permit has been revised to:

- a) Revise the conditions of approval to reflect completion of the final phase of Master Plan construction, update items for the purpose of clarity, and update building names;

- b) Revise various operational elements of the project and several of the conditions of approval to better serve its current and foreseeable needs and create operational flexibility while also maintaining maximum CUP restrictions set forth in 2004.

The Music Academy of the West (MAW) Revised CUP, 21RVP-00000-0010990-CP-111-RV01, (also referred to as the MAW “Master Plan” or “Renaissance Plan”) includes both physical components that have already been constructed as part of build-out of the prior CUP, 90-CP-111 RV01, and operational components as revised by the current CUP. A summary of these components is listed immediately below, with specific details described later in this section. Project components that have been completed as part of the physical development of the Master Plan, along with conditions of approval that have been satisfied, have been marked [COMPLETED]. Revisions to project components and conditions of approval are indicated by strikethrough and underline. This CUP (90-CP-111-RV21RVP-00000-00109) represents a revision to the previous Music Academy of the West CUP (90-CP-111ez RV01) and supersedes the prior CUP.

Summary of Physical Changes (Approved under 90-CP-111 RV01):

- [COMPLETED] ~~Remove 61 mature trees and plant a minimum of 203 replacement trees; four (4) oak trees are proposed to be (removed and) transplanted;~~
- [COMPLETED] ~~Modify existing landscape components including the entrance allée, garden pathways and courtyards;~~
- [COMPLETED] ~~Earthwork necessary to accommodate new structures, circulation and parking. Earthwork would involve 11,089 cubic yards cut, 10,670 cubic yards fill. Approximately 419 cubic yards of excess fill would need to be exported off of the site;~~
- [COMPLETED] ~~Construct a secondary (emergency only) access from Fairway to the motor court in front of Miraflores;~~
- [COMPLETED] ~~Widen, regrade and otherwise modify internal access roads and parking areas¹;~~
- [COMPLETED] ~~Alter campus-wide development with a net increase of 50,630 square feet of structural development and a net increase in overall building footprints of 15,900 square feet;~~
- [COMPLETED] ~~Provide 290 surface parking spaces;~~
- [COMPLETED] ~~Add 2,790 SF through reconstruction of Hahn Hall (formerly Abravanel Hall (the primary recital hall). AbravanelHahn Hall will have a total of 300 fixed seats~~

¹No grading to occur within the easternmost section of the internal roadway, which is a paved easement not owned by the MAW.

~~plus 50 temporary seats in the summer season only. No more than 300 of the total 350 seats shall be sold to/used by the public (defined as anyone not a student, faculty or staff);~~

- ~~[COMPLETED] Demolish Harger Studio and storage building north of Harger Studio and Wood 1 as well as Wood 2 Practice Studios (including the employee apartment);~~
- ~~[COMPLETED] Construct a new Instructional Building in the general location of existing Wood 2 practice studio building and not extending north of existing Wood 2;~~
- ~~[COMPLETED] Construct a new Practice Studio Building including a residential unit between Abravanel Hall and the new Instructional Building in the general location of existing Wood 1;~~
- ~~[COMPLETED] Construct a new Student Services Building that would link Miraflores (the historic main residence) and the new Instructional Building;~~
- ~~Construct a new maintenance & storage building in the northwest corner of the site; and~~
- ~~Construct a new storage building between Treasure House and The Rack.~~

Summary of Operational Changes:

- ~~Relocate p-Primary instruction for the (up to) 50 vocal and accompanying students to the on-site campus. These, along with the up to 100 instrumental students historically receiving instruction exclusively on-site, will bring total enrollment allowed to no more than 150175 students. The number of vocal and instrumental students is to be determined by the MAW, but cannot exceed 150175 total students.~~
- Students would continue to reside off-site but all (up to 150175) students would receive lunch and dinner at the proposed new and improved catering kitchen and indoor dining facilities at the Music Academy. (The existing terrace on the east side of Marilyn Horne Main House (formerly Miraflores) would remain as well);
- Limit public attendance for all activities² as follows: Any-given-time (330410), Daily (900), ~~eight-week Summer Season (22,000) and 44-week Non-Summer Season (25,000)~~ for an ~~and~~ Annual Public Attendance Maximum of 47,000. The limitations would not apply to staff, faculty, other employees, summer music students, other performers, or people attending or performing administrative functions (e.g., volunteers);

²The exception to this would be one, 1-day fundraiser per year, held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).

- Activities related to a music conservatory shall be subject to the proposed attendance caps and other restrictions (conservatory uses/activities would no longer be unrestricted as under 90-CP-111cz);
- ~~Weddings~~ Significant Life Events shall ~~not~~ be an allowed use on-site;
- Educational programs in the arts shall be subject to (and included within) the proposal for campus-wide any- given- time, daily, and ~~non-summer season~~ annual public attendance limitations;
- Meetings/seminars and non-profit benefits, *taken together*, shall total no more than 41 events annually to occur ~~during the non-summer season only~~. Any given time attendance for meetings and seminars shall be limited to ~~175~~350 participants and otherwise subject to the daily and ~~non-summer~~ attendance limits. Non-profit benefits shall be subject to the any given time, daily and annual ~~non-summer season~~ public attendance caps;
- Provide all project generated parking on-site;
- [COMPLETED] ~~Provision of 285 parking spaces plus an additional 5 spaces using stacked parking (per the approved modification to the standard Zoning Ordinance requirement for 332 spaces for this use);;~~
- [COMPLETED] ~~Allow for parking lot paving in the north end of the property within the sideyard setback from the western property line;~~
- [COMPLETED] ~~Allow for modification to the Zoning Ordinance height limitation of 25 feet for the renovated Abravanel Hall (existing Hall is currently 34.8 feet, no change to height is proposed);~~
- ~~The hours of operation for Treasure House and The Rack shall be Monday-Saturday, 12:00-3:00 p.m. During the non-summer period the same hours shall apply;~~
- The MAW will discontinue its resale shops uses (The Treasure House & The Rack), which are currently allowed to operate six days per week from 12:00 pm to 3:00 pm, and repurpose these spaces for MAW mission-driven activities such as guest artist accommodations and rehearsal space, significant life event preparation space, and residential use for alumni, faculty members, local organizations and community use. The Academy has made a commitment with local performing arts organizations such as the Santa Barbara Symphony to share this valuable resource.
- The proposed residential component reintroduces the historical uses of these buildings and does not result in an intensification of use. It is anticipated the residential

component would be utilized in the summer months for 8-10 weeks for Festival-related personnel. In non-summer months, durations of stay may range from 1-night to 30-days at a time, and with a 1-4-person maximum occupancy for The Rack, and 1-2-person maximum occupancy for the Treasure House. This request further supports the fiscal health of the MAW in generating revenue and off-setting rental expenses otherwise paid for off-site rentals for MAW guest artists, alumni, and faculty members.

- The existing 1,380 sq. ft. storage building, constructed during the Master Plan build-out, and located west of the Treasure House and Rack will become flex space to allow for future use for MAW administrative offices and rehearsal space. When used for activities which would likely generate nuisance noise for neighbors (e.g., any type of amplification, brass band practice, etc.), any north or east facing windows in the rooms shall be closed. No intensification of use, increase in staff, or change in allowed populations is proposed with this change. In addition, no added square footage or changes to the exiting configuration or footprint of this structure is proposed.
- ~~Implement~~ Maintain a *Cut-Through Reduction Plan (CTRP)* to discourage vehicles coming to the MAW for no reason other than to gain access to the east of the site (Butterfly Lane and beyond) using the MAW internal road as a circulation "short-cut." ~~The plan as proposed by the applicant would require cut through traffic to pay a substantial fee (\$10.00 minimum) to exit the campus;~~
- The Music Academy shall assign a full-time staff member year-round to actively monitor and direct parking, vehicular flow, and traffic on-site and at the gates to reduce neighborhood traffic impacts.
- ~~[COMPLETED] In the short term implement a more simple cut through program prior to implementing the more elaborate long term program.~~
- ~~Provide summer student bus remote control access for entry at gates on Butterfly Lane and implement a cell phone system allowing large delivery truck (and other non-summer student buses) entry at Butterfly Lane (some trucks would continue to enter on Fairway).~~

Following is a more detailed discussion of the proposed Master Plan Revised Conditional Use Permit project description:

[COMPLETED] ***Landscaping***

~~The Landscape Master Plan includes landscape enhancements throughout the property, such as new screening elements along The Fairway, and new slope planting north and east of Miraflores. The design goals of the landscape plan are to: 1) honor the historic landscape by restoring critical design elements to the allee and by using historically accurate plantings and skyline trees, 2)~~

~~effectively enhance vegetation and trees along the perimeter of the site to screen MAW building improvements from the street and neighboring properties, so that the site appears substantially unchanged to the immediate neighbors (with retention of many existing trees and following establishment of new landscaping) and 3) to supplement and enhance landscaping in the southeast corner of the site, in an attempt to attract monarch butterflies back to this historic roosting area, behind the main house (Miraflores). These landscape improvements would result in landscape coverage of approximately 197,040 SF (~ 4.75 acres) of the 9-acre project site. Of this total, approximately 12,000 SF (~ .28 acres) would be lawn and non-drought tolerant landscaping with the balance, approximately 185,040 SF (~ 4.47 acres), made up of a combination of mature landscaping and trees, as well as new drought tolerant plantings.~~

~~With incorporation of project conditions, 61 trees will be removed (including two oak tree), a minimum of 203 new trees will be planted, and 4 oak trees will be transplanted elsewhere on-site. Planting of 106 new oaks (5-gallon, 15-gallon and 24-inch box) is included in the project landscape plan.~~

[COMPLETED] Building Revisions/Physical Changes

SITE PLAN REVISIONS <u>[COMPLETED]</u>						
BUILDINGS	EXISTING FOOTPRINT (SF)	PROPOSED FOOTPRINT (SF)	EXISTING FLOOR AREA (SF)	PROPOSED FLOOR AREA (SF)	NET CHANGE FOOTPRINT (SF)	NET CHANGE FLOOR AREA(SF)
CAMPUS TOTAL	34,730	49,270	44,370	95,920 93,500	+15,900 <u>14,900</u>	+50,630 <u>49,900</u>
<u>HAHN HALL</u> (formerly ABRAVANEL HALL)— Additions	7,290	10,080	11,340	14,130	+2,790	+2,790

SITE PLAN REVISIONS [COMPLETED]						
BUILDINGS	EXISTING FOOTPRINT (SF)	PROPOSED FOOTPRINT (SF)	EXISTING FLOOR AREA (SF)	PROPOSED FLOOR AREA (SF)	NET CHANGE FOOTPRINT (SF)	NET CHANGE FLOOR AREA(SF)
COMBINED NEW PRACTICE STUDIO BLDG/INSTRUCTIONAL CENTER, (including ~1,900 sf residential unit) - replaces Wood 1 and Wood 2 practice studio (and ex. apartment) bldgs	6,440	13,670	7,900	39,480	7,230	31,580
STUDENT SERVICES	N/A	3,980 *	N/A	14,530 *	+3,980*	+14,530*
THE RACK	1,200	Same	1,600	Same	No Change	No Change
TREASURE HOUSE	940	Same	940	Same	No Change	No Change
NEW MAINTENANCE/STORAGE	N/A	1,610	N/A	1,470	+1,610	+1,470
RESIDENCE (near Treasure)	1,270	Same	1,270	Same	No Change	No Change
NEW STORAGE	N/A	1,080	N/A	950	+1,080	+950
MARILYN HORNE MAIN HOUSE (formerly MIRAFLORES (former/ residence))	11,250	Same	14,980	Same	No Change	No Change
CLAEYSENS STUDIOS	4,650	Same	4,650	Same	No Change	No Change

SITE PLAN REVISIONS [COMPLETED]						
BUILDINGS	EXISTING FOOTPRINT (SF)	PROPOSED FOOTPRINT (SF)	EXISTING FLOOR AREA (SF)	PROPOSED FLOOR AREA (SF)	NET CHANGE FOOTPRINT (SF)	NET CHANGE FLOOR AREA(SF)
HARGER CRISPIN ANNEX (formerly HARGER BRASS STUDIO & MAINTENANCE ADDITION)	1,690	N/A Same	1,690	N/A Same	-1,690 No Change	-1,690 No Change

			EXISTING AREA (SF)	PROPOSED AREA (SF)	NET CHANGE FOOTPRINT (SF)	NET CHANGE AREA (SF)
LANDSCAPE	N/A	N/A	259,280	197,040		-62,240
PAVING))	N/A	N/A	80,380 SF	115,670		+35,280
			EXISTING	PROPOSED		
PARKING	N/A	N/A	214 ³ SPACES	285 SPACES (+5 w/stacked parking)		+76

Rehearsal/Recital Hall (Reconstruction of Hahn Hall – formerly Abravanel Hall)

Hahn Hall (formerly Abravanel Hall (the main recital hall) would be was reconstructed, featuring raked, fixed seating with a maximum permanent seating capacity of 300 plus allowance for an additional 50 removable seats during the summer season only. Under this CUP revision, the fixed seating in Hahn Hall will be increased from 300 to 350 and there will no longer be a need to set up removable seats in the summer. The number of permanent seats in Yzurdiaga Hall (formerly Stewart Hall) shall be decreased from 92 to 42 seats. No more than 300330 of the

³ The 214 spaces include the 31 temporary parking spaces approved in the northwest corner. Use of the temporary gravel parking area is proposed to continue until the new parking is developed.

~~total 350 seats shall be sold to/used by the public⁴. The hall would have improved acoustics, optimized for chamber music and would remain the indoor venue with the largest seating capacity. The MAW will continue to schedule events off-site that will be attended by more members of the public than the maximum allowed in the replacement hall.~~

~~**[COMPLETED]** Based on the County's methodology for calculating building height, the existing building is 34.8 feet. Because there is a 25-foot height limitation in this zone district, pursuant to Section 35-172.12 of the Coastal Zoning ordinance, this revised CUP includes approval of a modification to allow the reconstructed hall to remain at its current height, as the proposed changes to the hall will not alter the existing exterior roof height in any way. The finished floor elevation of the lower lobby for both the existing and reconstructed recital hall will be at approximately the same elevation.~~

~~**[COMPLETED] *Parking***~~

~~A new expanded parking area is included in the northwest corner of the property. A total of 285 parking spaces plus 5 additional spaces using stacked parking (see Civil Plan) are included, most will be located in the northwest portion of the property.~~

~~**[COMPLETED] *Wood Practice Studio Replacement Building (Instructional Building)***~~

~~Wood 2 practice studio building will be removed and replaced with a new instructional building which will provide expanded and improved practice studio spaces for individual students and a range of ensembles, including vocal students' preparation for opera performance. The height of the new building will be 25 feet. The new Instructional building would be lower in height (above sea level) than *Miraflores*, to which it will be linked (via the proposed student services building). (The floor plans, including specific uses and spaces specified for the new Instructional, Practice Studio and Student Services Buildings, may be rearranged within these three buildings as part of the final building plans, to reflect the physical revisions to these buildings during the MPC hearings on the project.)~~

~~**[CONSTRUCTION ELEMENT COMPLETED] *Student Services*** (Link building between the new Instructional Building and *Miraflores*)~~

~~Linking the proposed Wood Replacement/Instructional Building with the main house (*Miraflores*) is a building dedicated primarily to administrative offices supporting student services. The student services building (*Luria Education Center*) will include a basement storage area, a catering kitchen (not an industrial or commercial type of kitchen) and a faculty and student dining area. The Music Academy will continue to have all meals catered under the proposed plan (caterers typically prepare food off-site, but some limited on-site food~~

⁴ The public is anyone who is not a student, faculty, or staff, including, but not limited to MAW donors, students' friends and family, etc.

preparation is permitted). Catered meals will be provided to Music Academy students, faculty and staff as well as to those groups attending some of the permitted activities on-site (meetings/seminars, non-profit benefits, and MAW administrative functions such as Council dinners etc.) When these aforementioned activities are not occurring, the kitchen uses and foodstuffs will be limited to a typical office lounge (popcorn, heating or keeping cold food brought from home, etc.) The dining room will not be open to the general public and the improved MAW facilities will not serve as a restaurant or snack bar to the general public. (Caterers will be used to provide and serve food on-site. The MAW will not hire a chef or other kitchen employees to staff the kitchen/dining facilities). For specific allowances /restrictions for the kitchen/dining facilities, refer to condition of approval 40.

~~In joining together the Instructional Building, Miraflores, the Student Services Building, and the new Practice Studio Building, a new "interior" courtyard is created in the heart of the campus. Outdoor MAW gatherings could occur here in an insulated and well screened area. (The floor plans, including specific uses and spaces specified for the new Instructional, Practice Studio and Student Services Buildings, may be rearranged within these three buildings as part of the final building plans, to reflect the physical revisions to these buildings during the MPC hearings on the project.)~~

[COMPLETED] New Practice Studio Building

~~A new, larger practice studio building is included in the area where the existing Wood 1 practice studio building is located. This structure will contain approximately 20 teaching studios, ensemble rooms and individual practice rooms. A residential unit to replace the one being removed from Wood 2 will also be located in this structure. (The floor plans, including specific uses and spaces specified for the new Instructional, Practice Studio and Student Services Buildings, may be rearranged within these three buildings as part of the final building plans, to reflect the physical revisions to these buildings during the MPC hearings on the project.)~~

New Storage & Maintenance Buildings

~~A 1,610 SF structure is proposed in the northwest portion of the site and will be used for campus maintenance and storage. The building will have a maximum height of 18.6 feet. A storage building of 1,380 with a height of 13 feet is proposed between the Rack and Treasure House at the toe of the slope on which these buildings are located.~~

Operational Changes

The physical changes described above are intended to improve the quality of the existing instructional, practice and performance facilities on the MAW campus and to accommodate instruction for all ~~150~~175 summer students at the project site. ~~The revised CUP maintains the same total number of students in the summer program, but will relocate primary instruction for the vocal and vocal accompanying students from Cate to the MAW campus.~~

1. Revise the project description condition (#1), to reflect the revised CUP approval;
2. Eliminate weddings Allow a maximum of 15 Significant Life Events (SLEs) as a permitted use onsite per year. Examples of SLEs include weddings, memorial services, quinceaneras, birthday and anniversary celebrations, bridal/baby showers and other individual private parties;
3. Reception attendance related to each SLE shall be limited to 225.
4. SLEs may take place in any appropriately-sized indoor space, with the exception of Hahn Hall. Outdoor amplified spoken voice and unamplified/acoustic music shall be limited to the following areas: Zone 1 Anne's Garden, Zone 2/2.5 Holden Encore Society Garden/Presidents Garden, Zone 3/4 Bock Garden/Williams Garden, Zone 5 Kuehn Court, Zone 7 Towbes Court, Zone 9 Lind Patio, and Zone 11 Kinnear Fountain.
5. The SLE facility renter shall provide a monitor dedicated to ride share assistance at the end of each event to decrease the potential neighborhood nuisance caused by lost/confused drivers. Note: ride share drivers' ability to locate the correct entrance to the MAW is often dependent on how the rider(s) enter(s) their pick up location into the ride share app.
6. For SLEs, traffic shall be routed in and out through the main gate on Fairway Road.
7. The following tools for self-management of sound levels shall be implemented for SLEs with outdoor amplified spoken word and/or unamplified/acoustic music:
 - a. Facility renter must provide personnel to manage each SLE. The manager(s) shall be present from set up to break down of event, shall not be considered a guest, and shall not drink alcohol during the event.
 - b. At Zones 1, 3, 4, and 5 (i.e., areas near the southern property lines): acoustic music programming, and/or amplified spoken voice shall be limited to no more than two hours total.
 - c. At Zones 2, 2.5, 7, and 9: acoustic music programming and/or amplified spoken voice shall be limited to no more than four hours total.
 - d. Outdoor amplified sound for SLEs shall be limited to spoken voice.
 - e. PA systems shall be pointed away from neighbors whenever and wherever possible.
 - f. SLEs shall only occur within the hours of 9:00 AM to 10:00 PM. Guests and related vehicle traffic shall vacate the site by 10:30 PM.

- g. Outdoor amplified spoken word and/or unamplified/acoustic music related to SLEs shall end no later than 9:00 PM.
 - h. A MAW staff member shall be designated as a point-of-contact for any potential neighbor concerns.
 - i. An additional MAW-approved security officer shall be present for the duration of all SLEs to help ensure that guests comply with MAW policies and requirements.
- 8. Amplified music shall be limited to indoor locations in Lehmann Hall or Weinman Hall and shall commence no earlier than 4:30 PM and end no later than 9:00 PM.
 - 9. Increase the total allowances of use of amplified spoken voice from twice per calendar year to 17 per calendar year.
 - 10. Parking shall be limited to the MAW parking lots.
 - 11. Allow meetings/seminars and non-profit events, taken together, to total no more than 41 events and limit these to the non-summer season. Public attendance at these events shall be subject to and included within the campus-wide attendance caps: any given time (~~330410~~), daily (900) and non-summer season (~~25,000~~) limitations annual (47,000), with the exception that meetings/seminars shall be restricted to no more than ~~175~~350 participants/event (~~consistent with historic levels~~); and
 - 12. ~~Upon completion of on-site parking improvements (290 spaces),~~ Project related parking demand shall be accommodated on the project site (not in overflow lots or on-street).

Attendance Limitations

In addition to Hahn Hall (formerly Abravanel Hall), the other existing indoor venues that can accommodate group gatherings are ~~two~~ large rooms in Marilyn Horne Main House (formerly Miraflores) that will remain (Lehmann Hall and Yzurdiaga (formerly Stewart Hall)) and one in the ~~Wood studio building (Singher Studio)~~ Weinman Hall in the Luria Education Center (formerly Instructional Building/Lehrer Studios), which will be removed with the demolition of the ~~Wood practice studio building~~. ~~Singher Studio will be replaced by two larger rooms in the proposed Instructional Building. During the summer, one of these new rooms is proposed to normally be reserved for use by the vocal students for the blocking of operas (rehearsing where to stand on the stage) and vocal instruction and orchestra practice will take place in the other room. During the non-summer period, these rooms can be used for instruction, practice, rehearsals, auditions and meetings associated with music.~~ The rooms/spaces in the Luria Education Center building complex shall be used for musical practice, instruction, auditions, rehearsals, meetings and other performing arts uses (dance) and wellness activities (yoga, art,

etc.) Rental of these spaces to others for these same activities will also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes.

The maximum allowable capacities of the proposed venues are identified in table below.

Venue	Floor Area (SF)	Maximum Allowable Seating Capacity
<u>Hahn Hall (formerly Abravanel Hall)</u>	14,130	350 MAX (300 350 fixed public seats +50 removable seats - no more than 300 330 seats for public use/sale)
Lehmann Hall	1,761	195
<u>Yzurdiaga (formerly Stewart Hall)</u>	972	<u>924</u>
Instructional Bldg Lower Level	1,800	171
Instructional Bldg Upper Level	2,700	257
New Practice Studio Building Rooms	N/A	N/A
Master Plan Maximum Indoor Seating Capacity with Public Attendance Caps (330410-Any-Given-Time Public Attendees) (with 50 removable seats in Abravanel Hall for summer use only)		330 max public attendees (Summer & Non-Summer)

Attendance shall be limited through restrictions on the maximum number of members of the public who can be on the Academy campus. Faculty, staff, summer music program students, performers and non-staff attendees at administrative activities on-site (including volunteers) will not be counted toward the proposed maximum attendance limits. Fundraisers shall be subject to the any given time, daily and ~~seasonal~~ annual attendance caps and are not considered administrative functions. ~~The exception to this is the one day fundraiser to be held during the non-summer period, which is not subject to any of the attendance caps.~~

The specific public attendance limitations proposed are as follows:

1. Any given time (~~330410~~) - this will apply to either individual or conjunctive use of multiple venues on-site (indoor and outdoor).

2. Daily 900; and
3. Annual (47,000) ~~based on the following seasonal attendance caps:~~
 - a) ~~Summer (22,000)~~
 - b) ~~Non-Summer (25,000) season~~
 - a) Figures do not include faculty, staff, students, other performers or employees or people attending administrative functions.
 - b) To avoid parking and other conflicts, special administrative functions (board meetings, dinners, etc.) shall not occur concurrently with high attendance events. Therefore, administrative activities are not expected to increase occupancy of the site over and above the proposed any-one time attendance maximum. Also, special administrative functions are not be subject to the daily, seasonal at any given time and annual attendance limits either under baseline conditions or the proposed project scenarios (Fundraisers shall not count as administrative functions).
 - c) ~~Seasonal attendance caps limit the number of days where the daily maximum could be reached.~~
 - d) ~~The new summer public attendance caps will result in a 39% increase in public audience members (est. 15.5% increase in traffic) for the summer period.~~
 - e) When more than 95 performers and staff are present for a maximum capacity non-summer event, staff or performers above this number shall be bused to the MAW campus.

These limitations shall apply to all activities and events conducted on campus and shall apply 7 days a week. Any exceptions to these limitations are identified below.

~~[COMPLETED]The Music Academy shall not seek an upward revision of the maximum attendance caps for a period of at least ten (10) years from the date of occupancy of the student services, instructional, or practice studio buildings.~~

Non-Summer Season

The proposed typical non-summer attendance limit activities shall include participants at both conservatory activities (musical classes, rehearsals, recitals, recording and concerts, classes and meetings sponsored by the Music Academy related to education in music, meetings related to music not sponsored by the Music Academy), MAW fundraisers, and rental activities (meetings, seminars, and non-profit benefits). ~~The rental activities/special events (seminars, meetings, non-profit benefits and educational programs in the arts⁵) shall only occur during the non-summer season.~~

⁵ Educational programs in the arts are defined as "programs or classes in the performing arts that are not sponsored or directed by the Music Academy."

Existing audience attendance ~~in the non-summer season~~ has been ~~reduced~~limited under this permit to provide assurance to the community that the Academy does not become a commercial endeavor. Activities subject to the attendance limitations shall include all music conservatory activities associated with the Music Academy, community groups, and other members of the public (e.g., concerts, meetings related to music, rehearsals, workshops and instruction, public use of practice studios, recording sessions, etc.) and all special events/rental activities (conferences, meetings, seminars, non-profit benefits, educational programs in the arts). Special events/rental activities shall be permitted as follows:

1. Seminars/meetings and non-profit benefits, *taken together*, shall be restricted to a total of 41 events, subject to, and included within, the campus-wide attendance restrictions. The exception to this will be that the seminars and meetings will be further restricted to the historic maximum of no more than ~~175~~350 participants per activity/event.
2. Educational programs in the arts are be subject to the attendance caps, with all non-summer students, faculty, and/or instructors (other than those performing at a concert) counted toward the maximum attendance limitations.
3. ~~Weddings shall not be a permitted use.~~ Significant Life Events (e.g. weddings, memorial services, quinceaneras, birthday and anniversary celebrations, bridal/baby showers and other individual private parties.
4. Studio rentals for music and other artistic and wellness activities (e.g. yoga, art, dance, performing arts, wellness)⁶.

Music Academy administrative activities will remain unchanged under the new permit and are specifically not included within these attendance limits. However, the Academy shall schedule any special administrative activities⁷, such that they shall not occur at the same time as large events on-site. The intent of this is to avoid the combination of event and administrative attendance at levels that would challenge traffic circulation and on-site parking demand or that will create other logistical problems.

⁶ The Other non-conservatory uses allowed on-site shall be limited to meetings, seminars, non-profit benefits, educational programs in the arts, MAW administrative functions, maintenance activities, fundraisers subject to attendance caps (except one day per year not subject to the caps) ~~and the resale shops (as conditioned)~~. Inclusion of an accessory musical component in an activity other than the above allowed uses shall not convert a non-permitted use to a permitted use simply because music has been included (e.g., rental for a reception which has musicians for entertainment).

⁷ Defined as administrative activities, such as board meetings, auxiliary member meetings, etc., which involve more people than regular staff activities.

Summer Season (8 weeks, mid-June to mid-August) Site Attendance Maximums

The attendance maximums ~~for the summer season~~ shall not include up to 89 staff/faculty (including all conservatory, administrative, maintenance, service and other staff), up to ~~150~~175 students/performers, or attendees at administrative activities on-site such as MAW board meetings, auxiliary meetings, council dinners, etc. As with the non-summer period, Music Academy administrative activities shall remain unchanged under the new permit and shall not be included within the proposed attendance limits. However any special administrative activities⁸, involving greater numbers of people, shall not occur at the same time as large events on-site. Fundraisers, subject to the any given time, daily and ~~seasonal~~ annual attendance caps may occur during the summer. ~~However, the one day per year fundraiser, which is not subject to the attendance caps as well as rentals, special events, and non-profit benefits shall not occur during the 8-week summer season.~~

~~Attendance at the Music Academy's Summer Festival shall be limited to a total of 22,000 persons.~~

The Music Academy shall provide a copy of its Summer School and Festival program to the owners of 87 Butterfly Lane upon their request, as well as notification of all special events exceeding 250 participants.

Summer Instructional Program

~~Reconstruction of Hahn Hall (formerly Abravanel Recital Hall): A renovated recital hall is proposed to will~~ enhance the educational experience of the students as well as improve the facilities for MAW patrons and the public. *Off-Campus Master Classes:* The MAW will continue to schedule selected Master Classes off campus, as necessary (e.g., to accommodate a concert with more public attendance than is permitted on-site and/or in specific venues on-site).

Summer School: Instructional activities for the Summer School consist of individual and group instruction, individual and group rehearsals and practice sessions, orchestra rehearsals (no orchestra performances), and other school activities. The ~~150~~175-maximum number of students in the overall summer music program shall not change under the revised CUP. However, up to 50⁹ vocal and vocal accompanying students, that have received primary instruction at ~~Cate School~~ Westmont College, shall receive all instruction at the Music Academy upon completion of new facilities onsite. Following project implementation, all ~~150~~175 students will receive both lunch and dinner (catered meals, not prepared on-site) at the Music

⁸ Defined as administrative activities, such as board meetings, auxiliary member meetings, etc., which involve more people than regular staff activities.

⁹ These 50 students would continue to be part of (not in addition to) the ~~150~~175 maximum students in the summer program.

Academy campus. The number of vocal and instrumental students is to be determined by the MAW, but cannot exceed ~~150~~175 total students.

Other Music Academy Operations

Fundraising Events Open to the General Public (no attendance cap): One, 1-day fundraiser (e.g., May Madness) will not be subject to the attendance caps. This event is to take place during the non-summer period. Other fundraising activities will be subject to the attendance caps.

Resale Shop Hours: ~~The hours for the resale shops will be Monday-Saturday, 12:00-3:00 p.m...~~

On-Site Residences: Both the caretaker's residence and an employee apartment (~~replacing the existing apartment being removed in Wood 2~~) will be retained on site.

Caretaker residence use allows flexibility of the "caretaker" residential unit in order to provide the opportunity for other MAW employees or guests (e.g. visiting artists) to occupy the onsite residence located east of the Treasure House.

[COMPLETED] Modifications to the Coastal Zoning Ordinance Standards

~~As discussed earlier in this section, the revised CUP includes modifications to the following standards in Article II:~~

- ~~1. Modification to the 25-foot height limit (Section 35-172.12) for the proposed renovation of Abravanel Recital Hall, which will remain at its existing height (34.8 feet).~~
- ~~2. Modification to the number of parking spaces required by Division 6 Parking Regulations (Section 35-109). The MAW will provide a total of 285 parking spaces (plus 5 more using stacked parking) on-site. The Zoning Ordinance will normally require provision of 332 spaces.~~
- ~~3. Modification to the side yard setback for the 1-E-1 zone district, to allow parking lot paving within two feet of the western property line.~~

[COMPLETED] Project Phasing

~~The phasing of proposed Master Plan improvements is to be contingent upon several factors, with adequate funding a primary consideration. The Master Plan has been conceived as one continuous project and ideally will be finished as such. If it is necessary to break the proposed development into phases (due to funding or operational issues), the MAW will still complete the Miraflores remodel, the Phase 2 components identified below, and grading for Phase 3 during the first phases of construction.~~

Anticipated Phase 1a

•—~~Miraflores Restoration/Remodel~~

Anticipated Phase 1b

- ~~New Parking Areas~~
- ~~New Storage~~
- ~~New Maintenance & Storage~~
- ~~Main entrance driveway~~
- ~~Motor Court~~
- ~~Remove Wood 1 and 2~~
- ~~New Student Services Building~~
- ~~New Instructional Center~~
- ~~Realign the internal roadway~~
- ~~Remove Harger Studio~~
- ~~Install perimeter and interior screening landscaping~~
- ~~Grading for the New Practice Studio Building~~

Anticipated Phase 2

- ~~Construction of New Practice Studio Building w/apartment~~

Anticipate Phase 3

- ~~Reconstruction of Abravanel Hall~~

[COMPLETED] Grading

The preliminary grading and drainage plan (Figure 7) estimates earth work quantities as follows:

Grading/Phasing Calculations

Phase	Cut	Fill	Export/ (Possible Import)	Total Construction Period	Duration for Grading Component
1a	None	None	None	10 months	None
1b	10,907	10,625	282 (cut)	20 months	6-8 weeks
2				10 months	None
3	182	45	137 (cut)	10 months	2 weeks
1-4 Totals	11,089	10,670	419 (export cut)	42 months	9-13 weeks

* Pursuant to the project grading plan, these quantities are approximate in place volumes calculated from the existing ground (per topographic contours or spot elevations on the grading

~~plan) to the proposed finish grade or sub-grade (per the design surface elevations on the grading plan). The quantities have not been factored to include allowances for bulking, clearing and grubbing, subsidence, shrinkage, over excavation and recompaction, underground utility and substructure spoils and construction methods. (Based on other County projects, staff believes it is appropriate to assume that actual quantities may be up to 30% greater than shown, particularly with regard to exportation of excess fill material).~~

~~If the funding is available, the total construction period is expected to be shortened, as additional equipment and crews will be able to work simultaneously in the various areas of the site (Steve Metsch, project architect). The staging area for all construction vehicles will be along the northern property boundary near the UPRR right of way. Excess fill is proposed to be exported off-site using the adjacent railroad right of way to access Channel Drive near Cabrillo Boulevard, subject to issuance of a right-of-way agreement with Union Pacific. Any use of this route for exportation of excess fill or other construction vehicle traffic will reduce construction traffic on the immediate neighborhood streets.~~

Utilities and Services

~~The site is currently served by the Montecito Water District, Montecito Sanitary District, the Montecito Fire Protection District, and the Santa Barbara County Sheriff. The additional facilities identified as part of this application will also be served by these Districts.~~

[COMPLETED] Short-term Cut-Through Traffic Reduction Program (CTRP)

~~The MAW will take traffic roadway counts in the beginning of their summer 2004 music program. In approximately the third week in July 2004, the MAW will implement a simple, initial CTRP. This will involve temporary traffic controls, such as person present at the exit explaining and handing out information about not using the MAW private drive as a cut-through route, closing gates when activities are not occurring on-site, etc.).~~

~~The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.~~

~~Within three years after granting this permit, construction and/or the use shall commence. (Three years is measured from expiration of a 10 day appeal period, or 10 working days after the California Coastal Commission (CCC) receipt of Board of Supervisor's final action, if~~

~~appealed to the Board of Supervisors. If appealed to the CCC, the date shall be measured from CCC final action.~~

~~2. Any activity, event, use, or development of the site that is not expressly allowed under this permit or expressly exempt from CDPs under the Zoning Ordinance shall be and is prohibited and that all provisions of the permit shall be strictly construed. Subsequent to occupancy clearance, modifications to the CUP (other than those that would be exempt from permits) shall be subject to MPC review and approval.~~

Conditions Derived from EIR Mitigation Measures

Aesthetics

3. **[CONSTRUCTION ELEMENT COMPLETED]** Compliance with the Tree Protection Plan (Condition 13). The following shall be added to the Tree Protection Plan to reduce aesthetic impacts:

- a. The TPP shall emphasize the protection (and retention, where feasible) of existing trees and shrubs that are critical to screening the property from off-site (e.g., particularly those trees that provide screening of the site when viewed from the north and east). In addition, the primary goal of tree maintenance activities (trimming, pruning) shall focus on maintaining the long-term health (and retention) of the trees. However, wherever possible, the maintenance activities shall also consider the goal of maintaining maximum screening provided by tree foliage. Trimming or thinning of trees that provide screening as viewed from off-site shall be limited to activities necessary to protect the health of the trees, in response to mandatory fuel management standards directed by Montecito Fire Protection District, due to serious safety concerns, and/or due to serious threats to structures (e.g., significant, unstable limb expected to damage roof of structure, etc.).

~~**Plan Requirements and Timing:** The applicant shall revise the Tree Protection Plan to include this requirement and submit this for P&D review and approval prior to approval of CDPs. Applicant shall maintain copies of arborist documentation of arborist recommendation for tree thinning/limbing for screening trees. P&D shall check the Tree Protection Plan for compliance with this measure.~~

~~**MONITORING:** Permit Compliance shall site inspect during construction activities to ensure compliance.~~

4. **[CONSTRUCTION ELEMENT COMPLETED]** Night-lighting and its intensity shall be minimized to the extent feasible for security and safety purposes and night-lighting should be reduced following the close of activities on-site any given day. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and

shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. The height of night-lighting shall also be minimized to reduce its visibility from off-site. This would apply to both the height of light fixtures as well as minimizing the location of night lighting in the upper portions structures, particularly those at the highest elevations on-site (e.g., recital hall, instructional building). Applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming. Lights shall be dimmed after 10:00 p.m., except when activities end at or later than 10:00 p.m. For these exceptions, lighting shall be dimmed to the maximum extent feasible and at the earliest possible time after 10:00 p.m. At a minimum, the lighting plan shall show all proposed lighting on or along structures, roads, walkways, and garden and patio areas. Special consideration shall be given to lighting of perimeter development and pathways, driveway entrances and exits and all existing and proposed indoor and outdoor lighting on the sides of structures facing the property perimeter (e.g., the north and east sides of the student services building Luria Education Center and new instructional building Lehrer Studio Building and the north sides of the new practice studio building Hind Hall and renovated Hahn Hall – formerly Abravanel Hall) as well as the northern parking area to minimize visibility from off-site. **Plan Requirements and Timing:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the MBAR prior to approval of CDPs for grading.

MONITORING: P&D and MBAR shall review a Lighting Plan for compliance with this measure prior to approval of a CDPs for structures or prior to CDPs for grading (if trenching for lighting is required). Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

5. **[COMPLETED]** Use and approval of earth tone colors (i.e., colors which blend with surrounding vegetation, soils, rocks, etc.,) and muted colors for structural development, walls, signs, etc., unless the MBAR and P&D (with architectural historian input) conclude that alternative colors would be more compatible with the historic estate setting for specific structures. **Plan Requirements and Timing:** The color of the new storage and maintenance buildings shall specifically be considered to minimize the visibility of these structures from the north. Colors for all structures shall be reviewed and approved by the MBAR and P&D for compliance with this measure prior to approval of CDPs for structures. The applicant shall present color boards for the specific structures at the architectural meetings and to P&D. Buildings shall be painted prior to occupancy clearance.

MONITORING: Permit Compliance shall site inspect for conformance to submitted color boards during construction activities and prior to occupancy clearance.

6. **[COMPLETED]** ~~The landscape plan and tree disposition plan shall be revised to maximize the screening ability of site vegetation and to minimize the timeframe for new landscaping to provide such screening. At a minimum, the revised landscape and tree disposition plan shall include the following:~~

~~a. The plans shall include existing mature trees, perimeter shrubs and historic gardens that are proposed to remain as well as new plantings identified in the landscape plan. The Music Academy shall include in its landscape plan the installation and maintenance of irrigation for the hedge along the northerly boundary of the Music Academy property which abuts 87 Butterfly Lane, which installation shall occur concurrently with the planting and irrigation of trees along the northerly perimeter of the site abutting 87 Butterfly Lane pursuant to Condition No. 14. Normal maintenance activities are expected, however, tree maintenance trimming should not exceed that explicitly recommended for tree health by the arborist and vegetation modification for fire fuel management purposes should not exceed that explicitly required by the MFPD¹⁰, as these activities also reduce vegetative screening of the site. This should be noted on the landscape plan as well as in contracts for any landscape maintenance, tree service work, or related work on-site.~~

~~b. An attractive, hardy, drought resistant vine should be planted to screen all portions of the proposed storage and maintenance buildings, which would be visible from Hwy 101. This vine treatment shall also be considered for portions of all new structures in the Master Plan that would be visible from off site (subject to MBAR review and approval), at least until other proposed landscaping reaches sufficient height to provide screening for these buildings (and taking into account proposed regular pruning and trimming of the eucalyptus windrow along the northern property line).~~

~~c. Screening landscaping shall be incorporated along the northern property line and the northern portion of the western property line and additional parking lot trees shall be added (with the goal in the parking lot area of accomplishing 50% canopy cover in 10-12 years) to provide screening from the north, to minimize the effects of night lighting in the parking area, as well as to break up the expanse of parking area as viewed from the historic property interior.~~

~~d. Clinging vines and/or vertical planting shall be provided on trash enclosure walls and any other masonry walls where appropriate, as determined by MBAR and~~

¹⁰ MFPD will limit fuel modification north of the instructional building to removal of decadent (dead) vegetation and to limbs of live foliage extending within 10 feet of the building (per 5/11/04 Jim Langhorne site visit and 5/27/04 MFPD letter).

~~P&D, to soften the visual effects of the structures and to discourage the occurrence of graffiti.~~

- ~~e. A six foot wall or fence shall be installed along the eastern property line, between the northeast corner and the exit driveway, to provide visual screening and so avoid land use conflicts (e.g., vehicle headlights in the new parking area shining onto the residential properties to the east).~~
- ~~f. The largest feasible size of replacement plantings (for trees, shrubs: 15 gallon minimum, but also using 24 inch+ box sizes) and/or fast growing plants from the landscape plan palette shall be incorporated into the landscape plan where screening or immediate visual effect are at issue. This may include, but would not be limited to, inclusion of vines on structures that would be visible from off-site and specific (new) tree locations where the short-term screening¹¹ is more critical than long-term growth due to other existing and proposed plantings in the immediate area (e.g. loss of windrow eucalyptus and need for immediate replacement for screening).~~
- ~~g. The final landscape plan shall augment landscaping near the proposed emergency access on Fairway to minimize views into the site.~~
- ~~h. Vines shall be planted on the roof of Hahn Hall (formerly Abravanel Hall) in a manner which allows them to “spill” over the top of this structure (or alternatively, vines may be designed to grow up Abravanel Hahn Hall from plantings on the northern face balcony). The goal of placing vines on the north face of Abravanel Hall would be to provide screening of the structure from the north, until new plantings north of the new parking area are mature. The vines would serve to break up the massing and to provide partial screening of this structure as viewed from off-site.~~
- ~~i. The final landscape plan shall include additional trees or shrubs between the western property line from Fairway Road to the northern extent of the El Montecito Verde condominiums and the entrance drive.~~
- ~~j. Additional trees (and potentially shrubs) consistent with the historic designed landscape (possibly acacia, oaks, pittosporum) shall be planted between the reflection pool garden and any new access road to the west of this garden to ensure its screened setting is maintained.~~

¹¹- Sometimes installation of larger trees addresses short-term screening, but installation of smaller plantings may result in faster establishment and overall growth.

~~k. Protection of the existing trees and planting of additional trees and shrubs north of the instructional building and east of the student services building shall be emphasized to provide maximum screening of these new structures from off-site. Planting of additional screening vegetation on the slope above the exit drive and on the slope west of Butterfly Lane shall begin no later than the fall of 2004, in coordination with the project landscape architect and an arborist, butterfly expert and architectural historian with landscape expertise. These experts shall be consulted to review proposed plantings consistent with project conditions that address new plantings on-site (e.g. tree protection plan, landscape plan, butterfly enhancement plan, perimeter landscaping requirements, and requirements that address the historic nature of the site landscaping). The applicant shall document these plantings and shall identify the plantings on the proposed final landscape plan (when applying for project CDPs). (This planting would occur prior to the MAW applying for CDPs for Master Plan implementation and a separate CDP would not be required for installation of these plantings).~~

~~**Plan Requirements/Timing:** Prior to approval of CDPs for grading, the applicant/owner shall enter into an agreement with the County to install required landscaping and water-conserving irrigation systems and maintain required landscaping for the life of the project. The applicant shall also submit four copies of a final landscape and water-conserving irrigation plan to P&D for review and approval. Prior to occupancy clearance, landscape and irrigation shall be installed.~~

~~**MONITORING:** Prior to occupancy clearance, Permit Compliance staff shall photo document installation. Permit Compliance staff shall check maintenance as needed. Release of any performance security requires Permit Compliance signature.~~

7. Future structures shall not exceed the heights (including maximum height above sea level as indicated by story poles erected prior to the MPC hearing of 5/19/04) or the overall sizes of structures identified in the project description and on the project plans. Post discretionary approval changes to proposed building heights which do not exceed, but rather reduce the heights or sizes identified in the project description and on the project plans would also be acceptable. **Plan requirement:** This measure shall be included on building plans. **Timing:** Plans shall be submitted prior to approval of Coastal Development Permits for structures.

~~**MONITORING:** Height of building(s) shall be checked by Building and Safety during frame/inspection approval.~~

8. ~~**[CONSTRUCTION ELEMENT COMPLETED]** The graffiti on the remaining section of the northern wall shall be removed and the wall shall be painted in a color which blends in with the surrounding landscape. This wall shall be repainted within 72 hours, as~~

necessary, if there is new graffiti in the future. If feasible, this wall section shall also be planted with a vine to reduce re-occurrence of graffiti or the wall may be permanently removed subject to compliance with tree protection measures and replaced with a vine covered fence, railing, or wall. **Plan Requirement/Timing:** ~~The applicant shall submit proposed wall color for review and approval by MBAR and P&D and shall subsequently submit photo documentation to show that this measure has been implemented prior to approval of CDPs for structures.~~

MONITORING: P&D shall site inspect. If new graffiti is observed, Permit Compliance shall direct Music Academy to repaint this wall section

Air Quality

9. ~~[COMPLETED] If any portion of the project site is graded and left undeveloped for over 30 days, 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 the Air Pollution Control District and/or P&D.~~

~~If grading activities are discontinued for over six weeks, applicant shall contact both Permit Compliance staff and the Grading Inspector to site inspect revegetation/soil binding. **Plan Requirements:** These requirements shall be noted on the grading plan. **Timing:** The final grading plan shall be submitted to P&D for review and approval prior to approval of CDPs for grading.~~

~~**MONITORING:** Permit Compliance staff and Grading Inspector shall perform periodic site inspections.~~

10. ~~[COMPLETED] Dust generated by the development activities shall be retained onsite and kept to a minimum by following the dust control measures listed below. Reclaimed water should be used whenever possible.~~
- ~~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. (Wetting of soil shall be sufficient to minimize dust only and should not be to an extent that soil is washed off the site or into storm drains).~~

- ~~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 the wind speed 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.~~
- ~~d) Trucks transporting soil, sand, cut or fill materials and/or construction debris to or from the site shall be tarped from the point of origin.~~
- ~~e) The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to P&D and the Air Pollution Control District prior to land use clearance.~~

~~**Plan Requirements:** All requirements shall be shown on grading and building plans prior to approval of CDPs for grading. **Timing:** This condition shall be adhered to throughout all grading and construction periods.~~

~~**MONITORING:** P&D shall ensure measures are on plans. Permit Compliance, Grading, and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site. Permit Compliance and APCD inspectors shall respond to nuisance complaints.~~

- ~~11. **[COMPLETED]** The applicant shall secure a Right of Way Agreement from the Union Pacific Railroad, if UPRR will grant such access for a 90 day period and, if available, an extension at a reasonable cost. **Plan Requirements and Timing:** Prior to approval of a Coastal Development Permit for grading, the applicant shall provide P&D with a copy of the Right of Way Agreement for access purposes, indicating ability to utilize the railroad right of way to export fill offsite (for a minimum 90 day period). Large truck deliveries of building supplies shall also utilize this access while it is available.~~

~~**MONITORING:** P&D shall ensure the Agreement has been secured.~~

Archaeology

- ~~12. **[COMPLETED]** All contractors and construction personnel shall be alerted to the potential for disturbing unknown archaeological artifacts and remains during grading. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native~~

~~American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant.~~
Plan Requirements/Timing: This condition shall be printed on all building and grading plans.

MONITORING: P&D shall check plans prior to issuance of Coastal Development Permits for grading and shall spot check in the field.

Biological Resources

13. ~~[COMPLETED] A Butterfly Habitat Restoration and Enhancement Plan shall be prepared by a P&D approved monarch butterfly specialist in coordination with the preparer of the landscape plan. This plan shall be included as a separate component of the final landscape plan. The goal shall be to plant a circle of tall trees that enclose an open space, generally on the south and east sides of Miraflores. The maximum area shall be restored and enhanced on this slope (the restoration area shall not be limited by the designated area on the preliminary landscape plan).~~
 - a) ~~The plan shall be coordinated with the Montecito Fire Protection District (MFPD) to ensure that fire safety vegetation clearance is accounted for and designed into the proposed planting program. The specific plantings shall also be discussed with MFPD as proper placement (in relation to structures) may minimize the need for extensive pruning and other maintenance activities. In order to ensure coordination, the applicant shall provide written documentation from Montecito Fire Protection District stating specific requirements for tree trimming in this area following a meeting with the Music Academy and a specialist on monarch butterflies, acceptable to the County. To ensure that habitat enhancement is maximized in this area, vegetation clearance for fire safety shall not exceed the requirements identified by MFPD;~~
 - b) ~~Approximately 10 eucalyptus trees or other trees including oaks, sycamores, ironwood bay trees or other trees deemed acceptable by the monarch specialist and P&D shall be planted in front of the existing eucalyptus row, behind (south and east of) Miraflores to provide adequate density;~~
 - c) ~~The slope plantings shall be planted in a manner that will contribute to the creation of a protected circle;~~
 - d) ~~Additional eucalyptus or a combination of sycamores, tall coast live oak trees or other tall trees identified in b) above shall be incorporated to increase the density of trees in this area;~~

- ~~e) Trimming of trees and shrubs near Miraflores to allow ocean views shall be prohibited, given this area's designation as a butterfly enhancement area. Trimming in this area would run counter to this goal. Trimming shall only be allowed to address mandatory Fire District requirements and/or to address imminent health threats to the trees (as identified by an arborist report). In the unlikely event that trees must be substantially trimmed or removed to address imminent health threats (e.g., concern that the tree likely to fall on the structure), replacement trees shall be planted;~~
- ~~f) The enhancement area shall be planted in a manner which provides for a perimeter of dense, tall trees;~~
- ~~g) Some of the new trees in the enhancement area (5-10% of total trees in this area, or as determined appropriate by P&D biologist) shall be larger, 24 inch box trees that have been shaped for height to accelerate immediate replacement of foraging and nesting habitat on-site for smaller bird species and roosting habitat for monarch butterflies. It is understood that the majority of trees planted would be from smaller containers, which provide benefits over the long term. The restoration plan shall specify the type and size of trees to be planted, taking into account the proposed planting location and species;~~
- ~~h) Where space permits, the landscape plan shall be modified (and expanded in area) to include more clusters or groves of native plantings to enhance their habitat value. This is particularly applicable on the slope areas south and east of Miraflores, where there may be room to cluster more oaks adjacent to existing oaks. In addition, native understory plants (e.g., groundcovers and low growing shrubs) could be used to increase habitat complexity and diversity (i.e. value to wildlife) and to help compensate for the fact that space will not allow a replacement ratio of 3:1 for non-native trees. It is possible to accommodate this goal as well as maintaining a butterfly enhancement area that includes tall trees on the perimeter and a sort of opening in the center, a typical component of monarch aggregation sites. The density, species, and long term maintenance in this area should ensure this area would not become overgrown, consistent with the goal of re-establishing habitat for monarch butterflies in this area;~~
- ~~i) A P&D qualified arborist or biologist shall oversee such installation;~~
- ~~j) The applicant shall meet with the Park Department to determine the feasibility of providing off site plantings (e.g., at Lookout Park) to address cumulative loss of monarch butterfly habitat. This could potentially involve planting of both trees and milkweed; and~~
- ~~k) Long term maintenance requirements shall be specified to include on-going, periodic monitoring and weeding out of detrimental invasive species in the butterfly enhancement area.~~

~~**Plan Requirements and Timing:** The applicant shall submit the revised Landscape Plan, including the Butterfly Habitat Restoration and Enhancement Plan component for P&D and MBAR review and approval prior to approval of CDP for grading.~~

~~**MONITORING:** Permit Compliance shall site inspect to ensure implementation of plan as approved.~~

14. ~~[COMPLETED] A tree protection and replacement program, prepared by a P&D-approved arborist/biologist shall be implemented. The program shall incorporate all protection and mitigation measures identified in the Bill Spiewak reports dated January 30, 2003, September 7, 2003, April 2, 2004 and May 18, 2004. These measures include, but are not limited to requirement for root pruning and irrigation in the winter of 2004 for trees with grading to occur within the critical root zone, such as some trees north of the new instructional building, Miraflores, Abravanel Hall, the new parking areas and south of The Rack). Tree removal shall be minimized wherever possible. The plan shall further include, but not be limited to, the following components:~~

~~**A. Program elements to be graphically depicted on final grading and building plans:**~~

- ~~a) The location and extent of dripline for all trees and the type and location of any fencing. Trees located beyond 50 feet of proposed construction and staging activities may be shown with overall canopy and then size, type and number of trees simply listed for the canopy area). The critical root zones of trees located within 50 feet of construction activities shall be determined by an arborist and indicated on plans. The existing tree disposition plan shall be updated accordingly.~~
- ~~b) Construction envelopes shall be designated (fenced or otherwise clearly demarked in the field) to clarify the boundaries of the development area and to avoid damage to protected trees¹² and other vegetation on site. All ground disturbances including grading for buildings, access ways, easements, subsurface grading, sewage disposal and well placement shall be prohibited outside construction envelopes.~~
- ~~c) Equipment storage and staging areas shall be designated on approved grading and building plans, preferably within existing paved areas of the site (but outside of the easement along the exit drive) to avoid damage to protected trees. Special consideration shall be given to proposed construction access for trucks using the UPRR right of way with regard to protection of the eucalyptus trees.~~
- ~~d) Paving shall be pervious material wherever possible (e.g., gravel, brick without mortar) where access roads or driveways would be extended to encroach within the critical root zones of protected trees, except where roots will already be cut for~~

¹² "Protected" trees are defined as those not identified for removal or transplanting.

~~project development and would be unlikely to grow back into these areas (e.g., the northern parking lot) as determined by the arborist.~~

- ~~e) Permanent tree wells or retaining walls to protect trees in proximity to grading work, new fill material, or changes in drainage shall be specified on approved plans and shall be installed prior to approval of Coastal Development Permits for project grading/construction activities. A P&D qualified arborist or biologist shall oversee such installation.~~
- ~~f) Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding. These plans shall be subject to review and approval by P&D or a P&D qualified biologist/arborist.~~
- ~~g) All utilities shall be placed in construction envelopes or within or directly adjacent to roadways and driveways or in a designated utility corridor in order to minimize impacts to trees.~~
- ~~h) All access improvements (e.g., along the allee, northern parking area, new service turn-out, etc.) shall minimize tree removal to the maximum extent possible. If a new return lane to Fairway is ever added pursuant to direction at MPC compliance hearings (to address CTRP), this lane would have specifically limited use (for returning vehicles unrelated to the Music Academy back onto the public road) and, therefore, would not be subject to standard roadway design standards. Therefore any future lane construction shall be designed to absolutely minimize any tree removal.~~

~~**B. Program elements to be printed as conditions on final grading and building plans:**~~

- ~~a). All replacement trees shall be identified as to species, size and location on the final landscape plan. Any performance securities required for installation and maintenance of the replacement trees identified in the proposed landscape plan will be released by P&D after its inspection and approval of such installation. 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). The plantings shall be protected as necessary (e.g., gopher fencing) during the maintenance period.~~
- ~~b). It is acknowledged that the standard tree replacement ratios of 10:1 for native trees and 3:1 for non-native trees cannot be accommodated on-site given the extensive tree removal proposed on-site. However, the landscape plan shall maximize the number of replacement trees to be replanted on-site as well as the size of the replacement trees (only where immediate visual screening is an issue). Non-native trees removed can also be replaced with natives, except in area(s) proposed for restoration for monarch~~

~~habitat or where specific non-native species have been identified as replacement trees to address specific aesthetic or historic impacts (as identified in the aesthetic and historic resource sections' mitigation measures). If unanticipated damage or loss of trees results from construction activities, these trees shall be replaced at the standard ratios identified above.~~

- ~~c). Tree removal shall be timed to avoid the period of peak breeding activity for birds. Therefore tree removal shall be limited to late July through early February. This condition shall be re-visited in the unexpected event that monarch butterflies return to roosting on site. If this occurs, the site would need to be carefully monitored to determine the extent to which trees on-site are providing habitat for birds and monarch butterflies and tree removal timing revised accordingly.~~
- ~~d). No grading (any earthwork activities) or development shall occur within the critical root zones of protected¹³ trees that occur in the construction area, except as identified in the Board of Supervisors approved plans. Where grading, trenching, or other earthwork activities would occur within the critical root zone (as established by a qualified arborist and indicated on the grading plans), the arborist shall be present during earthwork to determine the best way to accomplish necessary grading, while protecting the health of the tree to the maximum extent feasible. Where it is possible to minimize damage to trees identified for removal, protection and retention of these trees shall also be attempted.~~
- ~~e). All protected trees within 25 feet of proposed ground disturbances shall be temporarily fenced with chain link or other material satisfactory to P&D throughout all grading and construction activities. The fencing shall be installed outside the critical root zone of each protected tree unless infeasible consistent with the approved grading plan (e.g., tree numbers 42 and 43 located north and west of existing Wood 2) and shall be staked every six feet. Where fencing cannot be accommodated outside of the critical root zone, alternate maximum protection shall be provided pursuant to arborist recommendation, including but not limited to fencing with or without stakes closer to the tree, placement of straw bales between the construction area and trees to be protected, etc.~~
- ~~f). No construction equipment shall be parked or stored within any protected tree critical root zone. No construction equipment shall be operated within six feet of any protected tree critical root zone, except as allowed pursuant to the approved final grading plan and tree protection plan (e.g., grading would occur within the critical root zone of several trees such as the Moreton Bay Fig and a swamp mahogany near the new service entry to the instructional building as identified on~~

¹³ Protected trees are those not specifically proposed for removal on the approved tree disposition plan.

~~the project plans). The tree protection plan shall identify which trees would fall within this exception.~~

- ~~g). No fill soil, rocks, or construction materials shall be stored or placed within the critical root zone of all protected trees unless such fill is identified on the final grading plan. Any approved fill shall be minimized to the maximum extent feasible in these areas. The tree protection plan shall identify which trees would fall within this exception.~~
- ~~h). No artificial surface, pervious or impervious, shall be placed within the critical root zone of any protected tree, except as allowed pursuant to the approved final grading plan (e.g., grading and building construction would occur within the critical root zone of several trees such as the Moreton Bay Fig tree as identified on the project plans). Where this would occur, arborist recommendations shall be incorporated to minimize degradation to affected trees. The tree protection plan shall identify which trees would fall within this exception.~~
- ~~i). Any roots encountered that are one inch in diameter or greater shall be cleanly cut. This shall be done under the direction of a P&D approved arborist/biologist.~~
- ~~j). Any trenching required within the critical root zone or sensitive root zone of any specimen tree shall be done by hand, except as allowed in d) above.~~
- ~~k). No permanent irrigation shall occur within the critical root zone of any existing oak tree, unless irrigation has historically occurred in this area.~~
- ~~l). Any construction activity required within three feet of a protected tree's critical root zone shall be done with rubber wheeled equipment or hand tools, (the latter for oaks), except as allowed in d) above.~~
- ~~m). Only designated trees shall be removed.~~
- ~~n). Any trees which are unintentionally or accidentally removed and/or damaged (more than 25% of root zone disturbed) during construction activities shall be replaced and maintained for the life of the project. Posting of a performance security may also be required as well as hiring of an outside consultant biologist to assess the damage and recommend mitigation. The required mitigation shall be done immediately under the direction of P&D prior to any further work occurring on site.~~
- ~~o). Maintenance of proposed replacement trees and shrubs shall be accomplished through water conserving irrigation techniques.~~

- ~~p). The four oak trees scheduled for transplanting on the tree disposition plan shall be boxed and replanted as proposed on-site. These trees shall be maintained and monitored until clearly established or replaced.~~
- ~~q). All trees located within 25 feet of proposed buildings shall be protected from stucco or paint during construction.~~
- ~~r). A P&D approved arborist shall be onsite throughout all grading and construction activities which may impact trees proposed for protection that are located near the northern property line, near the new secondary access road, north of the new instructional and practice studio buildings, east of the student services building and in other locations where protected trees would be located within 25 feet of the edge of heavy equipment. With regard to field changes affecting trees north of the instructional building and east of the student services building, the arborist shall provide recommendations on all such field changes, which recommendations will be adhered to by the Building Inspector. The arborist shall notify the owners of 87 Butterfly Lane to report his recommendations once he has made the same. The arborist shall also provide a copy of the Building Inspector's determination regarding field changes to said owners.~~
- ~~s). The contract with the construction contractor shall include specific provisions for payment of substantial penalties for failure to protect trees on-site consistent with related project conditions (sample of the included contract language shall be submitted to P&D).~~

~~**Plan Requirements:** Prior to approval of Coastal Development Permit for grading, the applicant shall submit a copy of the tree protection plan to P&D for review and approval. All aspects of the plan shall be implemented as approved. Prior to approval of Coastal Development Permit for grading, the applicant shall successfully file and receipt evidence of posting a performance security which is acceptable to P&D. **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 evaluate all tree protection and replacement measures. Release of performance security requires Permit Compliance staff signature.~~

15. ~~**[COMPLETED]** Excavation work within or adjacent to protected trees shall be avoided to the maximum extent feasible. Where excavation must be performed within sensitive areas (as determined by P&D), it shall be performed with hand tools only unless determined infeasible and alternate method approved by arborist pursuant to condition 12Bd above. If the use of hand tools is deemed infeasible by P&D, excavation work may~~

~~be authorized by P&D to be completed in another manner (e.g., with rubber tired construction equipment weighing five tons or less. If significant large rocks are present, or if spoil placement will impact surrounding trees, then a small tracked excavator (i.e., 215 or smaller track hoe) may be used as determined by P&D staff (e.g., to accommodate grading for the new service entry not a vehicle driveway into the instructional building). Trenching routes for installation or extension of new utilities shall be reviewed and approved by P&D and shall be shown on project grading plans prior to approval of CDPs for grading. **Plan requirements and Timing:** The above measure shall be noted on all grading and construction plans prior to approval of related CDPs.~~

~~**MONITORING:** P&D shall ensure compliance on site during construction.~~

16. ~~**[COMPLETED]** The final landscape plan shall be reviewed to ensure that the new plantings around the Miraflores outdoor terrace would not include non-native invasive species (except eucalyptus), particularly species that could compromise the success of the monarch butterfly enhancement area. Long-term monitoring to address removal of detrimental, non-native species shall also be addressed in the final landscape plan. **Plan Requirements and Timing:** The applicant shall submit the final landscape plan consistent with this measure. P&D shall review and approve this component prior to approval of CDP for grading.~~

~~**MONITORING:** P&D shall ensure compliance on site during construction and follow up compliance evaluations.~~

17. ~~**[COMPLETED]** The final landscape plan shall include a component which identifies the various project conditions that address the project landscaping from the tree protection plan to the butterfly enhancement plan to measures specific to maintaining the integrity of the historic designed landscape. This shall be referenced and used to guide on-going maintenance activities on the project grounds and to facilitate compliance with project conditions that are designed to protect the aesthetic, historic and biological values of the site's natural vegetation and historic designed landscape plantings. **Plan Requirements and Timing:** This component shall be submitted as part of the final landscape plan. P&D shall review and approve this component prior to approval of CDP for grading.~~

~~**MONITORING:** P&D shall ensure compliance on site during construction~~

Fire Protection

18. ~~**[COMPLETED]** The applicant shall work with MFPD to define in greater detail acceptable quantities and types of rummage and/or resale items which can be stored on site as well as specific locations for storage. However, in no case shall this be interpreted to override~~

~~limitations imposed by other project condition(s) regarding where rummage/resale items may be stored. **Plan Requirements and Timing:** A plan which describes the agreement with MFPD (in text and graphic depiction on plans), with regard to on-site storage of rummage and resale items shall be submitted prior to approval of CDPs for structural development. The Fire Department shall sign off on plans prior to approval of CDPs for structural development.~~

~~**MONITORING:** Permit compliance shall field check proposed storage areas in coordination with MFPD following occupancy to ensure compliance with the above-referenced agreement.~~

19. ~~[**COMPLETED**] The applicant shall work with MFPD to ensure access and design of the Master Plan complies with MFPD requirements. **Plan Requirements and Timing:** Prior to approval of a CDP for grading or development, the plans shall be reviewed and approved by the MFPD to ensure the project circulation design, fire suppression water, and sprinklers are consistent with Fire District requirements.~~

~~**MONITORING:** Permit compliance and building inspectors shall field check to ensure compliance during the construction phase.~~

Historic Resources

20. ~~[**COMPLETED**] The following recommendations in the Final Phase 1-2 Historic Resources Study submitted by Lex Palmer (January 7, 2000; Update Letter April 6, 2000) shall be incorporated into the project design:~~
- ~~a) Completion of the appropriate California Department of Parks and Recreation's Forms 523 (Primary, Location, and Building, Structure, and Object) for submission to the UCSB Department of Anthropology's Central Coast Information Center for all historic structures;~~
 - ~~b) Historic American Building Survey (HABS) documentation consisting of HABS Level II drawings and photographs shall be performed on the Music Academy property to show the spatial relationships between the buildings and existing landscape features; preparation of HABS Level I documentation of Miraflores consisting of measured drawings and large format photographs, history and description of the building, courtyard, and surrounding landscaping;~~
 - ~~c) The Miraflores extension shall replicate the original construction techniques, all original configurations, and shall utilize the original window and door hardware. The change must be documented and plans detailing this placed in the Music Academy archive;~~

- d) ~~Preliminary and Final Working drawings, including landscape plans for the project shall be reviewed by a Santa Barbara County approved architectural historian and an expert in historic landscape design to insure compliance with mitigation measures addressing historic resources.~~
- e) ~~The character defining elements of the Miraflores west elevation are the plain wall surfaces, low massing, fenestration, doorways, and building hardware such as downspouts, door latches and locks. The new construction associated with the student services building link to existing Miraflores shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. The introduction of a visual gap in the wall created by a plaster reveal 2-4 inches deep on the exterior and interior junction of the new student services building hallway and Miraflores north elevation achieves this goal. The interior reveal shall be accentuated by the use of different floor tile or a metal seam in the floor. The Final Plans should be placed on file with Kurt Heifrich, Curator of the Architectural Drawing Collection, University Art Museum, University of California Santa Barbara, CA 93106 893 5354~~

~~**Plan Requirements and Timing:** All construction techniques and other recommended measures related to historic resources (e.g., landscape plan) shall be incorporated into design of the project and detailed on building plans. The final grading, landscape, and building plans shall be reviewed and approved by P&D, a P&D approved architectural historian, an expert in historic landscaping design and the MBAR prior to approval of CDPs for grading or construction. The Historic Resources Reports and Addenda shall be made available to each of the afore-mentioned parties prior to their review of the final plans. The final plans shall also be brought to the County Landmarks Committee for their comments prior to approval of CDPs for grading. Prior to approval of CDPs for grading, the applicant shall submit to P&D written confirmation that all applicable forms and documentation of historic structures have been prepared and submitted consistent with these measures. Special emphasis, including photo documentation of all elevations, shall be given to Miraflores, as this historic structure would be physically altered as a result of project implementation.~~

~~**MONITORING:** Building Inspectors shall ensure that all elements have been installed according to the approved plans. If another Historic Resources survey (showing that appropriate materials have been utilized) is determined by P&D to be required, P&D will ensure recommended materials and architectural elements have been incorporated prior to occupancy clearance.~~

21. ~~[COMPLETED] The applicant shall contract with an architectural historian (with input, as necessary from an expert in historic landscape design) who shall review and consult~~

~~with P&D to ensure project plans (grading, landscape, structural development, any signs or commemorative plaques, etc.) are appropriately revised pursuant to project conditions that address historic resources. The contracted specialists shall also be required to attend at all MBAR, and Historical Landmark Committee meetings and to monitor construction and consult with P&D as necessary during construction to ensure development's consistency with approved plans. **Plan Requirements and Timing:** The applicant shall submit the proposed contract to P&D for review and approval with applications for CDPs. The architectural historian shall be available to answer questions raised by P&D, MBAR, and the Landmark Committee and shall sign off on all final plans prior to approval of CDPs.~~

~~**MONITORING:** The architectural historian and historic landscape expert shall periodically monitor site development and shall sign off that development has been implemented consistent with the conditions of approval and approved plans, prior to occupancy clearance for the historical structures. Building Inspectors and Permit Compliance shall inspect to ensure that grading and other improvements are consistent with approved plans.~~

22. ~~**[COMPLETED]** The new courtyard shall be modified to include replacement trees for those removed. In addition, the alignments of the historic axial path system should be represented by embedding original materials (e.g., random cut stone, cast concrete textured to give the impression that they are stone, brick). New hardscape materials shall follow the historic design wherever possible, with the exception that the spaces between concrete pavers may be a gravel-textured concrete instead of the original gravel matrix (to better conform to ADA standards). **Plan Requirements and Timing:** The applicant shall submit a revised landscape for P&D and BAR review and approval, prior to approval of CDPs for grading. The revised plan shall include the above changes.~~

~~**MONITORING:** Building Inspectors and Permit Compliance shall inspect to ensure compliance with the approved landscape and grading plans. The hardscape materials in the new courtyard shall be installed and planting of replacement trees in this area shall be initiated prior to occupancy clearance for the student services building.~~

23. ~~**[COMPLETED]** The existing pathway shall be retained across the new secondary access road (near Miraflores) and the plants and shrubs shall be retained on either side of the road. The surface of this emergency-only access road shall be planted if a surface that can be planted is acceptable to Montecito Fire Protection District. A botanical specialist should monitor cut and compaction activities associated with installation of this emergency access road to avoid/minimize damage to trees. **Plan Requirements and Timing:** Prior to approval of the CDP for grading, the tree disposition, grading and landscape plans shall be revised to address the above changes.~~

~~**MONITORING:** Permit Compliance shall site inspect to ensure construction of the secondary access road, as approved.~~

24. ~~[**COMPLETED**] The landscape plan shall be revised to reduce impacts to the historic designed landscape, including adverse changes to spatial relationships, views between various site features, views from off-site, and to provide offsetting enhancement of altered historic landscape features.~~
- ~~a) Existing vegetation shall be retained or, if replacement plantings are necessary, new vegetation of a similar character shall be planted that would screen the new construction from the pool/terrace area.~~
 - ~~b) The Reflecting Pool Garden shall retain its original design.~~
 - ~~c) More sky line eucalyptus trees (or other skyline trees that are acceptable from a historic landscape perspective) shall be included in the landscape plan.~~
 - ~~d) The pittosporum hedge along the allee shall be revised to be continuous, (e.g., not open for views into the new "Encore Society Garden.")~~
 - ~~e) Perennial flowers should not be planted as a linear feature along the (allee) hedge.~~
 - ~~f) The hardscape and landscape design of the central courtyard shall reflect Thiene's design approach (geometric and axial alignment of features).~~
 - ~~g) A few rose bushes typical of the period, shall be reintroduced into the garden to partially restore the garden originally conceived by Thiene as a rose garden.~~
 - ~~h) A plaque to both Reginald Johnson and Paul Thiene shall be located on the original Miraflores building and a plaque to Yoch shall be placed in the Don Quixote courtyard (with 1992 redesign noted). An alternative would be a plaque to all three on the entry gate walls on The Fairway. The language and design of the plaques shall be reviewed and approved by an architectural historian acceptable to P&D.~~
 - ~~i) Skyline trees of a similar character and height should be planted (maximum number feasible) to replace the approximately 20 eucalyptus trees planned for removal.~~
 - ~~j) The Encore Society Garden, shall be screened from the allee and the Reflecting Pool Garden and path leading to it.~~
 - ~~k) The newly rendered topiary accents in the Octagon Forecourt shall be removed.~~

~~l) A qualified historic landscape architect shall review the final plans for the landscape design and monitor the work as it proceeds in order to assure that Thiene's original landscape design is adhered to as closely as possible.~~

~~**Plan Requirements and Timing:** Prior to approval of the CDP for grading, the plans shall be revised to address the above changes. The plan shall be approved by the MBAR, and P&D in consultation with the contracted historic landscape architect prior to approval of CDPs for grading.~~

~~**MONITORING:** Permit Compliance shall site inspect to ensure installation of landscaping consistent with approved plans.~~

Land Use Compatibility

25. ~~[COMPLETED] The developer shall clear the project site of all excess construction debris. If the improvements are developed in phases, the debris shall be removed at the completion of each phase, at a minimum. **Plan Requirement:** This requirement shall be noted on final building plans prior to approval of CDPs for structures. **Timing:** Debris clearance shall occur prior to occupancy clearance for each phase of development.~~

~~**MONITORING:** P&D shall site inspect prior to occupancy clearance.~~

26. ~~[COMPLETED] On-site resale/retail sales and viewing of merchandise shall be limited to merchandise located in Treasure House and The Rack only. Under no circumstances shall resale items be available for viewing or sale if they are located in another location on-site. Resale merchandise may be stored at the Rack, Treasure House and any excess merchandise which cannot be accommodated in Treasure House or The Rack may also be stored in the new Storage building between Treasure House and The Rack and in the new Storage/Maintenance building. May Madness rummage may be stored without time limitation in areas specifically designated for storage on the building plans.~~

~~**Plan Requirements and Timing:** Project plans shall specify the restrictions and exceptions for storage of rummage and resale as indicated above. The plans shall be reviewed and approved by P&D and MFPR prior to approval of CDPs for structures.~~

~~**MONITORING:** Permit Compliance shall monitor periodically for compliance.~~

27. ~~[COMPLETED] All construction related vehicles (including construction worker vehicles), equipment, and supplies shall be located within the project site. In addition, waiting trucks (supply delivery trucks, vehicles transporting fill, etc.,) shall wait on-site (and outside the portion of the exit drive which is actually off-site and within an access easement to the~~

~~MAW¹⁴), rather than on neighborhood streets. The contractor shall control vehicle traffic through the site (as part of the CTRP) using traffic control personnel at both the entrance and exit gates. In the event that the project gate(s) are closed during construction, contractor shall otherwise control vehicle entry.~~

~~**Plan Requirements and Timing:** The project grading and construction plans shall graphically specify the locations (on-site) for all construction related vehicle parking, staging/equipment storage areas, and waiting areas for supply trucks and vehicles transporting excess fill material. This information shall be indicated on the plans and shall be reviewed and approved by P&D prior to approval of CDPs for grading, to ensure the staging and parking areas do not impact the site's biological or historic resources. In addition, contractor shall ensure that access through the site is controlled to minimize cut-through traffic.~~

~~**MONITORING:** Permit Compliance shall monitor periodically for compliance.~~

28. ~~Music Academy fundraisers on campus shall be subject to the any given time, daily and seasonal annual attendance caps. The exception to this shall be limited to one, 1-day event per year, held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).~~
29. ~~**[CONSTRUCTION ELEMENT COMPLETED]** Indoor amplification shall be located where doors and windows can (and shall) be closed to reduce spill-over of noise onto adjacent properties. Construction design shall take this into account by ensuring alternate air circulation in areas where windows may need to remain closed for extended periods. To avoid potential nuisance complaints, non-opening windows may be incorporated into areas of the building(s) where indoor amplification is expected~~ **Plan Requirements and Timing:** ~~Air circulation method(s) shall be identified on the project plans for portions of the building(s) which may include indoor amplification prior to approval of CDPs for applicable structures.~~

~~**MONITORING:** Building & Safety shall check for appropriate inclusion on plans and proper construction methods in the field to accomplish this condition.~~

30. ~~The applicant shall submit a Cut through Traffic Reduction Program (CTRP) to minimize land use compatibility impacts associated with any increased traffic in the surrounding residential neighborhood prior to approval of CDPs for the first phase of grading. The plan shall be implemented prior to occupancy clearance (with the exception of occupying the Miraflores remodel). The plan shall be designed consistent with, but not limited to, the description in the ATE traffic study dated 9/17/03. Some of the components from~~

¹⁴ The exception shall be that trucks with supplies for specific areas (e.g., new trees to be planted north of the instructional building location) shall be allowed to park and unload/load supplies here.

~~the ATE study are detailed below and some additional requirements have been added. The components identified below may be modified if it is determined that such modifications would still result in an effective CTRP.~~

- ~~a) Provide a "ticket spitter" before arriving at the fork in the entrance drive, where the driver would receive a ticket and provide signage that indicates that validation of the ticket will be required or a minimum \$10.00 fee will be charged upon exiting the site.~~
- ~~b) An access card, pass or sensor installed on the windshield to open the gate (rather than punching in a code) shall be issued to Music Academy staff, faculty, for up to 10 student vehicles and others who are regularly on-site when the gates are normally closed. There shall be a protocol for either confirming the card holder at the kiosk (through information on the card) or for regularly checking to see which cards have been used and how often (to ensure access cards have not been duplicated or otherwise used improperly). In addition, such access card, pass or sensor shall be valid for no more than 12 months from the date of issue.~~
- ~~c) Whenever the entrance gates are open, a kiosk on the exit segment shall be manned to collect validated tickets or the exit fee (for non-validated tickets). If cut-through vehicles are found to be cutting through at other times (by following other cars in through the gate or because access cards are being inappropriately reproduced), the kiosk shall be manned during these times of known cut-through traffic. A computer system shall be used to track cut-through vehicle data for the CTRP.~~
- ~~d) Others who frequent the site intermittently, but who do not have access cards, would access the site by using an intercom system at the entrance, (like the existing system), to contact administrative personnel, the caretaker, etc. to allow entry.~~
- ~~e) If the CTRP is not found to be successful in substantially reducing cut-through traffic, the MPC shall consider the need for and specific modifications to improve the program's effectiveness (as necessary) at their regular compliance hearing(s). The MPC shall determine the need to implement modifications to the program, including, but not limited to the options identified below:
 - ~~i) Increasing the times and times of day when the kiosk is manned;~~
 - ~~ii) Increasing the fee to \$20.00 or more for cut-through vehicles;~~
 - ~~iii) Adding a manned presence (second kiosk) at the entrance near the ticket spitter;~~~~

- ~~iv) A narrow, chip-sealed CTRP return lane shall be installed between the existing entrance road and the reflection pool garden. A kiosk shall be placed prior to the fork in the entrance road. There shall be a mechanical arm or gate on the access road continuing north past the kiosk to allow kiosk personnel to stop cut through vehicles and turn them back to Fairway using the return lane. There shall also be two mechanical arms or gates, controlled by kiosk personnel, installed at both ends of the return lane to: 1) keep vehicles parked in the allee from using the return lane as an exit back to Fairway and 2) keep vehicles from trying to enter this lane from Fairway when the entrance gates are closed.~~
- ~~v) One of the other access options;~~
- ~~vi) Any other measure determined to be appropriate, including the modification of permitted attendance levels. The MPC shall determine the need for and type of modifications to the program at their compliance hearing(s).~~
- ~~f) The plan shall include a recommended protocol for determining the effectiveness of the CTRP;~~
- ~~g) The plan shall include the times when the entrance gates will remain open and closed and shall maximize the periods when the gates remain closed to facilitate a reduction in cut through traffic.~~
- ~~h) A protocol shall be proposed for continuously changing tickets and validation stamps to ensure the system is not abused.~~
- ~~i) The resale shops shall be open Monday Saturday from 12:00-3:00 p.m., allowing the gates to be closed during the peak cut through traffic period unless they would otherwise be open to accommodate other MAW activities (e.g., summer Master Classes).~~
- ~~j) As weekend activities would be limited during the summer (no Sunday public events and only five public Saturday public events), the gates shall typically be closed (except the five Saturdays) on the summer weekends. If the gates are open on Saturday afternoons to accommodate the resale shops, the kiosk shall be manned throughout this time period;~~
- ~~k) The plan shall incorporate use of driveway counts to assist in better determining cut through traffic periods and to improve the on-going CTRP).~~

The Final Cut Through Reduction Plan (CTRP) to reduce the volume of traffic through

campus shall include the following components of a Gate Closure Program:

- a) The entrance gate at Fairway Road shall include an access card system. Vehicle license plates shall be registered for all faculty, staff, and students at the campus and access cards shall be issued for all registered vehicles. Each access card will be valid on an annual basis, and renewed as necessary.
- b) Hours of operation:
 - i) Summer Program (8 weeks from mid-June to mid-August)
 - 1) Gate open 10:00 AM to 4:00 PM Weekdays and Saturdays
 - 2) Gate open for evenings events held on campus with traffic attendant (see below)
 - 3) Gate closed all day Sunday
 - ii) Non-Summer Program
 - 1) Gate open 11:00 AM to 3:00 PM Weekdays
 - 2) Gate closed all day Saturday and Sunday, except for events held on campus with traffic attendant.
- c) A traffic attendant shall be placed at the entrance to the driveway for any public events held on campus outside of the open gate hours. Attendant shall monitor for cut-through vehicles which were not observed originating from a campus parking lot. Attendant shall record license numbers of confirmed cut-through vehicles and issue verbal warning to associated drivers.
- d) Existing site and County signage shall be maintained to discourage through traffic in the neighborhood, including:
 - i) Site signage stating "NO THROUGH TRAFFIC, MUSIC ACADEMY GUESTS ONLY" at the Fairway Road entrance gate and along the exit road adjacent to The Rack.
 - ii) County directional signage at the intersection of Channel Drive and East Cabrillo Boulevard stating "Four Seasons Biltmore Use 101 South to Olive Mill", Commercial Vehicles Over 7 Tons Prohibited", and "Channel Dr Local Deliveries Only".

Plan Requirements and Timing: The Program shall be submitted to Public Works and P&D for review and approval prior to ~~approval issuance~~ of the first CDP for grading (as kiosk and return design may affect driveway details). The plan shall be implemented prior to occupancy clearance (with the exception of occupying the Miraflores remodel). Prior to approving the CDP for the first phase of project grading, P&D shall bring the CTRP to the MPC for an informational briefing and receive MPC comments on the program. This briefing shall also include a report on the applicant's interim CTRP and its effectiveness.

MONITORING: Permit Compliance shall monitor periodically for compliance.

31. ~~[COMPLETED] Prior to increasing attendance under the permit, the CTRP shall be in effect and all proposed parking shall be completed and available.~~
32. ~~[COMPLETED] The hours of operation of Treasure House and The Rack shall be Monday-Saturday from 12:00-3:00 p.m. This change to the resale shop operations is required to facilitate the effectiveness of a cut-through traffic reduction program and thereby offset increased traffic and related land use impacts on the neighborhood. (This condition in no way requires that the resale shops must remain on site). **Plan Requirements and Timing:** These changes to resale shop operations shall be noted on relevant Music Academy hard copy and website informational materials and at the entrance to the resale shops. Examples of the changed hours on materials shall be submitted to P&D prior to issuance of CDPs for structures.~~

MONITORING: Permit Compliance shall monitor periodically for compliance

33. ~~[COMPLETED] Within one year after the first phase of Master Plan operations have been operational, the project shall return to the Montecito Planning Commission for a report on compliance with, and effectiveness of, all project conditions, with a special focus on compliance with attendance caps, the cut-through traffic reduction program and other traffic related conditions (e.g., parking, construction or delivery traffic, etc.). This hearing shall take place sooner if a sufficient number of complaints received prior to this time period necessitate an earlier hearing (at the discretion of the Director of P&D). If the CUP is implemented over a number of years, more than one hearing may be appropriate as determined by P&D. Following this hearing, the project shall return to the Montecito Planning Commission for compliance updates every two years for a minimum ten year period. At the last required compliance hearing, the Montecito Planning Commission shall determine whether or how often to continue having compliance hearings on the CUP or whether an alternative method for evaluating on-going compliance would be appropriate. The MPC may also alter the schedule for compliance hearings as part of their compliance hearings. Project conditions may be modified or new conditions added to ensure effective compliance. **Plan Requirements and Timing:** The applicant shall be required to fund staff time and any specific evaluations necessary to bring the project forward for the Montecito Planning Commission (or Director of P&D) consideration. Refusal to fund~~

~~work necessary to return to the Montecito Planning Commission would be considered a violation of the CUP. (Previous conditions 35, 40 and 64 have been incorporated into this condition).~~

~~**MONITORING:** Permit Compliance shall ensure that the project receives required review by the MPC as directed by this condition.~~

34. The MAW shall be required to provide monitoring reports ~~twice~~ annually.
- a) Monitoring shall cover individual event attendance (ticket sale records from ticketing company including the number of tickets per event for public, students, and faculty/staff), daily attendance, and seasonal attendance. Attendees shall include all regular guests as well as any students, faculty, staff, or other employees who are not performing or working at the event and attendance for these different sub-groups shall be provided.
 - b) The monitoring shall include a specific break down of seminars, conferences, non-profit events, educational programs in the arts and conservatory activities.
 - c) The monitoring shall include the results of the periodic monitoring of parking required to determine adequacy of on-site parking in meeting project demand.
 - d) Accompanying the annual monitoring reports shall be a signed statement from the President of the Music Academy of the West stating that a copy the Conditional Use Permit has been distributed to and reviewed with the Music Academy Board and staff in order to ensure compliance with the conditions.

Plan Requirements and Timing: The applicant shall submit a methodology for monitoring per the above requirements to P&D for review prior to approval of CDP for construction.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) during events to perform manual counts on-site during both the summer and non-summer periods. Manual counts for events shall be compared with the event attendance data submitted in the project monitoring reports. The data will not be exact as Permit Compliance will not be able to differentiate who is a public vs. non-public member. However, the data will still be useful for comparison purposes as the monitoring data will break out the number of public attendees.

35. Consistent with historic levels, there shall be no more than five public Saturday events during the summer¹⁵. **Plan Requirements and Timing:** Applicant shall submit annual

¹⁵ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends. Summer students and faculty practicing on-site (not performances), staff doing office or grounds work and other basic administrative activities would still be allowed.

calendars for the summer program consistent with this requirement to P&D prior to finalizing the year's summer calendar.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) to determine compliance with this measure.

36. Consistent with historic levels, there shall be no Sunday public events during the summer¹⁶ **Plan Requirements and Timing:** Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the summer calendar.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) to determine compliance with this measure.

37. Picnic concerts shall be limited to no more than ten per summer. **Plan Requirements and Timing:** Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the summer calendar.

MONITORING: Permit Compliance shall review summer schedule information (e.g., on the MAW website or local newspapers) to confirm scheduled picnic concerts.

38. Rentals for seminars and meetings shall ~~continue to~~ be limited to 175350 participants with a maximum end time of 10:00 p.m. **Plan Requirements and Timing:** The MAW shall include notice of this requirement in all rental contracts for events and other activities on-site along with a meaningful financial penalty for transgressions. This requirement shall also be posted on-site during applicable evening events to facilitate compliance. Examples of the contract language and the language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development.

MONITORING: Permit Compliance shall note compliance with this measure during periodic, unannounced visits to the site to field check event attendance (the largest events are often evening events).

39. All events and activities shall begin no earlier than 9:00 am and shall end no later than 10:00 pm throughout the year. The exception to this shall be allowance for events on Thursdays and Fridays during the summer season only to end by 10:30 p.m. Once an evening event has ended, guests are expected to leave within approximately 30 minutes. If approximately 30 minutes becomes insufficient for guests to leave the

¹⁶ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends. . Summer students and faculty practicing on-site (not performances), staff doing office or grounds work and other basic administrative activities would still be allowed.

premises, the MPC, as part of their compliance hearings, shall consider the requirement to move end times to earlier in the evening, sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 10:30 (11:00 for Thursday and Friday events in the summer season).

Plan Requirements and Timing: The MAW shall include notice of this requirement in all rental contracts for events and other activities on-site along with a meaningful financial penalty for transgressions. This requirement shall also be posted on-site during applicable evening events to facilitate compliance. Examples of the contract language and the language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development.

MONITORING: Permit Compliance shall note compliance with this measure during periodic, unannounced visits to the site to field check event attendance (the largest events are often evening events).

40. **[CONSTRUCTION ELEMENT COMPLETED]** The primary use of the catering kitchen and dining facilities shall be to provide lunch and dinner to summer music students, faculty, and staff. The secondary use of these facilities shall be for the use of non-summer staff to heat up (microwave) and refrigerate their lunches and for use by caterer for rental activities in non-summer. Therefore, the kitchen and dining facilities shall be limited as follows:

- a) ~~The facilities shall not be available to resale shops customers.~~
- b) The facilities shall not be open as a snack bar or restaurant for the public or for public on-site for non-event activities or non-catered events/activities, such as musical instruction or other lessons, or rehearsals.
- c) The facilities shall not be used to provide food for picnic concerts, except to supply a "coffee cart" with drinks, cookies, etc. typical of fare available during a concert intermission.
- d) The kitchen shall not be used as a cafeteria for food preparation, except for activities typical of an office employee lounge (e.g., coffee maker, microwave and refrigerator to heat up/keep cool meals and snacks brought by employees).
- e) Food preparation and service for events and the summer program students shall be limited to caterers (no permanent chef or other kitchen staff). Food service for events and summer student meals shall be designed to minimize necessary deliveries.

- f) Except for food used by a caterer for an event or summer student/staff meals, food stuffs shall be limited to those typical of an office employee lounge (coffee, popcorn, etc.) as well employee access to refrigerator and microwave.
- g) The kitchen shall not be designed as a commercial or industrial kitchen. Rather, it shall be designed for catering purposes only, with an assumption and requirement for minimal food preparation on-site.

Plan Requirements and Timing: These restrictions regarding the kitchen and dining area uses shall be posted to avoid confusion and to facilitate compliance with this measure. ~~Sample language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development~~

MONITORING: Permit Compliance shall evaluate compliance with this measure during periodic, unannounced visits to the site.

41. Following project implementation, and for the life of the project, if trees or screening shrubs along Butterfly Lane or other perimeter areas of the site are lost (either intentionally or due to natural causes), the trees and shrubs shall be replaced (with comparably sized plantings, up to 24-inch box), within one month, to minimize loss of screening provided by such tree loss. The applicant shall make every effort to replace lost screening vegetation with large plantings that reduce the amount of time necessary to provide screening. Following installation, to the maximum extent feasible, when the property is viewed from off-site, it should retain the appearance of a landscaped residential estate. This measure shall be incorporated into the Tree Protection Plan. **Plan Requirements and Timing:** This requirement shall be incorporated into the project landscape plan, including inclusion of notes to this effect on the landscape plan itself. The plan shall be reviewed and approved by P&D, the MBAR and architectural historian (under contract to P&D) prior to approval of CDPs.

MONITORING: Permit Compliance shall evaluate compliance with this measure during periodic visits to the site.

42. ~~[COMPLETED]~~ The instructional building shall incorporate the following:

- ~~a) Window treatment on the north side of the instructional building shall be determined by the MBAR to ensure privacy of neighbors. Window treatment shall be designed so that it is not possible to see from the building into the yard area of the property at 87 Butterfly Lane, which design the Music Academy shall present to MBAR with a request for approval. County shall mail notice to owners of 87 Butterfly Lane ten (10) calendar days prior to the MBAR hearing.~~

~~b) The balconies on the north side of the instructional building shall be ornamental only.~~

~~**Plan Requirements and Timing:** These changes (and confirmation of MBAR consideration and approval of these components) shall be shown on the project building plans for review and approval by P&D prior to approval of CDPs for these structures.~~

~~**MONITORING:** Permit Compliance shall evaluate compliance with this measure during construction and prior to occupancy clearance.~~

43. ~~[COMPLETED] The student services building shall incorporate the following:~~

~~a) Window treatments on the east side of the student services building shall be determined by the MBAR to ensure privacy of neighbors. Window treatment shall be designed so that it is not possible to see from the building into the yard area of the property at 87 Butterfly Lane, which design the Music Academy shall present to MBAR with a request for approval. County shall mail notice to owners of 87 Butterfly Lane ten (10) calendar days prior to the MBAR hearing.~~

~~b) The rooftop area of the student services building (especially the lower rooftop on the east side of the structure) shall not be accessible, other than to maintenance personnel for landscape or building maintenance purposes.~~

~~**Plan Requirements and Timing:** These changes (and confirmation of MBAR consideration and approval of these components) shall be shown on the project building plans for review and approval by P&D prior to approval of CDPs for these structures.~~

~~**MONITORING:** Permit Compliance shall evaluate compliance with this measure during construction and prior to occupancy clearance.~~

44. ~~[COMPLETED] Window coverings shall be installed on the windows on the east and north facing sides of the proposed new instructional and student services buildings and the north side of the proposed new practice studio building in order to reduce visibility of lighting at night when the buildings are viewed from off-site. In addition, the drapes window coverings shall be installed with a timer, to automatically close during night-time hours. Alternative window treatments which are proven to accomplish the same goal as determined by P&D in consultation with MBAR, would also be acceptable. **Plan Requirements and Timing:** This requirement shall be identified on the building plans and submitted for MBAR and P&D review and approval prior to approval of CDPs for these structures.~~

~~**MONITORING:** Permit Compliance shall evaluate compliance with this measure prior to occupancy clearance.~~

45. ~~[CONSTRUCTION ELEMENT COMPLETED]~~ When practice rooms are used for activities which would likely generate nuisance noise for neighbors (e.g., any type of amplification, brass band practice, etc.), any north or east facing windows in the room shall be closed. ~~Therefore, the instructional building shall be designed with an air circulation system that does not rely on opening windows in these rooms. **Plan Requirements and Timing:** Project plans consistent with this requirement shall be submitted for P&D review and approval prior to approval of CDPs for construction.~~

~~**MONITORING:** Permit Compliance shall evaluate compliance with this measure during construction and prior to occupancy clearance.~~

46. ~~[DELETED]~~ The proposed storage building between The Rack and Treasure House shall not result in removal of any trees. ~~**Plan Requirements and Timing:** Project plans consistent with this requirement shall be submitted for P&D review and approval prior to approval of CDPs for grading or construction.~~

~~**MONITORING:** Permit Compliance shall evaluate compliance with this measure during grading and construction.~~

47. The rooms/spaces in the new practice studio/instructional/student services/Luria Education Center (formerly Student Services) building complex shall be used for musical practice, instruction, auditions, rehearsals ~~and meetings associated with music only,~~ meetings and other performing arts uses (dance) and wellness activities (yoga, art, etc.). Rental of these spaces to others for these same activities would also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes.. **Plan Requirements and Timing:** A note identifying these restrictions shall be included on the project building plans for this structure and the applicant shall submit future activity calendars to permit compliance staff along with other monitoring data to ensure compliance with this measure.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of review of monitoring reports and site visits.

48. ~~In addition to the 300 fixed seats in Abravanel Hall, during the summer season only, 50 removable seats are allowed. In Hahn Hall, N no more than ~~300~~330 seats shall be used for the public. Ticketing shall incorporate tickets for all in attendance at an event and shall include different types of tickets for students, faculty/staff and public attendees (public is anyone who is not a student, faculty or staff). ~~There shall be no removable seats in Abravanel Hall during the non-summer season.~~ **Plan Requirements and Timing:**~~

Project plans showing Hahn Hall (formerly Abravanel Hall) shall specify that ~~Abravanel Hahn Hall~~ will have a total of ~~300~~350 fixed seats ~~and that an additional 50 temporary, not for sale seats shall be allowed in the summer season.~~ The applicant shall specify a method for ensuring that no more than ~~300~~330 seats are sold to/used by the public, for review and approval by P&D prior to approval of CDPs for construction. This shall include a ticketing plan for the various types of attendees and an example of a monitoring report that would indicate the ticket sales information.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events in the summer season.

49. Summer music students shall access the site using buses provided to and from the site. The exception to this shall be an allowance for up to ~~ten~~20 student vehicles on-site. These vehicles shall have designated student permits, which may be transferable between the students and which must be visible in their cars when on campus. No additional student vehicles shall be parked on neighborhood streets to evade this restriction. Walking or bicycling to the site would also be acceptable, as the intent of this condition is to ensure adequate parking on-site. To facilitate compliance, the Music Academy may wish to make a MAW vehicle available for use by students on an as-needed basis. **Plan Requirements and Timing:** This restriction shall be identified in student information materials, a sample of which shall be submitted to P&D for review and approval of CDPs ~~for structures.~~

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events in the summer season and as part of review of parking data monitoring reports.

50. All project related parking demand shall be accommodated on the project site⁴⁷. **Plan Requirements and Timing:** This requirement shall be printed on project plans, rental contracts and shall be included on the MAW website associated with activities on-site.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events and as part of review of parking data monitoring reports.

51. ~~During the non-summer, m~~Musicians/other performers shall not be counted toward the attendance maximums if they are actually performing at a concert or other event. However, if the activity involved is really instruction or rehearsal with members of the public or students (i.e., not faculty or staff) observing, the performer and audience shall be counted toward the attendance maximums. The intent of this condition is to ensure compliance with the attendance caps and to not allow extension of the summer music

⁴⁷ ~~The exception to this would be the one, 1-day fundraiser per year, held during the non-summer season, which is unrestricted with regard to attendance caps (e.g., May Madness).~~

program, with an unlimited number of students, in the non-summer, consistent with the Music Academy's letter to Natasha Heifetz Campbell dated June 10, 2004."

Noise

52. ~~[COMPLETED] 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. Construction vehicles arriving prior to 7:00 a.m. shall not wait on neighborhood streets. In addition, 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. **Plan Requirements:** Signs stating these restrictions shall be provided by the applicant and posted on site at both the Fairway and Butterfly Lane driveways, in a location visible from the street. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.~~

~~**MONITORING:** Building Inspectors and Permit Compliance shall spot check and respond to complaints.~~

53. ~~[COMPLETED] Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded to P&D's satisfaction and shall be located as far as possible from occupied residences. **Plan Requirements:** The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. **Timing:** Equipment and shielding shall remain in the designated location(s) throughout construction activities.~~

~~**MONITORING:** Permit Compliance shall perform site inspections to ensure compliance.~~

54. ~~[COMPLETED] Construction routes shall be limited to those shown on the proposed construction route plan. The Music Academy shall make a best effort to receive approval for use of the railroad right of way for grading/construction related vehicle traffic for a 90 day period and, if available, an extension at a reasonable cost. If this approval is granted, trucks used to transport fill material shall be routed along the railroad right of way to Channel Drive and Highway 101 and this same route shall be used when entering the site. The applicant shall provide all adjacent property owners with a construction activity schedule and construction routes 10 days in advance of construction activities. Any alterations or additions shall require a minimum one day advance notification unless this is not possible due to an unanticipated event that would not allow for one day advance notice (e.g., road closure due to a traffic accident). **Plan Requirements and Timing:** The applicant shall submit a copy of the schedule and mailing list to County Permit Compliance and the City of Santa Barbara Community Development and Public Works Departments 14 days prior to initiation of any earth movement.~~

~~**MONITORING:** Permit Compliance shall perform periodic site inspections to verify compliance with activity schedules.~~

55. All use of amplified sound on-site in indoor locations shall occur with closed windows during periods when amplification is being used. The Music Academy shall provide a telephone number for members of the public to use to communicate with the Academy should amplified sound be audible outside the Music Academy boundaries. Amplified sound in outdoor locations shall be limited to the following:
- a) Location: the “cloistered outdoor courtyard” Zone 1 Anne’s Garden, Zone 2/2.5 Holden Encore Society Garden/Presidents Garden, Zone 3/4 Bock Garden/Williams Garden, Zone 5 Kuehn Court, Zone 7 Towbes Court, Zone 9 Lind Patio, and Zone 11 Kinnear Fountain.
 - b) Frequency: ~~Two~~17 times per year.
 - c) Duration: No more than ~~26~~ hours per event.
 - d) Level: Shall not be audible outside MAW property boundaries.
 - e) Time of Day: ~~Beginning~~Amplified sound and non-amplified acoustical music associated with SLEs shall begin no earlier than 9:00 a.m. and ending no later than 9:00 p.m.
 - f) Limited to the spoken voice.
 - g) Compliance with Self-Management Strategies listed under Operational Changes in Condition #1 (based on recommendations found in September 2021 Acoustics Analysis by 45dB Acoustics).

~~**Plan Requirements and Timing:** This requirement shall be included on the project plans. The cloistered courtyard area of the plans shall refer to a note stating the specific restrictions for outdoor amplification in this area. The plans shall be submitted to the County for review and approval prior to approval of CDPs for construction.~~

~~**MONITORING:** Permit Compliance shall site inspect as necessary to confirm compliance with this condition.~~

56. ~~[COMPLETED] All proposed structures shall be designed to reduce interior noise levels to 45 dBA CNEL with doors and windows closed. **Plan Requirements and Timing:** An acoustical engineer shall sign off project building plans confirming that the proposed construction design will attenuate noise levels inside the structure accordingly. All construction techniques and recommendations of the acoustical engineer shall be incorporated into design of the project and detailed on building plans. Prior to~~

~~occupancy clearance, indoor noise levels shall be measured by an acoustical engineer to confirm adequacy of construction design (or additional measures shall be incorporated to reduce indoor noise levels to 45 dBA).~~

~~**MONITORING:** Building Inspectors shall ensure that all noise control measures have been implemented according to the approved plans. If an acoustical survey is required, P&D will ensure recommended levels have been reached prior to occupancy clearance.~~

Solid Waste

57. ~~**[CONSTRUCTION ELEMENT COMPLETED]** The applicant shall refine their existing Solid Waste Management Plan (SWMP) for the expanded facilities on-site. The SWMP shall be implemented during the life of the CUP, unless a modification to the plan is approved by County P&D, in consultation with Public Works, Solid Waste Division. **Plan Requirements:** The program shall include, but not be limited to, the following:~~

- a) On-site provision of adequate space and/or covered bins for storage of recyclable materials generated throughout the site and in no case shall these be located within the easement along the exit drive.
- b) Designation and/or expansion of a central recyclable material pickup area on-site.
- c) Continued and expanded participation in the County's recyclables and greenwaste collection programs.
- d) Development of a plan for accessible collection of increased volumes of recycle materials, particularly during peak use periods.
- e) Implementation of a monitoring program (quarterly, bi-annually) to ensure participation in recycling efforts and requiring written documentation in the form of receipts.
- f) Encourage the use of reusable cups and place settings at special events held onsite to minimize solid waste generation.
- g) Development of a plan for recycling/reuse of yard waste on-site. This shall include on-site mulching and use of the mulch on-site as well as location of adequate green waste pick-up containers acceptable to area collection service.

~~**Timing:** The applicant shall submit a Final Solid Waste Management Plan for the expanded facilities to P&D for review and approval prior to approval of CDP for grading. Program components shall be implemented prior to occupancy clearance and throughout the life of the project.~~

MONITORING: P&D shall site inspect periodically ~~during construction, prior to occupancy, and after occupancy~~ to ensure solid waste components are established and implemented.

58. ~~[COMPLETED] Demolition and/or excess construction material shall be separated for reuse/recycling or proper disposal (e.g., concrete and asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. Bins shall not be located within the exit drive easement area. **Plan Requirements:** This requirement shall be printed on the grading and construction plans. Permittee shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. All applicable materials shall be recycled prior to occupancy clearance.~~

MONITORING: P&D shall review receipts prior to occupancy clearance.

Geology/Drainage/Water

59. ~~[COMPLETED] The final grading, drainage and erosion control plan(s) shall be designed to minimize grading requirements, minimize erosion, properly convey runoff water across the site to appropriate off-site drainage infrastructure, and filter pollutants and sediment from run-off waters prior to drainage leaving the site. The plan(s) shall include, but not be limited to, the following:~~
- ~~(a) Bio-filtration shall be incorporated into the drainage plan wherever feasible, such as in the northern swale and in appropriate landscaped areas¹⁸. Additional mechanical/chemical or other filters shall also be installed in paved areas to further reduce oil and grease pollution from entering drainage channels and the storm drain system along Butterfly Lane. The plan shall include specifications for all proposed filtering mechanisms (biological and other) as well as on-going and periodic maintenance requirements to ensure proper working order.~~
 - ~~(b) Best available erosion and sediment control measures (also known as water quality best management practices or BMPs) shall be implemented during grading and construction. BMPs such as, but not limited to, the use of geo-textile fabrics, gravel bags, erosion control blankets, jute net, silt fences, straw bales, temporary berms and sediment trapping/retention basins, drainage diversion structures and spot grading shall be used to reduce erosion and siltation into adjacent/nearby water bodies or storm drains during grading and construction activities and until graded areas have been stabilized by structures, long-term erosion control measures or landscaping. Design of BMPs and filters shall ensure appropriate location, size, and maintenance to maximize intended performance.~~

¹⁸ This shall also be incorporated and graphically depicted on the landscape plan.

- ~~(c) — The plans shall take into consideration potentially differing requirements for all phases of site development.~~
- ~~(d) — Wherever possible, details of erosion control techniques and filters shall be shown graphically on the plans along with notes, (e.g., location of filters, landscape areas serving as filters, straw bales, siltation fencing, temporary berms, notes addressing siltation fencing installation and dust suppression requirements, etc.~~
- ~~(e) — Drainage plans shall contain specifications and maintenance procedures. The applicant shall enter into a maintenance agreement for drainage improvements (for all private drainage improvements) and may be required to bond for long-term maintenance of specific filtering techniques/devices (or other BMPs), per Flood Control District conditions and Project Clean Water review to ensure proper maintenance. The applicant shall maintain maintenance records as part of this agreement.~~
- ~~(f) — The applicant shall limit excavation and grading on the project site to the dry season of the year (i.e., April 15 to November 1) unless a Building and Safety approved erosion control plan is in place and all measures therein are in effect.~~
- ~~(g) — Native vegetation is recommended for mulch as protection for both soil blowing and water erosion over the long term.~~
- ~~(h) — 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.~~
- ~~(i) — To minimize pollutants impacting waterbodies, storm drain filters, inserts, inline clarifiers, or separators shall be installed in the project area storm drain inlets and/or paved areas. The storm drain 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.~~
- ~~(j) — Graded areas shall be revegetated within two weeks of completion of grading activities, for areas that are not to be constructed on, with deep rooted, native, drought-tolerant species (unless alternative, equally effective non-native species have been approved in the landscape plan) to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.~~

~~(k) Grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff.~~

~~(l) A detailed geological and/or soils engineering study addressing structure sites and the access roads shall be prepared to determine structural design criteria, as recommended by the Planning and Development Building & Safety Division. The study shall be submitted for review and approval by Public Works.~~

~~**Plan Requirements:** The applicant shall submit final grading, drainage and erosion control plan(s) for review and approval by P&D and the FCD prior to approval of a Coastal Development Permit for grading. The plans shall include sign off from the Montecito Sanitary District and the City of Santa Barbara prior to approval of the CDPs for grading in the northern and western portions of the site. **Timing:** The applicant shall notify Permit Compliance prior to commencement of grading. Components of the grading plan shall be implemented throughout all grading activities as specified on the plan. The erosion control plan shall be implemented within two weeks after the completion of grading activities, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within 8 weeks of grading completion.~~

~~**MONITORING:** Permit Compliance will photo document revegetation and ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities. Prior to construction, installation shall be photo documented and submitted by the applicant to P&D. P&D shall site inspect and ensure filters are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to and during construction. The Flood Control District would monitor the post construction period via the maintenance agreement.~~

60. ~~[COMPLETED] Energy dissipaters shall be installed along drainage improvements emptying into the swale along the northern property line. This swale shall be designed as a bio-swale to assist in filtering out pollutants and sediment prior to reaching the drain outlet near Butterfly Lane. The applicant shall coordinate with the Union Pacific Railroad to ensure that portions of the swale located in the railroad right of way can be used as a bio-swale. If permission cannot be acquired for this use, bio filtration shall be considered elsewhere in the northern portions of the Music Academy property in a manner which does not impact the northern eucalyptus windrow. **Plan Requirements:** Prior to approval of CDPs, the applicant shall submit to P&D and the FCD for review and approval, detailed plans and a report prepared by a licensed geologist or engineer for any proposed permanent drainage and erosion control components. Design of bio-filtration measures shall be coordinated with a biologist/arborist to ensure this would not damage the northern eucalyptus windrow or result in other significant biological~~

impacts. ~~Timing:~~ Erosion control components shall be installed prior to grading permit issuance, except where components cannot be installed until completion of grading.

~~**MONITORING:** P&D shall require submittal of photo documentation of installed structures or shall site inspect for compliance prior to issuance of CDP for grading.~~

61. ~~**[COMPLETED]** Drainage shall be consistent with approved drainage plans. Wherever feasible, plans for site drainage shall incorporate bio-filtration, pervious surfaces (particularly in parking surface parking and patio areas) and other methods of filtering contaminants from runoff water (e.g., mechanical filters). **Plan requirements and Timing:** Prior to approval of a Coastal Development Permit for grading, a final drainage plan shall be submitted to P&D and FCD for review and approval. The plan shall include the location of all proposed pipelines, the entire length of all proposed pipelines, trees located within 15 feet of the pipelines, vegetation proposed to be planted for bio-filtration purposes, the use of pervious surfaces for parking, patio, walkways, and other short and long term water quality filtering methods etc., pipe diameters, and amount of water that would flow from each pipeline.~~

~~**MONITORING:** P&D shall site inspect for compliance during grading.~~

62. ~~**[COMPLETED]** 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 and Safety Division.~~

~~**MONITORING:** Building inspectors shall site inspect prior to occupancy clearance.~~

63. ~~**[COMPLETED]** To prevent illegal discharges to the storm drains, all on-site storm drain inlets, whether new or existing shall be labeled to advise the public that the storm drain discharges to the ocean and that dumping waste is prohibited (e.g., "Don't Dump - Drains to Ocean"). The information shall be provided in English and Spanish. **Plan Requirements and Timing:** Location of storm drain inlets shall be shown on site building and grading plans prior to approval of CDPs for grading (on building plans as well prior to approval of CDPs for structures). Labels shall be installed prior to occupancy clearance. Standard labels are available from Public Works, Project Clean Water, or other label designs shall be shown on the plans and submitted to P&D for approval prior to approval of CDPs.~~

~~**MONITORING:** Permit Compliance shall site inspect prior to occupancy clearance.~~

64. ~~**[COMPLETED]** During construction, washing of concrete, trucks, paint, equipment or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site and in no case shall these activities take~~

~~place within the easement (along the exit drive) Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate a wash off area, acceptable to P&D, and this area shall be shown on the construction plans and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to approval of Coastal Development Permits. The wash off area shall be in place and maintained throughout construction.~~

~~**MONITORING:** P&D staff shall check plans prior to approval of Coastal Development Permits and compliance staff shall site inspect throughout the construction period to ensure proper use and maintenance of the washout area(s).~~

65. [CONSTRUCTION ELEMENT COMPLETED] Outdoor water use shall be limited through the measures listed below.

- a) ~~Landscaping shall generally be with native and/or drought tolerant species to reduce water demand. However, exceptions are expected as identified in (but not limited to) the preliminary landscape plan, to address specific screening, historic resource, and biological issues.~~
- b) ~~Drip irrigation or other water conserving irrigation shall be installed.~~
- c) ~~Plant material shall be grouped by water needs.~~
- d) ~~Extensive mulching (2" minimum) shall be used in all landscaped areas to improve the water holding capacity of the soil by reducing evaporation and soil compaction.~~
- e) ~~Soil moisture sensing devices shall be installed to prevent unnecessary irrigation.~~
- f) ~~Permeable surfaces such as turf block or intermittent permeable surfaces such as French drains shall be used to minimize runoff and maximize recharge and filtering of runoff water.~~
- g) ~~Wherever feasible, the landscape plan shall incorporate bio-swales or other landscaped areas which serve to filter run-off water from the site. These components shall be graphically depicted on the landscape/irrigation plan(s).~~

~~**Plan Requirements:** Prior to approval of CDPs for grading, a landscape and irrigation plan shall be submitted to P&D for review and approval. The applicant/owner shall enter into an agreement with the County to install required landscaping/irrigation and maintain required landscaping for the life of the project.~~

Timing: The applicant shall implement all aspects of the landscape and irrigation plan prior to occupancy clearance and shall maintain the landscaping components in the landscape plan for the life of the project.

~~**MONITORING:** Permit Compliance shall conduct site visits to ensure installation and maintenance of landscape and irrigation. Any part of irrigation plan requiring a plumbing permit shown on building plans shall be inspected by Building Inspectors.~~

66. ~~**[COMPLETED]** indoor water use shall be limited through the following measures:~~
- ~~a) All hot water lines shall be insulated.~~
 - ~~b) Recirculating, point of use, or on demand water heaters shall be installed in all new or renovated structures.~~
 - ~~c) Water efficient clothes washers and dishwashers shall be installed.~~
 - ~~d) Lavatories and drinking fountains shall be equipped with self-closing valves~~

~~**Plan Requirements:** Prior to approval of Coastal Development Permits, indoor water-conserving measures shall be graphically depicted on building plans, subject to P&D review and approval. **Timing:** Indoor water conserving measures shall be implemented prior to occupancy clearance.~~

~~**MONITORING:** P&D shall inspect for all requirements prior to occupancy clearance.~~

Sewer

67. ~~**[COMPLETED]** The applicant shall remove all portions of the existing maintenance building which are currently located within the MSD sewer easement. **Plan Requirements and Timing:** At the earliest possible date, but in no case later than prior to approval of CDPs for the first phase of development, project plans shall identify this requirement as well as the location of the sewer easement and existing sewer lines. Prior to submitting applicable plans to P&D for review, the applicant shall receive confirmation (sign off on plans) from MSD regarding agreement on removal of this structural consistent with their easement. This structure shall be removed prior to occupancy clearance for the first phase of the Master Plan.~~

~~**MONITORING:** P&D shall perform site inspections to ensure compliance with the approved plans.~~

68. ~~**[COMPLETED]** The applicant shall coordinate with MSD and the City of Santa Barbara regarding the specific location and design of the new parking area in the northern portion of the site (and within their easements) and the proposed landscape plan (as it~~

~~relates to plantings proposed within or in proximity to the sewer easement). **Plan Requirements and Timing:** Prior to submitting applicable plans to P&D for review, the applicant shall receive confirmation from MSD and the City of Santa Barbara (sign off on plans) that the proposed location and design of parking area and plantings is acceptable, to avoid impacts to their respective pipelines. In addition to design specifications, this may include other measures such as in-pipeline video documentation before and following completion of construction to ensure that no unanticipated damage occurred to the pipelines as a result of construction activities. Structural engineering shall also consider the effects of future maintenance or repair activities on the pipelines that could impact the parking area (e.g., such activities may involve a deep, wide trench in proximity to the edge of these structures). P&D shall confirm sign-offs prior to approval of applicable CDPs. Plans shall identify the surveyed location of the northern property line, the sewer easement, sewer manholes and existing sewer lines.~~

~~**MONITORING:** P&D shall perform site inspections to ensure compliance with the approved plans.~~

Traffic

69. Parking demand generated by project activities shall be accommodated within the on-site parking supply (285 passenger vehicle spaces with ability for 5 additional spaces using stacked parking, and two bus spaces, consistent with approved plans). The parking shall be in place prior to any increases in attendance. This parking supply is consistent with application of a conservative parking demand rate of 0.76 spaces/seat¹⁹, the project would generate demand for 289 spaces.). In order to ensure that project generated parking demand can be accommodated on-site, once the Master Plan is operational, the applicant shall monitor event parking during large events (300 plus attendees) to determine whether parking is indeed adequate to accommodate on-site parking for the proposed any given time maximum public attendance. The parking monitor shall specifically evaluate parking for days when high attendance is expected for consecutive Master Classes to determine whether there is adequate time between event start and end times to allow exiting vehicles (from a large event) to leave the site in time for entering vehicles (for a large event) to backfill the vacated parking spaces without waiting. Project conditions, which affect parking (including, but not limited to a reduction in the any given time public attendance maximum attendance cap, increased or decreased minimum time required between consecutive events, etc.), may be modified at the required compliance report hearings with the Montecito Planning Commission if the results of these surveys indicate insufficient parking is available to accommodate project demand. The MAW also has the ability to control administrative and volunteer activities on-site to ensure adequate parking will be available to accommodate other activities and events. **Plan Requirements and**

¹⁹ Based on ATE summer afternoon, high attendance event data

Timing: The applicant shall fund preparation of periodic surveys (four times per year, although more often during the summer season and possibly less often during the non-summer season would also be acceptable) of the total number of vehicles associated with large events on-site and where they park. The applicant shall submit a draft monitoring plan to P&D for review and approval prior to approval of CDPs for new structures. Depending on project phasing, the monitoring plan may require modification for future phase(s). The monitoring plan may be modified by the MPC, as determined necessary, at the project's compliance hearings. The parking surveys shall specifically evaluate large consecutive events. The surveys shall be performed by professionals experienced in collection of traffic data. Given the potential ramifications of the survey results and to avoid any perception of conflict of interest, the survey personnel shall be funded by the applicant under contract to the County. The surveys shall account for all cars associated with Music Academy activities, including those associated with students, faculty, other employees, volunteers, customers and sales people at the resale shops, and others attending administrative activities on-site. (Surveys required by this condition may be performed in conjunction with mitigation monitoring requirements identified in other traffic mitigation measures). In the first year of regular operations, survey data shall be available for a week which includes peak attendance classes/events/picnic concert during the summer season and for a week which includes peak events during the non-summer period. Therefore, the Academy's event calendar shall be used to identify appropriate monitoring periods.

MONITORING: Permit Compliance shall ensure implementation of contract for parking monitoring and shall review parking monitoring reports for compliance.

70. ~~[COMPLETED] Until such time as the improvements to the Cabrillo/Los Patos Channel intersection and the Cabrillo/U.S. 101 interchange/ramps are completed (and found to achieve LOS C with future traffic assumptions), the following measure shall be implemented:~~

~~The MAW shall schedule Master Classes with more than 250 public attendees to start and end outside of the 4:00-6:00 p.m. peak commute period (such as a 4:00 P.M. start and a 6:00 P.M. end or a 1:00 start and a 2:50 end) to mitigate potential traffic impacts. **Plan Requirements and Timing:** Music Academy staff shall be made aware of this requirement prior to scheduling events and other activities. MAW shall submit activity calendars to P&D on an annual basis showing the schedule for events accordingly. The applicant shall maintain a copy of the CUP in a location where it is physically accessible to the public as well as on their web site. At such time as the intersection improvements are completed, the applicant shall submit evidence of completion to P&D for concurrence and may alter its schedule of events accordingly.~~

~~**MONITORING:** Music Academy shall maintain event/rental records of ticket sales for all attendees including students, faculty, staff or other employees (unless they are only performing/working at the event) t. MAW shall also maintain event calendars for reference.~~

71. ~~[COMPLETED] The applicant shall contribute \$17,400.00 (the project's proportional share of a \$200,000.00 round-about, as the project EIR concludes that the project would contribute 8.7% or 18 PHT out of 208 cumulative PHT to the intersection) to design and implement the necessary improvements at the Los Patos/Cabrillo Boulevard/Channel Drive intersection. If a round about is not determined to be the appropriate method for addressing cumulative traffic, then these funds shall go toward alternate City approved mitigation for this intersection.~~

~~**Plan Requirements and Timing:** Prior to approval of CDPs, the applicant shall submit written confirmation from the City of Santa Barbara that acceptable arrangements have been made to address the applicant's contribution to this intersection improvement.~~

~~**MONITORING:** Permit Compliance shall confirm that all arrangements have been completed with the City of Santa Barbara.~~

72. ~~[COMPLETED] The applicant shall contribute funds representing the project's proportional share of the approved improvement at Hot Springs/Cabrillo/Highway 101 ramps, as the project EIR concludes that the project's contribution to cumulative PHT increases to this intersection would equate to 5.6% of the \$150,000.00 cost to implement the planned interim traffic signal at this intersection. This contribution shall only be required if the applicant no longer wishes to limit public attendance to 250 attendees for events from 4:00-6:00 pm until the improvements have been completed.~~

73. ~~[COMPLETED] The applicant shall prepare and submit a construction traffic plan to the County and the City of Santa Barbara prior to approval of a CDP for grading. The plan shall:~~

- ~~a) Designate a construction traffic coordinator;~~
- ~~b) Identify the truck routes, which minimize effects on pedestrians and bicyclists and nuisance to neighbors. This shall include use of the UPRR right of way as/if permitted by UPRR for a 90 day period and, if available, an extension at a reasonable cost.;~~
- ~~c) Require prompt clean up of dirt/other debris spilled from construction vehicles on neighborhood streets. Dry cleaning methods shall be preferred to avoid flushing dirt and pollutants into the storm water system.~~

- ~~d) Vehicles transporting excess fill from the project site shall avoid the p.m. peak hour period (4:00-6:00 p.m.) to minimize impacts on the Cabrillo/Hot Springs/Highway 101 intersection.~~
- ~~e) During the construction period, a gate control program shall be implemented to eliminate cut-through traffic during the construction period.~~

~~**Plan Requirements and Timing:** The applicant shall review the construction traffic plan with the Montecito Association and the MSD and obtain their comments on the plan for inclusion and later submittal to the County. The plan shall be reviewed and approved by County Public Works and P&D as well as the City of Santa Barbara prior to approval of a CDP for grading. The plan shall be implemented throughout the construction period.~~

~~**MONITORING:** Permit Compliance shall inspect for implementation of plan during the construction period.~~

74. Project generated parking demand shall be accommodated by on-site parking 285 passenger vehicle spaces, 5 additional stacked parking spaces and two bus spaces). To facilitate on-site parking and avoid project generated parking demand on neighborhood streets, the MAW shall:
- a) Deploy an adequate number of parking attendants for the larger events to ensure that identified parking is maximized (and parking on neighborhood streets is avoided or minimized). An adequate number of attendants shall also be present for events to ensure that entering vehicles are not blocking traffic on Fairway in front of the Music Academy entrance. Parking attendants shall be responsible for directing vehicles to appropriate parking areas and open spaces and facilitating circulation throughout the site(s). If it is confirmed by P&D that MAW attendees, staff or students are consistently parking on neighborhood streets, the MAW will be required to utilize an increased number of parking attendants. If this problem persists, information regarding this situation will be forwarded to the Montecito Planning Commission as part of their compliance update hearing(s). If the monitoring indicates that on-site parking supply cannot accommodate peak parking demand for maximum attendance events, the MPC shall consider reducing the maximum any given time attendance to a level at which the on-site parking supply can accommodate peak attendance.
 - b) In the non-summer period, performers shall be bused to the site if there would be more than 95 staff/performers at an event (with attendees)²⁰.

²⁰ This is required to ensure there would be adequate on-site parking for a high attendance event in the non-summer season, when performers would not normally be arriving by bus (as the students do during the summer).

Plan Requirements and Timing: The applicant shall prepare a typical plan for use by attendants at various large events to facilitate operations. This plan shall be submitted to P&D and Public Works prior to issuance of CDPs.

MONITORING: Permit Compliance shall periodically inspect for implementation of plan during large events Permit Compliance may also review related monitoring reports required pursuant to other project conditions

75. The applicant shall deposit funds to cover on-going staff review and compliance efforts. In addition to regular compliance review, this shall also include the cost for staff to attend (unannounced) events on-site periodically²¹ and to perform manual counts of attendees at such events for general comparison with applicant submitted monitoring reports regarding attendance. Precise comparison will not be possible for some events (e.g., summer concerts) as some of the attendees will include students and faculty. However, the monitoring data submitted by the MAW will break out the number of public attendees. **Plan Requirements and Timing:** The applicant shall submit necessary funds for long-term compliance with P&D prior to approval of CDPs. The amount shall be determined following review of project plans for CDPs, including, but not limited to, the manner in which the project operations propose to comply with project conditions.

MONITORING: Permit Compliance shall confirm that funds were deposited prior to issuance of CDPs.

76. The Music Academy shall ensure adequate breaks between the start and end times of events to avoid concurrent demand for available parking. At least 40 minutes shall be scheduled between the start and end times of larger events on-site (those involving combined consecutive event attendance of 550 or more public attendees, such as 300 at the first afternoon Master Class and 250 at the second Master Class).

MONITORING: Permit Compliance shall periodically review Music Academy schedules of events for compliance.

77. Although not an option at this time, project egress for west-bound traffic would be acceptable using either Monte Cristo Lane or the Montecito Sanitary District driveway (subject to Public Works review and approval of the driveway access design onto Channel Drive. Maintaining this option (although unlikely to effectuate), would serve to reduce neighborhood traffic volumes and provide a more direct route for west-bound traffic leaving the Music Academy.

²¹ [CONSTRUCTION ELEMENT COMPLETED] During the first year of operations this shall involve visits once/week during the summer and at least once per month during the non-summer period. At the first scheduled compliance hearing (one year after operations under the first phase of the Master Plan begin), the schedule for monitoring may be re-evaluated.

Project Specific Conditions

78. No signs of any type are approved with this action unless otherwise specified. All signs require a separate Coastal Development Permit and Montecito Board of Architectural Review approval and shall comply with the Santa Barbara County Code Chapter 35, Article I (Sign Regulations). The exception to this shall be temporary signs associated with the interim CTRP. The applicant will bring the temporary signs forward for MBAR review and approval, but will be permitted to install temporary CTRP signage prior to MBAR approval, in order to effectuate traffic reduction at the earliest possible date. If MBAR recommends changes to the signs, within one week the MAW shall replace the signs, consistent with the MBAR directed change(s).
79. ~~[COMPLETED] If trash storage is located in view of a public roadway, the trash area shall be installed which is architecturally compatible with the project design. The storage area shall be enclosed with a solid wall of sufficient height to screen the area and shall include a solid gate. Trash storage shall not be located in the easement portion of the exit drive (at the eastern end of the internal roadway). The trash storage area shall be maintained in good repair. **Plan Requirement:** Location and design of trash storage area shall be denoted on project plans. **Timing:** Trash storage area shall be installed prior to occupancy clearance.~~
80. During the non-summer period, unless the recording is secondary to an actual on-site performance those persons being recorded and related assistants on-site ~~for~~ shall be counted toward the attendance limits. During the summer season, only summer school students, faculty, and related assistants shall use the recording facilities.
81. ~~[COMPLETED] Consistent with the intent of the Master Plan project description, the renovated recital hall shall be designed to accommodate chamber music (generally smaller musical groups). Therefore, it shall not include features which would allow additional types of performances to be re-located and/or expanded onto the project site (e.g., from the Lobero and other downtown locations used historically). Therefore:~~
- ~~a) Only the necessary off-stage and back-stage space shall be provided);~~
 - ~~b) There shall be no fly gallery;~~
 - ~~c) Lighting pipes shall be the minimum necessary to accommodate the basic instrumental and vocal performances associated with chamber music and other small group performances. A full complement of lighting pipes (downstage to upstage) shall not be incorporated.~~

CONDITIONAL USE PERMIT CONDITIONS

82. **Rules-12 CUP Expiration:** The Owner/Applicant shall obtain the required Zoning Clearance within the 18 months following the effective date of this Conditional Use Permit. If the required Zoning Clearance is not issued within the 18 months following the effective date of this Conditional Use Permit, or within such extended period of time as may be authorized in compliance with Section 35-169.6 of the Article II Coastal Zoning Ordinance, and an application for an extension has not been submitted to the Planning and Development Department, then Conditional Use Permit shall be considered void and of no further effect.
83. **Rules-17 CUP-Void:** This Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by this Conditional Use Permit is discontinued for a period of more than 12 months, or within such extended period of time as may be authorized in compliance with Section 35-169.6 of the Article II Coastal Zoning Ordinance. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Coastal Development Permit approved or issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit. [ARTICLE II §35-172.9].
84. **Rules-18 CUP and DVP Revisions:** The approval by the Montecito Planning Commission of a revised Conditional Use Permit shall automatically supersede any previously approved Conditional Use Permit upon the effective date of the revised permit.
85. **Rules-21 CUP Revisions-Change of Use:** Any change of use in the proposed structure shall be subject to appropriate environmental analysis and review by the County including Building Code compliance.

COUNTY RULES & REGULATIONS/LEGAL REQUIREMENTS

86. **Rules-02 Effective Date-Appealable to CCC:** This Conditional Use Permit shall become effective upon the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].
87. **Rules-05 Acceptance of Conditions:** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.

88. **Rules-23 Processing Fees:** Prior to issuance of Coastal Development Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
89. **Rules-31 Mitigation Monitoring Required:** The Owner/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 Owner/Applicant shall:
- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
 - b. Compliance monitoring costs for existing Case No. 02PMC-00000-00306 will continue to be invoiced monthly and may include 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 Owner/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. Monthly invoices shall be paid by the due date noted on the invoice;
 - c. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.
90. **Rules-33 Indemnity and Separation:** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project.
91. **Rules-35 Limits-Except DPs:** This approval does not confer legal status on any existing structures(s) or use(s) on the property unless specifically authorized by this approval.
92. **Rules-37 Time Extensions-All Projects:** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting

changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

93. ~~[COMPLETED] Two performance securities shall be provided by the applicant prior to approval of Coastal Development Permits, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for 5 years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. The installation security shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security 5 years after installation. 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 plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:~~

- ~~a. Installation of landscaping, including the butterfly enhancement area, tree replacement and transplanting, and all of other components of the landscape plan including plants, irrigation, hardscapes, vine support structures, and screening walls or fences consistent with the approved tree protection and preservation plan, butterfly enhancement plan, and grading and drainage plans, prior to occupancy clearance.~~

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

94. Landscaping shall be maintained for the life of the project.

G:\GROUP\PERMITTING\CASE FILES\RVP\21 CASES\21RVP-00000-00109 MUSIC ACADEMY OF THE WEST\600 DECISION MAKER\MPC\01 STAFF REPORT\ATTACHMENTS\ATCHB1_CUP_21RVP-109.DOC



ATTACHMENT B.2

COUNTY OF SANTA BARBARA

Planning and Development

www.sbcountyplanning.org

COASTAL DEVELOPMENT PERMIT NO.: 21CDP-00000-00129

Project Name: MUSIC ACADEMY OF THE WEST CUP REVISION
Project Address: 1070 FAIRWAY DR, SANTA BARBARA, CA 93108
A.P.N.: 009-282-029
Zone: 1-E-1

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

APPROVAL DATE: 4/5/2023
LOCAL APPEAL PERIOD BEGINS: 4/6/2023
LOCAL APPEAL PERIOD ENDS: 4/17/2023

APPEALS:

1. The approval of this Coastal Development Permit may be appealed to the Board of Supervisors by the applicant, owner, or any aggrieved person. An aggrieved person is defined as any person who, either in person or through a representative, appeared at a public hearing in connection with this decision or action being appealed, or who by other appropriate means prior to a hearing or decision, informed the decision-maker of the nature of their concerns, or who, for good cause, was unable to do either. The appeal must be filed in writing and submitted in person to the Planning and Development Department at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, prior to 5:00 p.m. on or before the date that the local appeal period ends as identified above (Article II Section 35-182).
2. Final action by the County on this permit may be appealed to the California Coastal Commission; therefore payment of a fee is not required to file an appeal of the approval of this Coastal Development Permit.

PROJECT DESCRIPTION SUMMARY: Revision to 90-CP-111. Increase the maximum seating capacity in Hahn Hall from 300 permanent seats and 50 temporary seats during the summer to 350 permanent seats year-round. As required under the CUP, 330 seats will continue to be the maximum available to the public and the 20 remaining seats will continue to be used by students, staff, and volunteers. Decrease the permanent seats in Yzurdiaga Hall (formerly Stewart Hall) from 92 to 42 seats. Increase the maximum "any given time" public attendance from 330 to 410 people. Increase the attendance cap for meetings and seminars from 175 to 350 participants per event. Replace the seasonal caps of "summer" (22,000 people) and "non-summer" (25,000 people) with one annual cap of the same number (47,000 people). Change reporting requirements from biannual to annual. Increase the number of parking spaces available to students from 10 to 20 spaces. Increase in instructional student population from 150 to 175 students. Change in use to allow MAW operation as a venue for weddings and other special events. Change in use to discontinue operation of retail shops (The Treasure House and the Rack) and allow residential use of these spaces for alumni, faculty members, local organizations and other community-related use. Change in use to allow "caretaker" residential unit to be used by other MAW employees. Change in use to convert existing storage building to administrative office. Events featuring outdoor amplified spoken word and unamplified/acoustic music in the following areas: Lind Patio, Kuehn Court, Kinnear Fountain, Bock Garden/Williams Garden, Holden Encore Society Garden/Presidents Garden, Anne's Garden, and Towbes Court. Modification in use of use of the studio spaces to allow other art- and wellness-related uses, including dance, yoga, meditation, visual and performing arts, etc. Updates to conditions of approval related to Cut-Through Reduction Plan (CTRP), for which reporting requirements were discontinued as of 2009. Updates to several references to MAW campus building names. The project does not propose any change to the maximum annual attendance of 47,000 people. No grading is proposed as part of the project. The parcel will continue to be served by the Montecito Water District, the Montecito Sanitary District, and the Montecito Fire Protection District. Access will continue to be provided off of Fairway Drive. The property is a 2.77-acre parcel zoned 1-E-1 and shown as Assessor's Parcel Number 009-282-029 and -030, located at 1070 Fairway Drive in the Montecito Community Plan Area, First Supervisorial District. To receive additional information regarding this project and/or to view the application and/or plans, please contact Steve Conner at 123 East Anapamu Street, Santa Barbara, by email (conners@countyofsb.org), or by phone ((805) 568-2081).

PROJECT SPECIFIC CONDITIONS: See Attachment A.

ASSOCIATED CASE NUMBERS: 21RVP-00000-00109

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

1. **Notice.** Notice of this project shall be posted on the project site by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit, including an action on any appeal of this permit (Article II Section 35-181). The *Proof of Posting of Notice on Project Site* shall be signed and returned to the Planning and Development Department prior the issuance of the permit.
2. **Compliance with conditions.** All conditions that are required to be satisfied prior to issuance of the permit have been satisfied and the permit has been signed by the applicant or owner.
3. **Design Review.** If required, the project has been granted final approval by the appropriate Board of Architectural Review (BAR), and an appeal of that final approval has not been filed.
4. **Appeals.** An appeal of the approval of this permit, or an appeal of the final approval by the BAR, has not been filed with the County, and an appeal of the approval of this permit has not filed with the Coastal Commission within the 10 working days following the receipt of the County's Notice of Final Action on the project by the Coastal Commission. If an appeal has been filed then the permit shall not be issued until final action on the appeal(s) has occurred, including appeals filed with the Coastal Commission, which has the effect of upholding the approval of this permit, and, if applicable, the final approval by the BAR.
5. **Other approvals.** Any other necessary approvals required prior to issuance of this Coastal Development Permit have been granted.

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

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

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

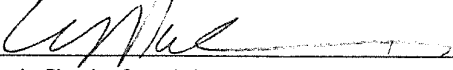
OWNER/APPLICANT ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this approval and agrees to abide by all conditions and terms thereof. Undersigned permittee also acknowledges that issuance of this permit for this project does not allow construction or use outside of the project description, nor shall it be construed to be an approval of a violation of any provision of any County policy, ordinance or other governmental regulation.

Print name

Signature

Date

Coastal Development Permit Approval By:



4.17.2023

Chair, Montecito Planning Commission

Date

PERMIT ISSUANCE: The permit shall be issued and deemed effective on the date signed and indicated below.

Planning and Development Department Issuance By:

Planner

Date

ATTACHMENT A: CONDITIONS OF APPROVAL

Project Description

- 1. Proj Des-01 Project Description:** This Coastal Development Permit is based upon and limited to compliance with the project description and revised conditions of approval below. Physical Development is as previously approved by 90-CP-111 RV01 (the hearing exhibits marked A-L, with Planning Commission hearing stamp date of June 16, 2004 (plans dated May 2004 except plan PL-2 dated 1/30/04)) and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The Music Academy of the West Conditional Use Permit has been revised to:

- a) Revise the conditions of approval to reflect completion of the final phase of Master Plan construction, update items for the purpose of clarity, and update building names;
- b) Revise various operational elements of the project and several of the conditions of approval to better serve its current and foreseeable needs and create operational flexibility while also maintaining maximum CUP restrictions set forth in 2004.

The Music Academy of the West (MAW) Revised CUP, 21RVP-00000-00109, (also referred to as the MAW "Master Plan" or "Renaissance Plan") includes both physical components that have already been constructed as part of build-out of the prior CUP, 90-CP-111 RV01, and operational components as revised by the current CUP. A summary of the operational components is listed immediately below, with specific details described later in this section. The CUP (21RVP-00000-00109) and associated CDP (21CDP-00000-00129) represent a revision to the previous Music Academy of the West CUP (90-CP-111 RV01) and supersedes the prior CUP.

Summary of Operational Changes:

- Primary instruction enrollment allowed to no more than 175 students. The number of vocal and instrumental students is to be determined by the MAW, but cannot exceed 175 total students.
- Students would continue to reside off-site but all (up to 175) students would receive lunch and dinner at the proposed new and improved catering kitchen and indoor dining facilities at the Music Academy. (The existing terrace on the east side of Marilyn Horne

Main House (formerly Miraflores) would remain as well);

- Limit public attendance for all activities as follows: Any- given- time (410), Daily (900), and Annual Public Attendance Maximum of 47,000. The limitations would not apply to staff, faculty, other employees, summer music students, other performers, or people attending or performing administrative functions (e.g., volunteers);
- Activities related to a music conservatory shall be subject to the proposed attendance caps and other restrictions (conservatory uses/activities would no longer be unrestricted as under 90-CP-111cz);
- Significant Life Events shall be an allowed use on-site;
- Educational programs in the arts shall be subject to (and included within) the proposal for campus-wide any-given-time, daily, and annual public attendance limitations;
- Meetings/seminars and non-profit benefits, *taken together*, shall total no more than 41 events annually to occur. Any given time attendance for meetings and seminars shall be limited to 350 participants and otherwise subject to the daily attendance limits. Non-profit benefits shall be subject to the any given time, daily and annual public attendance caps;
- Provide all project generated parking on-site;
- The MAW will discontinue its resale shops uses (The Treasure House & The Rack), which are currently allowed to operate six days per week from 12:00 pm to 3:00 pm, and repurpose these spaces for MAW mission-driven activities such as guest artist accommodations and rehearsal space, significant life event preparation space, and residential use for alumni, faculty members, local organizations and community use. The Academy has made a commitment with local performing arts organizations such as the Santa Barbara Symphony to share this valuable resource.
- The proposed residential component reintroduces the historical uses of these buildings and does not result in an intensification of use. It is anticipated the residential component would be utilized in the summer months for 8-10 weeks for Festival-related personnel. In non-summer months, durations of stay may range from 1-night to 30-days at a time, and with a 1–4-person maximum occupancy for The Rack, and 1–2-person maximum occupancy for the Treasure House. This request further supports the fiscal health of the MAW in generating revenue and off-setting rental expenses otherwise paid for off-site rentals for MAW guest artists, alumni, and faculty members.
- The existing 1,380 sq. ft. storage building, constructed during the Master Plan build-out, and located west of the Treasure House and Rack will become flex space to allow for future use for MAW administrative offices and rehearsal space. When used for activities which would likely generate nuisance noise for neighbors (e.g., any type of

amplification, brass band practice, etc.), any north or east facing windows in the rooms shall be closed. No intensification of use, increase in staff, or change in allowed populations is proposed with this change. In addition, no added square footage or changes to the exiting configuration or footprint of this structure is proposed.

- Maintain a *Cut-Through Reduction Plan (CTRP)* to discourage vehicles coming to the MAW for no reason other than to gain access to the east of the site (Butterfly Lane and beyond) using the MAW internal road as a circulation “short-cut.”
- The Music Academy shall assign a full-time staff member year-round to actively monitor and direct parking, vehicular flow, and traffic on-site and at the gates to reduce neighborhood traffic impacts.

Following is a more detailed discussion of the proposed Master Plan Revised Conditional Use Permit project description:

Rehearsal/Recital Hall (Reconstruction of Hahn Hall – formerly Abravanel Hall)

Hahn Hall (formerly Abravanel Hall)–was reconstructed, featuring raked, fixed seating with a maximum permanent seating capacity of 300 plus allowance for an additional 50 removable seats during the summer season only. Under this CUP revision, the fixed seating in Hahn Hall will be increased from 300 to 350 and there will no longer be a need to set up removable seats in the summer. The number of permanent seats in Yzurdiaga Hall (formerly Stewart Hall) shall be decreased from 92 to 42 seats. No more than 330 of the total 350 seats shall be sold to/used by the public¹. The MAW will continue to schedule events off-site that will be attended by more members of the public than the maximum allowed in the hall.

Student Services (Link building between the new Instructional Building and Miraflores)

The Music Academy will continue to have all meals catered under the proposed plan (caterers typically prepare food off-site, but some limited on-site food preparation is permitted). Catered meals will be provided to Music Academy students, faculty and staff as well as to those groups attending some of the permitted activities on-site (meetings/seminars, non-profit benefits, and MAW administrative functions such as Council dinners etc.) When these aforementioned activities are not occurring, the kitchen uses and foodstuffs will be limited to a typical office lounge (popcorn, heating or keeping cold food brought from home, etc.) The dining room will not be open to the general public and the improved MAW facilities will not serve as a restaurant or snack bar to the general public. (Caterers will be used to provide and serve food on-site. The MAW will not hire a chef or other kitchen employees to staff the kitchen/dining facilities).

¹ The public is anyone who is not a student, faculty, or staff, including, but not limited to MAW donors, students’ friends and family, etc.

Operational Changes

The physical changes described above are intended to improve the quality of the existing instructional, practice and performance facilities on the MAW campus and to accommodate instruction for all 175 summer students at the project site.

1. Revise the project description condition (#1), to reflect the revised CUP approval;
2. Allow a maximum of 15 Significant Life Events (SLEs) as a permitted use onsite per year. Examples of SLEs include weddings, memorial services, quinceaneras, birthday and anniversary celebrations, bridal/baby showers and other individual private parties;
3. Reception attendance related to each SLE shall be limited to 225.
4. SLEs may take place in any appropriately-sized indoor space, with the exception of Hahn Hall. Outdoor amplified spoken voice and unamplified/acoustic music shall be limited to the following areas: Zone 1 Anne's Garden, Zone 2/2.5 Holden Encore Society Garden/Presidents Garden, Zone 3/4 Bock Garden/Williams Garden, Zone 5 Kuehn Court, Zone 7 Towbes Court, Zone 9 Lind Patio, and Zone 11 Kinnear Fountain.
5. The SLE facility renter shall provide a monitor dedicated to ride share assistance at the end of each event to decrease the potential neighborhood nuisance caused by lost/confused drivers. Note: ride share drivers' ability to locate the correct entrance to the MAW is often dependent on how the rider(s) enter(s) their pick up location into the ride share app.
6. For SLEs, traffic shall be routed in and out through the main gate on Fairway Road.
7. The following tools for self-management of sound levels shall be implemented for SLEs with outdoor amplified spoken word and/or unamplified/acoustic music:
 - a. Facility renter must provide personnel to manage each SLE. The manager(s) shall be present from set up to break down of event, shall not be considered a guest, and shall not drink alcohol during the event.
 - b. At Zones 1, 3, 4, and 5 (i.e., areas near the southern property lines): acoustic music programming, and/or amplified spoken voice shall be limited to no more than two hours total.
 - c. At Zones 2, 2.5, 7, and 9: acoustic music programming and/or amplified spoken voice shall be limited to no more than four hours total.
 - d. Outdoor amplified sound for SLEs shall be limited to spoken voice.
 - e. PA systems shall be pointed away from neighbors whenever and wherever possible.

- f. SLEs shall only occur within the hours of 9:00 AM to 10:00 PM. Guests and related vehicle traffic shall vacate the site by 10:30 PM.
 - g. Outdoor amplified spoken word and/or unamplified/acoustic music related to SLEs shall end no later than 9:00 PM.
 - h. A MAW staff member shall be designated as a point-of-contact for any potential neighbor concerns.
 - i. An additional MAW-approved security officer shall be present for the duration of all SLEs to help ensure that guests comply with MAW policies and requirements.
8. Amplified music shall be limited to indoor locations in Lehmann Hall or Weinman Hall and shall commence no earlier than 4:30 PM and end no later than 9:00 PM.
 9. Increase the total allowances of use of amplified spoken voice from twice per calendar year to 17 per calendar year.
 10. Parking shall be limited to the MAW parking lots.
 11. Allow meetings/seminars and non-profit events, taken together, to total no more than 41 events and limit these to the non-summer season. Public attendance at these events shall be subject to and included within the campus-wide attendance caps: any given time (410), daily (900) and annual (47,000), with the exception that meetings/seminars shall be restricted to no more than 350 participants/event; and
 12. Project related parking demand shall be accommodated on the project site (not in overflow lots or on-street).

Attendance Limitations

In addition to Hahn Hall (formerly Abravanel Hall), the other existing indoor venues that can accommodate group gatherings are large rooms in Marilyn Horne Main House (formerly *Miraflores*), Lehmann Hall and Yzurdiaga (formerly Stewart Hall) and one in Weinman Hall in the Luria Education Center (formerly-Instructional Building/Lehrer Studios). The rooms/spaces in the Luria Education Center building complex shall be used for musical practice, instruction, auditions, rehearsals, meetings and other performing arts uses (dance) and wellness activities (yoga, art, etc.) Rental of these spaces to others for these same activities will also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes.

The maximum allowable capacities of the proposed venues are identified in table below.

Attendance shall be limited through restrictions on the maximum number of members of the public who can be on the Academy campus. Faculty, staff, summer music program students, performers and non-staff attendees at administrative activities on-site (including volunteers) will not be counted toward the proposed maximum attendance limits. Fundraisers shall be subject to the any given time, daily and annual attendance caps and are not considered administrative functions.

The specific public attendance limitations proposed are as follows:

1. Any given time (410) - this will apply to either individual or conjunctive use of multiple venues on-site (indoor and outdoor);
2. Daily (900); and
3. Annual (47,000) caps.
 - a) Figures do not include faculty, staff, students, other performers or employees or people attending administrative functions.
 - b) To avoid parking and other conflicts, special administrative functions (board meetings, dinners, etc.) shall not occur concurrently with high attendance events. Therefore, administrative activities are not expected to increase occupancy of the site over and above the proposed any-one time attendance maximum. Also, special administrative functions are not subject to the daily, at any given time and annual attendance limits either under baseline conditions or the proposed project scenarios (Fundraisers shall not count as administrative functions).
 - c) When more than 95 performers and staff are present for a maximum capacity non-summer event, staff or performers above this number shall be bused to the MAW campus.

These limitations shall apply to all activities and events conducted on campus and shall apply 7 days a week. Any exceptions to these limitations are identified below.

Non-Summer Season

The proposed typical non-summer activities shall include participants at both conservatory activities (musical classes, rehearsals, recitals, recording and concerts, classes and meetings sponsored by the Music Academy related to education in music, meetings related to music not sponsored by the Music Academy), MAW fundraisers, and rental activities (meetings, seminars, and non-profit benefits).

Existing audience attendance has been limited under this permit to provide assurance to the community that the Academy does not become a commercial endeavor. Activities subject to the attendance limitations shall include all music conservatory activities associated with the Music Academy, community groups, and other members of the public (e.g., concerts, meetings

related to music, rehearsals, workshops and instruction, public use of practice studios, recording sessions, etc.,) and all special events/rental activities (conferences, meetings, seminars, non-profit benefits, educational programs in the arts). Special events/rental activities shall be permitted as follows:

1. Seminars/meetings and non-profit benefits, *taken together*, shall be restricted to a total of 41 events, subject to, and included within, the campus-wide attendance restrictions. The exception to this will be that the seminars and meetings will be further restricted to the historic maximum of no more than 350 participants per activity/event.
2. Educational programs in the arts are be subject to the attendance caps, with all non-summer students, faculty, and/or instructors (other than those performing at a concert) counted toward the maximum attendance limitations.
3. Significant Life Events (e.g. weddings, memorial services, quinceaneras, birthday and anniversary celebrations, bridal/baby showers and other individual private parties.
4. Studio rentals for music and other artistic and wellness activities (e.g. yoga, art, dance, performing arts, wellness)².

Music Academy administrative activities will remain unchanged under the new permit and are specifically not included within these attendance limits. However, the Academy shall schedule any special administrative activities³, such that they shall not occur at the same time as large events on-site. The intent of this is to avoid the combination of event and administrative attendance at levels that would challenge traffic circulation and on-site parking demand or that will create other logistical problems.

Summer Season (8 weeks, mid-June to mid-August) Site Attendance

The attendance maximums shall not include up to 89 staff/faculty (including all conservatory, administrative, maintenance, service and other staff), up to 175 students/performers, or attendees at administrative activities on-site such as MAW board meetings, auxiliary meetings, council dinners, etc. As with the non-summer period, Music Academy administrative activities shall remain unchanged under the new permit and shall not be included within the proposed attendance limits. However any special administrative activities⁴, involving greater numbers of

² The Other non-conservatory uses allowed on-site shall be limited to meetings, seminars, non-profit benefits, educational programs in the arts, MAW administrative functions, maintenance activities, fundraisers subject to attendance caps (except one day per year not subject to the caps). Inclusion of an accessory musical component in an activity other than the above allowed uses shall not convert a non-permitted use to a permitted use simply because music has been included (e.g., rental for a reception which has musicians for entertainment).

³ Defined as administrative activities, such as board meetings, auxiliary member meetings, etc., which involve more people than regular staff activities.

⁴ Defined as administrative activities, such as board meetings, auxiliary member meetings, etc., which involve more people than regular staff activities.

people, shall not occur at the same time as large events on-site. Fundraisers, subject to the any given time, daily and annual attendance caps may occur during the summer.

The Music Academy shall provide a copy of its Summer School and Festival program to the owners of 87 Butterfly Lane upon their request, as well as notification of all special events exceeding 250 participants.

Summer Instructional Program

Hahn Hall (formerly *Abravanel Recital Hall*) will enhance the educational experience of the students as well as improve the facilities for MAW patrons and the public.

Off-Campus Master Classes: The MAW will continue to schedule selected Master Classes off campus, as necessary (e.g., to accommodate a concert with more public attendance than is permitted on-site and/or in specific venues on-site).

Summer School: Instructional activities for the Summer School consist of individual and group instruction, individual and group rehearsals and practice sessions, orchestra rehearsals (no orchestra performances), and other school activities. The 175-maximum number of students in the overall summer music program shall not change under the revised CUP. However, up to 50⁵ vocal and vocal accompanying students, that have received primary instruction at Westmont College, shall receive all instruction at the Music Academy upon completion of new facilities onsite. Following project implementation, all 175 students will receive both lunch and dinner (catered meals, not prepared on-site) at the Music Academy campus. The number of vocal and instrumental students is to be determined by the MAW, but cannot exceed 175 total students.

Other Music Academy Operations

Fundraising Events Open to the General Public (no attendance cap): One, 1-day fundraiser (e.g., May Madness) will not be subject to the attendance caps. This event is to take place during the non-summer period. Other fundraising activities will be subject to the attendance caps.

On-Site Residences: Both the caretaker's residence and an employee apartment will be retained on site.

Caretaker residence use allows flexibility of the "caretaker" residential unit in order to provide the opportunity for other MAW employees or guests (e.g. visiting artists) to occupy the onsite residence located east of the Treasure House.

Proj Des-02 Project Conformity: The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project

⁵ These 50 students would continue to be part of (not in addition to) the 175 maximum students in the summer program.

description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Conditions Derived from EIR Mitigation Measures

Aesthetics

3. Compliance with the Tree Protection Plan. The following shall be added to the Tree Protection Plan to reduce aesthetic impacts:
 - a. The TPP shall emphasize the protection (and retention, where feasible) of existing trees and shrubs that are critical to screening the property from off-site (e.g., particularly those trees that provide screening of the site when viewed from the north and east). In addition, the primary goal of tree maintenance activities (trimming, pruning) shall focus on maintaining the long-term health (and retention) of the trees. However, wherever possible, the maintenance activities shall also consider the goal of maintaining maximum screening provided by tree foliage. Trimming or thinning of trees that provide screening as viewed from off-site shall be limited to activities necessary to protect the health of the trees, in response to mandatory fuel management standards directed by Montecito Fire Protection District, due to serious safety concerns, and/or due to serious threats to structures (e.g., significant, unstable limb expected to damage roof of structure, etc.).

PLAN REQUIREMENTS AND TIMING: Applicant shall maintain copies of arborist documentation of arborist recommendation for tree thinning/limbing for screening trees. P&D shall check the Tree Protection Plan for compliance with this measure.

MONITORING: Permit Compliance shall site inspect to ensure compliance.

4. Night-lighting and its intensity shall be minimized to the extent feasible for security and safety purposes and night-lighting should be reduced following the close of activities on-site any given day. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. The height of night-lighting shall also be minimized to reduce its visibility from off-site. This would apply to both the height of light fixtures as well as minimizing the location of night lighting in the upper portions structures, particularly those at the highest elevations on-site (e.g., recital hall, instructional building). Lights shall be dimmed after 10:00 p.m., except when activities end at or later than 10:00 p.m. For these exceptions, lighting shall be dimmed to the maximum extent feasible and at the earliest possible time after 10:00 p.m. Special consideration shall be given to lighting of perimeter development and pathways, driveway entrances and exits and all existing and proposed indoor and outdoor lighting

on the sides of structures facing the property perimeter (e.g., the north and east sides of Luria Education Center and Lehrer Studio Building and the north sides of Hind Hall and renovated Hahn Hall – formerly Abravanel Hall) as well as the northern parking area to minimize visibility from off-site.

5. Future structures shall not exceed the heights (including maximum height above sea level as indicated by story poles erected prior to the MPC hearing of 5/19/04) or the overall sizes of structures identified in the project description and on the project plans. Post discretionary approval changes to proposed building heights which do not exceed, but rather reduce the heights or sizes identified in the project description and on the project plans would also be acceptable.

PLAN REQUIREMENT: This measure shall be included on building plans.

TIMING: Plans shall be submitted prior to approval of Coastal Development Permits for structures.

MONITORING: Height of building(s) shall be checked by Building and Safety during frame/inspection approval.

6. The northern wall shall be repainted within 72 hours, as necessary, if there is new graffiti in the future. If feasible, this wall section shall also be planted with a vine to reduce re-occurrence of graffiti or the wall may be permanently removed subject to compliance with tree protection measures and replaced with a vine covered fence, railing, or wall.

MONITORING: P&D shall site inspect. If new graffiti is observed, Permit Compliance shall direct Music Academy to repaint this wall section.

7. Music Academy fundraisers on campus shall be subject to the any given time, daily and annual attendance caps.
8. Indoor amplification shall be located where doors and windows can (and shall) be closed to reduce spill-over of noise onto adjacent properties. To avoid potential nuisance complaints, non-opening windows may be incorporated into areas of the building(s) where indoor amplification is expected.
9. The Final Cut Through Reduction Plan (CTRP) to reduce the volume of traffic through campus shall include the following components of a Gate Closure Program:
 - a) The entrance gate at Fairway Road shall include an access card system. Vehicle license plates shall be registered for all faculty, staff, and students at the campus and access cards shall be issued for all registered vehicles. Each access card will be valid on an annual basis, and renewed as necessary.
 - b) Hours of operation:

- i) Summer Program (8 weeks from mid-June to mid-August)
 - 1) Gate open 10:00 AM to 4:00 PM Weekdays and Saturdays
 - 2) Gate open for evenings events held on campus with traffic attendant (see below)
 - 3) Gate closed all day Sunday
- ii) Non-Summer Program
 - 1) Gate open 11:00 AM to 3:00 PM Weekdays
 - 2) Gate closed all day Saturday and Sunday, except for events held on campus with traffic attendant.
- c) A traffic attendant shall be placed at the entrance to the driveway for any public events held on campus outside of the open gate hours. Attendant shall monitor for cut-through vehicles which were not observed originating from a campus parking lot. Attendant shall record license numbers of confirmed cut-through vehicles and issue verbal warning to associated drivers.
- d) Existing site and County signage shall be maintained to discourage through traffic in the neighborhood, including:
 - i) Site signage stating "NO THROUGH TRAFFIC, MUSIC ACADEMY GUESTS ONLY" at the Fairway Road entrance gate and along the exit road adjacent to The Rack.
 - ii) County directional signage at the intersection of Channel Drive and East Cabrillo Boulevard stating "Four Seasons Biltmore Use 101 South to Olive Mill", Commercial Vehicles Over 7 Tons Prohibited", and "Channel Dr Local Deliveries Only".

PLAN REQUIREMENTS AND TIMING: The Program shall be submitted to Public Works and P&D for review and approval prior to issuance of the CDP.

MONITORING: Permit Compliance shall monitor periodically for compliance.

10. The MAW shall be required to provide monitoring reports annually.
- a) Monitoring shall cover individual event attendance (ticket sale records from ticketing company including the number of tickets per event for public, students, and faculty/staff), daily attendance, and seasonal attendance. Attendees shall include all regular guests as well as any students, faculty, staff, or other employees

who are not performing or working at the event and attendance for these different sub-groups shall be provided.

- b) The monitoring shall include a specific break down of seminars, conferences, non-profit events, educational programs in the arts and conservatory activities.
- c) The monitoring shall include the results of the periodic monitoring of parking required to determine adequacy of on-site parking in meeting project demand.
- d) Accompanying the annual monitoring reports shall be a signed statement from the President of the Music Academy of the West stating that a copy the Conditional Use Permit has been distributed to and reviewed with the Music Academy Board and staff in order to ensure compliance with the conditions.

PLAN REQUIREMENTS AND TIMING: The applicant shall submit a methodology for monitoring per the above requirements to P&D for review prior to approval of CDP for construction.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) during events to perform manual counts on-site during both the summer and non-summer periods. Manual counts for events shall be compared with the event attendance data submitted in the project monitoring reports. The data will not be exact as Permit Compliance will not be able to differentiate who is a public vs. non-public member. However, the data will still be useful for comparison purposes as the monitoring data will break out the number of public attendees.

- 11. Consistent with historic levels, there shall be no more than five public Saturday events during the summer⁶.

PLAN REQUIREMENTS AND TIMING: Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the year's summer calendar.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) to determine compliance with this measure.

- 12. Consistent with historic levels, there shall be no Sunday public events during the summer.⁷

⁶ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends. Summer students and faculty practicing on-site (not performances), staff doing office or grounds work and other basic administrative activities would still be allowed.

⁷ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends. Summer students and faculty practicing on-site (not performances), staff doing office or grounds work and other basic administrative activities would still be allowed.

PLAN REQUIREMENTS AND TIMING: Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the summer calendar.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) to determine compliance with this measure.

13. Picnic concerts shall be limited to no more than ten per summer.

Plan Requirements and Timing: Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the summer calendar.

MONITORING: Permit Compliance shall review summer schedule information (e.g., on the MAW website or local newspapers) to confirm scheduled picnic concerts.

14. Rentals for seminars and meetings shall be limited to 350 participants with a maximum end time of 10:00 p.m.

PLAN REQUIREMENTS AND TIMING: The MAW shall include notice of this requirement in all rental contracts for events and other activities on-site along with a meaningful financial penalty for transgressions. This requirement shall also be posted on-site during applicable evening events to facilitate compliance. Examples of the contract language and the language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development.

MONITORING: Permit Compliance shall note compliance with this measure during periodic, unannounced visits to the site to field check event attendance (the largest events are often evening events).

15. All events and activities shall begin no earlier than 9:00 am and shall end no later than 10:00 pm throughout the year. The exception to this shall be allowance for events on Thursdays and Fridays during the summer season only to end by 10:30 p.m. Once an evening event has ended, guests are expected to leave within approximately 30 minutes. If approximately 30 minutes becomes insufficient for guests to leave the premises, the MPC, as part of their compliance hearings, shall consider the requirement to move end times to earlier in the evening, sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 10:30 (11:00 for Thursday and Friday events in the summer season).

PLAN REQUIREMENTS AND TIMING: The MAW shall include notice of this requirement in all rental contracts for events and other activities on-site along with a meaningful financial penalty for transgressions. This requirement shall also be posted on-site during applicable evening events to facilitate compliance. Examples of the contract language

and the language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development.

MONITORING: Permit Compliance shall note compliance with this measure during periodic, unannounced visits to the site to field check event attendance (the largest events are often evening events).

16. The primary use of the catering kitchen and dining facilities shall be to provide lunch and dinner to summer music students, faculty, and staff. The secondary use of these facilities shall be for the use of non-summer staff to heat up (microwave) and refrigerate their lunches and for use by caterer for rental activities in non-summer. Therefore, the kitchen and dining facilities shall be limited as follows:
- a) The facilities shall not be open as a snack bar or restaurant for the public or for public on-site for non-event activities or non-catered events/activities, such as musical instruction or other lessons, or rehearsals.
 - b) The facilities shall not be used to provide food for picnic concerts, except to supply a "coffee cart" with drinks, cookies, etc. typical of fare available during a concert intermission.
 - c) The kitchen shall not be used as a cafeteria for food preparation, except for activities typical of an office employee lounge (e.g., coffee maker, microwave and refrigerator to heat up/keep cool meals and snacks brought by employees).
 - d) Food preparation and service for events and the summer program students shall be limited to caterers (no permanent chef or other kitchen staff). Food service for events and summer student meals shall be designed to minimize necessary deliveries.
 - e) Except for food used by a caterer for an event or summer student/staff meals, food stuffs shall be limited to those typical of an office employee lounge (coffee, popcorn, etc.) as well employee access to refrigerator and microwave.
 - g) The kitchen shall not be designed as a commercial or industrial kitchen. Rather, it shall be designed for catering purposes only, with an assumption and requirement for minimal food preparation on-site.

PLAN REQUIREMENTS AND TIMING: These restrictions regarding the kitchen and dining area uses shall be posted to avoid confusion and to facilitate compliance with this measure.

MONITORING: Permit Compliance shall evaluate compliance with this measure during periodic, unannounced visits to the site.

17. Following project implementation, and for the life of the project, if trees or screening shrubs along Butterfly Lane or other perimeter areas of the site are lost (either intentionally or due to natural causes), the trees and shrubs shall be replaced (with comparably sized plantings, up to 24-inch box), within one month, to minimize loss of screening provided by such tree loss. The applicant shall make every effort to replace lost screening vegetation with large plantings that reduce the amount of time necessary to provide screening. Following installation, to the maximum extent feasible, when the property is viewed from off-site, it should retain the appearance of a landscaped residential estate. This measure shall be incorporated into the Tree Protection Plan.

PLAN REQUIREMENTS AND TIMING: This requirement shall be incorporated into the project landscape plan, including inclusion of notes to this effect on the landscape plan itself. The plan shall be reviewed and approved by P&D, the MBAR and architectural historian (under contract to P&D) prior to approval of CDPs.

MONITORING: Permit Compliance shall evaluate compliance with this measure during periodic visits to the site.

18. When practice rooms are used for activities which would likely generate nuisance noise for neighbors (e.g., any type of amplification, brass band practice, etc.), any north or east facing windows in the room shall be closed.
19. The rooms/spaces in the new practice studio/instructional/student services/Luria Education Center (formerly Student Services) building complex shall be used for musical practice, instruction, auditions, rehearsals, meetings and other performing arts uses (dance) and wellness activities (yoga, art, etc.). Rental of these spaces to others for these same activities would also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes.

PLAN REQUIREMENTS AND TIMING: A note identifying these restrictions shall be included on the project building plans for this structure and the applicant shall submit future activity calendars to permit compliance staff along with other monitoring data to ensure compliance with this measure.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of review of monitoring reports and site visits.

20. In Hahn Hall, no more than 330 seats shall be used for the public. Ticketing shall incorporate tickets for all in attendance at an event and shall include different types of tickets for students, faculty/staff and public attendees (public is anyone who is not a student, faculty or staff).

PLAN REQUIREMENTS AND TIMING: Project plans showing Hahn Hall (formerly Abravanel Hall) shall specify that Hahn Hall will have a total of 350 fixed seats. The applicant shall specify a method for ensuring that no more than 330 seats are sold to/used by the public, for review and approval by P&D prior to approval of CDPs for construction. This shall include a ticketing plan for the various types of attendees and an example of a monitoring report that would indicate the ticket sales information.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events in the summer season.

21. Summer music students shall access the site using buses provided to and from the site. The exception to this shall be an allowance for up to 20 student vehicles on-site. These vehicles shall have designated student permits, which may be transferable between the students and which must be visible in their cars when on campus. No additional student vehicles shall be parked on neighborhood streets to evade this restriction. Walking or bicycling to the site would also be acceptable, as the intent of this condition is to ensure adequate parking on-site. To facilitate compliance, the Music Academy may wish to make a MAW vehicle available for use by students on an as-needed basis.

PLAN REQUIREMENTS AND TIMING: This restriction shall be identified in student information materials, a sample of which shall be submitted to P&D for review and approval of CDPs.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events in the summer season and as part of review of parking data monitoring reports.

22. All project related parking demand shall be accommodated on the project site.

PLAN REQUIREMENTS AND TIMING: This requirement shall be printed on project plans, rental contracts and shall be included on the MAW website associated with activities on-site.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events and as part of review of parking data monitoring reports.

23. Musicians/other performers shall not be counted toward the attendance maximums if they are actually performing at a concert or other event. However, if the activity involved is really instruction or rehearsal with members of the public or students (i.e., not faculty or staff) observing, the performer and audience shall be counted toward the attendance maximums. The intent of this condition is to ensure compliance with the attendance caps and to not allow extension of the summer music program, with an unlimited number of students, in the non-summer, consistent with the Music Academy's letter to Natasha Heifetz Campbell dated June 10, 2004."

Noise

24. All use of amplified sound on-site in indoor locations shall occur with closed windows during periods when amplification is being used. The Music Academy shall provide a telephone number for members of the public to use to communicate with the Academy should amplified sound be audible outside the Music Academy boundaries. Amplified sound in outdoor locations shall be limited to the following:
- a) Location: Zone 1 Anne's Garden, Zone 2/2.5 Holden Encore Society Garden/Presidents Garden, Zone 3/4 Bock Garden/Williams Garden, Zone 5 Kuehn Court, Zone 7 Towbes Court, Zone 9 Lind Patio, and Zone 11 Kinneer Fountain.
 - b) Frequency: 17 times per year.
 - c) Duration: No more than 6 hours per event.
 - d) Level: Shall not be audible outside MAW property boundaries.
 - e) Time of Day: Amplified sound and non-amplified acoustical music associated with SLEs shall begin no earlier than 9:00 a.m. and end no later than 9:00 p.m.
 - f) Limited to the spoken voice.
 - g) Compliance with Self-Management Strategies listed under Operational Changes in Condition #1 (based on recommendations found in September 2021 Acoustics Analysis by 45dB Acoustics).

MONITORING: Permit Compliance shall site inspect as necessary to confirm compliance with this condition.

Solid Waste

25. The SWMP shall be implemented during the life of the CUP, unless a modification to the plan is approved by County P&D, in consultation with Public Works, Solid Waste Division.

PLAN REQUIREMENTS: The program shall include, but not be limited to, the following:

- a) On-site provision of adequate space and/or covered bins for storage of recyclable materials generated throughout the site and in no case shall these be located within the easement along the exit drive.
- b) Designation and/or expansion of a central recyclable material pickup area on-site.

- c) Continued and expanded participation in the County's recyclables and greenwaste collection programs.
- d) Development of a plan for accessible collection of increased volumes of recycle materials, particularly during peak use periods.
- e) Implementation of a monitoring program (quarterly, bi-annually) to ensure participation in recycling efforts and requiring written documentation in the form of receipts.
- f) Encourage the use of reusable cups and place settings at special events held onsite to minimize solid waste generation.
- g) Development of a plan for recycling/reuse of yard waste on-site. This shall include on-site mulching and use of the mulch on-site as well as location of adequate green waste pick-up containers acceptable to area collection service.

TIMING: Program components shall be implemented throughout the life of the project.

MONITORING: P&D shall site inspect periodically after occupancy to ensure solid waste components are established and implemented.

26. Outdoor water use shall be limited through the measures listed below.

- a) Extensive mulching (2" minimum) shall be used in all landscaped areas to improve the water holding capacity of the soil by reducing evaporation and soil compaction.

TIMING: The applicant shall implement all aspects of the landscape and irrigation plan prior to occupancy clearance and shall maintain the landscaping components in the landscape plan for the life of the project.

Traffic

27. Parking demand generated by project activities shall be accommodated within the on-site parking supply (285 passenger vehicle spaces with ability for 5 additional spaces using stacked parking, and two bus spaces, consistent with approved plans). The parking shall be in place prior to any increases in attendance. This parking supply is consistent with application of a conservative parking demand rate of 0.76 spaces/seat⁸, the project would generate demand for 289 spaces.). In order to ensure that project generated parking demand can be accommodated on-site, once the Master Plan is operational, the applicant shall monitor event parking during large events (300 plus attendees) to determine whether parking is indeed adequate to accommodate on-site parking for the proposed any given time maximum public attendance. The parking monitor shall specifically evaluate parking

⁸ Based on ATE summer afternoon, high attendance event data

for days when high attendance is expected for consecutive Master Classes to determine whether there is adequate time between event start and end times to allow exiting vehicles (from a large event) to leave the site in time for entering vehicles (for a large event) to backfill the vacated parking spaces without waiting. Project conditions, which affect parking (including, but not limited to a reduction in the any given time public attendance maximum attendance cap, increased or decreased minimum time required between consecutive events, etc.), may be modified at the required compliance report hearings with the Montecito Planning Commission if the results of these surveys indicate insufficient parking is available to accommodate project demand. The MAW also has the ability to control administrative and volunteer activities on-site to ensure adequate parking will be available to accommodate other activities and events.

PLAN REQUIREMENTS AND TIMING: The applicant shall fund preparation of periodic surveys (four times per year, although more often during the summer season and possibly less often during the non-summer season would also be acceptable) of the total number of vehicles associated with large events on-site and where they park. The applicant shall submit a draft monitoring plan to P&D for review and approval prior to approval of CDPs for new structures. Depending on project phasing, the monitoring plan may require modification for future phase(s). The monitoring plan may be modified by the MPC, as determined necessary, at the project's compliance hearings. The parking surveys shall specifically evaluate large consecutive events. The surveys shall be performed by professionals experienced in collection of traffic data. Given the potential ramifications of the survey results and to avoid any perception of conflict of interest, the survey personnel shall be funded by the applicant under contract to the County. The surveys shall account for all cars associated with Music Academy activities, including those associated with students, faculty, other employees, volunteers, customers and sales people at the resale shops, and others attending administrative activities on-site. (Surveys required by this condition may be performed in conjunction with mitigation monitoring requirements identified in other traffic mitigation measures). In the first year of regular operations, survey data shall be available for a week which includes peak attendance classes/events/picnic concert during the summer season and for a week which includes peak events during the non-summer period. Therefore, the Academy's event calendar shall be used to identify appropriate monitoring periods.

MONITORING: Permit Compliance shall ensure implementation of contract for parking monitoring and shall review parking monitoring reports for compliance.

28. Project generated parking demand shall be accommodated by on-site parking 285 passenger vehicle spaces, 5 additional stacked parking spaces and two bus spaces). To facilitate on-site parking and avoid project generated parking demand on neighborhood streets, the MAW shall:
 - a) Deploy an adequate number of parking attendants for the larger events to ensure that identified parking is maximized (and parking on neighborhood streets is

avoided or minimized). An adequate number of attendants shall also be present for events to ensure that entering vehicles are not blocking traffic on Fairway in front of the Music Academy entrance. Parking attendants shall be responsible for directing vehicles to appropriate parking areas and open spaces and facilitating circulation throughout the site(s). If it is confirmed by P&D that MAW attendees, staff or students are consistently parking on neighborhood streets, the MAW will be required to utilize an increased number of parking attendants. If this problem persists, information regarding this situation will be forwarded to the Montecito Planning Commission as part of their compliance update hearing(s). If the monitoring indicates that on-site parking supply cannot accommodate peak parking demand for maximum attendance events, the MPC shall consider reducing the maximum any given time attendance to a level at which the on-site parking supply can accommodate peak attendance.

- b) In the non-summer period, performers shall be bused to the site if there would be more than 95 staff/performers at an event (with attendees)⁹.

PLAN REQUIREMENTS AND TIMING: The applicant shall prepare a typical plan for use by attendants at various large events to facilitate operations. This plan shall be submitted to P&D and Public Works prior to issuance of CDPs.

MONITORING: Permit Compliance shall periodically inspect for implementation of plan during large events Permit Compliance may also review related monitoring reports required pursuant to other project conditions

- 29. The applicant shall deposit funds to cover on-going staff review and compliance efforts. In addition to regular compliance review, this shall also include the cost for staff to attend (unannounced) events on-site periodically and to perform manual counts of attendees at such events for general comparison with applicant submitted monitoring reports regarding attendance. Precise comparison will not be possible for some events (e.g., summer concerts) as some of the attendees will include students and faculty. However, the monitoring data submitted by the MAW will break out the number of public attendees.

PLAN REQUIREMENTS AND TIMING: The applicant shall submit necessary funds for long-term compliance with P&D prior to approval of CDPs. The amount shall be determined following review of project plans for CDPs, including, but not limited to, the manner in which the project operations propose to comply with project conditions.

MONITORING: Permit Compliance shall confirm that funds were deposited prior to issuance of CDPs.

- 30. The Music Academy shall ensure adequate breaks between the start and end times of

⁹ This is required to ensure there would be adequate on-site parking for a high attendance event in the non-summer season, when performers would not normally be arriving by bus (as the students do during the summer).

events to avoid concurrent demand for available parking. At least 40 minutes shall be scheduled between the start and end times of larger events on-site (those involving combined consecutive event attendance of 550 or more public attendees, such as 300 at the first afternoon Master Class and 250 at the second Master Class).

MONITORING: Permit Compliance shall periodically review Music Academy schedules of events for compliance.

31. Although not an option at this time, project egress for west-bound traffic would be acceptable using either Monte Cristo Lane or the Montecito Sanitary District driveway (subject to Public Works review and approval of the driveway access design onto Channel Drive. Maintaining this option (although unlikely to effectuate), would serve to reduce neighborhood traffic volumes and provide a more direct route for west-bound traffic leaving the Music Academy.

Project Specific Conditions

32. No signs of any type are approved with this action unless otherwise specified. All signs require a separate Coastal Development Permit and Montecito Board of Architectural Review approval and shall comply with the Santa Barbara County Code Chapter 35, Article I (Sign Regulations). The exception to this shall be temporary signs associated with the interim CTRP. The applicant will bring the temporary signs forward for MBAR review and approval, but will be permitted to install temporary CTRP signage prior to MBAR approval, in order to effectuate traffic reduction at the earliest possible date. If MBAR recommends changes to the signs, within one week the MAW shall replace the signs, consistent with the MBAR directed change(s).
33. During the non-summer period, unless the recording is secondary to an actual on-site performance those persons being recorded and related assistants on-site ~~for~~ shall be counted toward the attendance limits. During the summer season, only summer school students, faculty, and related assistants shall use the recording facilities.

Conditions by Issue Area

34. **Noise-02 Construction Hours:** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:30 p.m. Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.

PLAN REQUIREMENTS: The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries.

TIMING: Signs shall be posted prior to commencement of construction and maintained throughout construction.

MONITORING: The Owner/Applicant shall demonstrate that required signs are posted prior to building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints.

County Rules & Regulations

35. **Rules-02 Effective Date-Appealable to CCC:** This Coastal Development Permit shall become effective upon the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].
36. **Rules-05 Acceptance of Conditions:** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
37. **Rules-11 CDP Expiration-With CUP or DVP:** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision-maker action. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. Prior to the expiration of a time extension approved in compliance with Subsection a. above, the review authority who approved the time extension may approve two additional time extensions for two years each if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.

A Coastal Development Permit shall expire two years from the date of issuance if the use or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. A Coastal Development Permit whose expiration date has been extended in compliance with the above will nevertheless expire at the earlier of: (1) the expiration of the most recent time extension or (2) the expiration of the associated Conditional Use Permit or Development Plan (as modified by any extension thereto).

38. **Rules-23 Processing Fees Required:** Prior to issuance of Coastal Development Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.

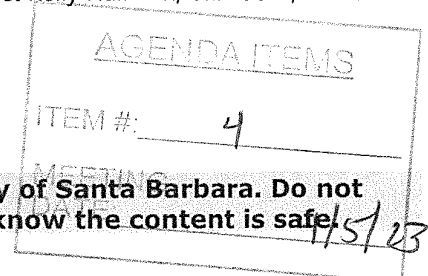
39. **Rules-31 Mitigation Monitoring Required:** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:
- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
 - b. Compliance monitoring costs for existing Case No. 02PMC-00000-00306 will continue to be invoiced monthly and may include 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 Owner/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. Monthly invoices shall be paid by the due date noted on the invoice;
 - c. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.
40. **Rules-33 Indemnity and Separation:** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project.
41. **Rules-35 Limits-Except DPs:** This approval does not confer legal status on any existing structures(s) or use(s) on the property unless specifically authorized by this approval.
42. **Rules-37 Time Extensions-All Projects:** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

43. Landscaping shall be maintained for the life of the project.

G:\GROUP\PERMITTING\CASE FILES\RVP\21 Cases\21RVP-00000-00109 MUSIC ACADEMY OF THE WEST\600 DECISION
MAKER\MPC\01 STAFF REPORT\ATTACHMENTS\ATCHB2_21CDP-129_MAW.DOC

Villalobos, David

From: Jane Walker Wood <janewalkerwood@gmail.com>
Sent: Friday, March 31, 2023 1:43 PM
To: John Sanford; Conner, Steve
Cc: Debbie Resnick; NICK HALE; Diana Garcia; jeff@resnicktelluride.com; Michael Hair; Edward Blizzard; Lee Asseo; Robert A. Finkelstein; Dick Shaikewitz; Steve Warner; iirrt@gmail.com; hollylawson@me.com; richardflawson@me.com; Tim Werner; ryanmalmsten@gmail.com; ebusinessmgmt@gmail.com; willgus@cox.net; dc@quantum-cap.com; hadim@makarproperties; hayimabulafia@yahoo.com; sophiecalvin@gmail.com; spetrovich@bhfs.com; jls3finance@gmail.com; Carol Quackenbush; tarynamartin5@gmail.com; Tom Sturgess; cwbueno@gmail.com; mjcrincon@cox.net; eric.stille@nuggetmarket.com; mmcdermut@aol.com; Kelly (Craig) Ramsey; Williams, Das; olivier@olivarius.com; Jim & Kelly Hallman; Villalobos, David
Subject: Re: Music Academy of the West CUP revision
Categories: Purple Category



Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear Mr. Steven Conners and Mr. David Villalobos
Please copy our letter to the Montecito Planning Commission in regards to the proposal by Music Academy. We would also like to request that the MA post it's planning sign at all entrances so the community can see it. Right now it's hidden behind two agaves on Fairway, turned slightly west, visible only to people entering the MA.

My husband Paul and I have owned 1130 Channel Dr, near Butterfly Lane, for 9 years and we are full-time residents. We write this letter in concern of the large Music Academy CUP project planned for the Channel Drive/Butterfly Beach community which will worsen the existing issues in this area.

Please consider the following:

1. Narrow driveways

Our home, like many on Channel and Hill, is on a narrow lot with a single lane driveway. There is no room for a turnaround on-site, so we have to reverse our cars/trucks onto the street. On most streets, the driver merely waits for an opening among car traffic, and then they reverse. This is NOT the case on Channel because we're a tourist zone and there is no system in place for pedestrians, bicyclists, or cars.

We typically have to reverse through both unmarked lanes because there are cars and wide RVs parked on both sides and across from us. We must avoid pedestrians, bicycles, electric tourist scooter groups, dogs, skateboarders, RVs, tourist buses, delivery vans, construction trucks etc. It can take up to 5 minutes to get out and we always feel stressed because few people are paying attention, busy either enjoying the view or trying to find parking.

2. Traffic – And not just cars

Once we're 'on the road' we are careful to avoid pedestrians, bicyclists et al because everyone is literally walking or riding in the middle of the streets. There is no pedestrian walkway or bike path. The narrow road must accommodate two lanes of traffic, two sides or parking (including extra wide RVs) plus pedestrians, bicyclists etc. People and drivers have little choice but to travel in the center road. Bicyclists must swerve around people opening car doors and nearly hitting them. Now we have skateboarders who intentionally turn

into oncoming traffic - sometimes late at night, and tourist operators with scooters. Frequently, busy parents pulling beach chairs and bags from their cars, don't notice when their excited kids and dogs jet across the street to get to the beach. Jaywalking is the norm. There are also homeless people living on the street and camping on the beach, parties where people sit on their car roofs, fireworks, drunken pedestrians, and vans selling everything from coffee and Mexican food to art supplies and drugs.

3. Dangerous U-Turn

Beach goers who are desperate to find parking drive west down Channel and then do a U-turn at Butterfly Lane. This is the exact location where bicyclists speed down the bike path (they have no stop sign) and pedestrians are walking from Butterfly Lane (in the middle of the road) onto Channel.

4. Event Site

Channel Drive is a popular location for bike rallies, group runs, marches, and parades and permits are issued to close one lane. Weddings are also frequent on Channel, most with no permits, but with lots of cars.

5. Coral plus Biltmore

Both will reopen, we just don't know when, and that will dramatically impact traffic to the area. Since Ty Warner plans to split the Coral off from the Biltmore, and add a public restaurant, we can only imagine how much more traffic and parking issues that will bring. Right now, the only onsite parking for the Coral or Biltmore is on our streets.

6. Erosion. The mudslides and recent rains have brought severe erosion to Channel Drive. There is no plan to repair or reinforce the street. All the cement embankments that did support the road are now lying in the sand. During heavy rains Channel Drive is often closed as we are in an evacuation zone.

Under the bike/pedestrian path there are sections with no soil/rock support whatsoever. Unless the County or Parks addresses this soon with a plan, Channel Drive will have no choice but to eventually become a one-lane or remain a two-lane with only one side of parking.

7. Butterfly Beach Fame

Recent new residents have brought fame to Butterfly Beach and Montecito. We implore the Planning Commission to make decisions based on what things will be like once Biltmore and Coral reopen, not what it was like before the mudslides.

8. Accident Record

We personally have witnessed five bike accidents, a dog killed, lost children, multiple lost dogs running along the roads (that's a daily thing on weekends), and a woman was hit by a car resulting in life-long brain damage. Channel Drive residents are no strangers to the sounds of Ambulances.

9. Our Land

Channel Drive owners pay enormous property tax for relatively small homes. We have 1,450 sq feet. What we're paying for is the view and the ability to have quiet enjoyment of the neighborhood. If the neighborhood is destroyed by over development that will lower property values and lower the amount of money the County receives. It will also lower the money brought into the County by tourists who can't safely enjoy Butterfly Beach.

10. Easement

The landowners of Channel Drove own the land up to mean tide – including the road. The County has an Easement to use that land and we ask that they use that Easement wisely and with consideration to the owners who pay the taxes and mortgages.

11. New ADUs & Airbnb

More people moving in and travelling through as we can Airbnb nightly since it's a tourist zone.

In conclusion, we cannot afford to have more car traffic of any kind in the Butterfly Beach area. The Music Academy plans would so negatively impact travel on our roads that it would be dangerous for the residents and the community.

Jane Walker Wood Orfalea & Paul James Orfalea

On Mon, Mar 20, 2023 at 1:07 PM john sanford <jls3finance@gmail.com> wrote:

Hi Neighbors,

The Planning Commission will be reviewing the new CUP application from the Music Academy soon (the March 15 date was postponed due to weather). They said my voice only counts as one. And they claim to only have one other letter regarding traffic concerns. So we need everyone on this list to voice their opinions (for or against is fine). I have nothing against MAW. I just want them to be cognizant of the traffic that they are generating since it all goes past our homes. We had to add speed humps on Hill Rd due to the speeders that used MAW open gates as a cut-through. So they aren't great at managing cut-throughs like they promised in the 2004 CUP.

The ultimate solution is to have a new egress from the lower parking lot across the sanitation property (very little is utilized) so traffic can end up at Channel Drive near the cemetery. With the new round-about at Cabrillo and proposed south bound 101 onramp at Cabrillo, this makes so much more sense.

See my thoughts below and sample letter you can copy and paste. Please feel free to copy me so I have proof that they are hearing from us.

My email: jls3finance@gmail.com

Please send a note to conners@countyofsb.org

The sooner the better.

Thank you all,

On Thu, Mar 2, 2023 at 2:58 PM john sanford <jls3finance@gmail.com> wrote:

Hi neighbors,

The County Planning review meeting for the Music Academy CUP is set for March 15. Be sure to have your voices heard and send an email to conners@countyofsb.org. They need to receive your email by 5pm, tomorrow March 3. Feel free to copy me to make sure they are part of the record.

Here is an example of what you might say;

Steve Conner,

I am _____ and my address is _____.

There needs to be another solution for MAW event traffic. Sending them all out on residential streets (Butterfly Lane, Hill Road, Channel Drive, Fairway Road, Olive Mill Road) with few, if any, street lights and center lines is not conducive with large event egress.

The Butterfly Beach neighborhood is already inundated with traffic.

1. Each neighbor can have up to 6 weddings per year.
2. Biltmore has hundreds of overnight guests and can have weddings, meetings and events
3. Coral Casino has hundreds of members and can have weddings, meetings and events
4. The Breakers can have weddings, meetings and events
5. Beach traffic and parking is a nightmare
6. Cut throughs still happen
7. Parking until 2AM means there are always people around and cars parked in the dark. There aren't any street lights except one by the MAW exit.
8. RV and Auto camping in the neighborhood is rampant

MAW has not acknowledged that there is a problem. In fact, just the opposite. The last CUP in 2004 mentioned Traffic Control 52 times and had multiple responsibilities of the MAW; including having manned gates at front and rear. Not one of the recommendations was implemented. MAW said they are controlling traffic with the front gate. But that is not working.

We had to install traffic humps on Hill Road to slow the speeding cars leaving events or cutting through MAW.

We appreciate the Board of Supervisors thoughtfulness in 2004 to include the traffic considerations. It is too bad that there wasn't monitoring and that the traffic mitigation requirements were ignored. We suggest they get another look for the new CUP, which doesn't address traffic control.

We do, however, have a possible solution. Change the exit road. Don't send traffic onto Butterfly lane, then either Hill Rd, Channel Dr, Fairway Rd and Olive Mill Roads in order to get to a freeway entrance. This would require passing more than 50 homes to get out of the neighborhood.

Why not provide an easement for an exit road directly out to Channel Drive by the cemetery. There is already a gate at Monte Cristo which could be used but would still pass by 10 homes. Better yet, there is plenty of room for a new road across Mont Water District property to access Channel Drive by the cemetery.

This new exit would also provide direct freeway access. Northbound 101 is already there. Southbound is to be built with 101 freeway widening.

We proposed this idea to Das Williams, MAW and you, but the Butterfly Beach Association has not heard any movement in this direction. MAW is zoned as a neighborhood 1-E-1. What if we all had 47,000 cars come to our houses each year? MAW should install a traffic counter that is available online for us to see in real time. Self policing has not worked. It is up to MAW to submit the number of visitors. But they don't really know. The number of cut-throughs is not counted.

We encourage the Board of Supervisors to do what is right to keep our neighborhoods safe. Adding more traffic to such a small neighborhood, especially when there are good alternatives, makes no sense. Please change the egress out of MAW.

Please acknowledge receipt and advise how we can have our community voices heard. Thank you.

John Sanford
1115 Hill Road

On Fri, Sep 9, 2022 at 2:57 PM john sanford <jls3finance@gmail.com> wrote:
Hi Neighbors,

Some of you may know about the Music Academy of the West (MAW) application to start offering weddings and other events. Below is an email I sent to the county (conners@countyofsb.org) regarding MAW recent expansion requests. I have attached the mailer you should have all received announcing the changes MAW is requesting. The additional traffic to our neighborhood could be substantial.

I have also attached the last Conditional Use Permit dated 10/26/04. Traffic is mentioned 52 times and there was supposed to be a Cut-through-reduction-plan (CTRP). My guess is that the CTRP was never implemented. Speeding traffic coming through the MAW was the main driver for installing speed humps on Hill Rd. MAW was supposed to have kiosk personnel at both gates to ensure cut-through traffic was not allowed.

Let me know if you agree with my email to the county. Any thoughts or ideas are always appreciated. I will endeavor to keep you in the loop as things progress. There will be a hearing in the next 3 or 4 months. This is our chance to speak up. All of you should express your opinions to the county and Das Williams (dwilliams@countyofsb.org) on this matter as soon as possible.

PS. Please pass along other neighbors' emails to add to this list. There have been some new homeowners in the area that should be aware as well.

Thank you,

John Sanford
805 300 3161
1115 Hill Rd.

----- Forwarded message -----

From: **john sanford** <jls3finance@gmail.com>
Date: Tue, Sep 6, 2022 at 5:24 PM
Subject: Music Academy of the West CUP revision
To: conners@countyofsb.org <conners@countyofsb.org>

Steve,

I left a voicemail at the 568-2090 number listed on the Application for Permit over a week ago. Since I haven't heard back from you, I want to get my thoughts and the thoughts of the Butterfly Beach Association, documented.

1. There are a number of concerns based on what the new CUP is requesting:

The annual cap of 47,000 people.

Who regulates this and how? There doesn't seem to be any knowledge of who comes and goes through the MAW property.

2. MAW wants to increase the maximum "any given time" public attendance from 330 to 410 people. And MAW wants to increase the cap for meetings and seminars from 175 to 350 participants per event.

These are huge increases and too open-ended. What does "per event" mean?

Can there be several events in one day?

Allowing MAW to operate as a venue for weddings and other special events. This was denied previously due to traffic and noise concerns and we don't see how any of that has changed.

3. The CTRP was a huge piece of the previous CUP:

Board of Supervisors Approval Date: October 26, 2004 SANTA BARBARA COUNTY CONDITIONAL USE PERMIT
ARTICLE III, CHAPTER 35 CASE NO. 90-CP-111 RV01

Most of the CTRP wasn't even enacted and reporting requirements were discontinued in 2009? Why? Did they ever implement the gate controls including manning them? Did they charge for cut-throughs as the CTRP required?

The traffic issue did not go away. In fact, it got worse. On Hill Road, we had to install speed bumps due to speeding cut-throughs and MAW visitors speeding home after events. This is at the expense of quicker emergency service to our homes. MAW is surrounded by a neighborhood. Adding hundreds of autos to our very dark and narrow roads is not ideal.

We do, however, have a possible solution. Change the exit road. Don't send traffic onto Butterfly lane, then either Hill Rd, Channel Dr, Fairway Rd and Olive Mill Roads in order to get to a freeway entrance. This would require passing more than 50 homes to get out of the neighborhood.

Why not provide an easement for an exit road directly out to Channel Drive by the cemetery. There is already a gate at Monte Cristo which could be used but would still pass by 10 homes. Better yet, there is plenty of room for a new road across Mont Water District property to access Channel Drive by the cemetery.

This new exit would also provide direct freeway access. Northbound 101 is already there. Southbound is to be built with 101 freeway widening.

The Butterfly Beach neighborhood is already inundated with traffic.

1. Each neighbor can have up to 6 weddings per year.
2. Biltmore can have weddings, meetings and events
3. Coral Casino can have weddings, meetings and events
4. The Breakers can have wedding, meetings and events
5. Beach traffic and parking is a nightmare
6. Cut throughs still happen
7. Parking until 2AM means there are always people around and cars parked in the dark. There aren't any street lights except one by the MAW exit.

I can have the Butterfly Beach Association send emails like this one but I am acting lead for the neighborhood. I do have a meeting later this week with Ana Papakhian.

Please acknowledge receipt and advise how we can have our community voices heard. Thank you.

--

John Sanford
1115 Hill Road

--

John Sanford

--

John Sanford

--
John Sanford

Mr. Steve Conner conners@countyofsb.org
March 28, 2023

4
4/5/23

I am opposed to the proposed 2023 Conditional Use Permit for Music Academy of the West (MAW). I am concerned with MAW's commitment to mitigate noise and control traffic.

In Fall 2021 we first learned about MAW's plans to raise more revenue through new, public use of their facilities for such things as weddings and birthdays and use of studios for dance and exercise classes. A year and half passed before we received notice of the county hearing.

For decades beach traffic on Fairway Road gave us unsafe street traffic due to speed and reckless driving, plus we suffered wincingly loud noise and disturbance from lack of control. Cut through traffic increased as exasperated drivers seek an open gate at MAW. Escalating use of MAW studios and property, the open gate will embolden more cut through traffic.

With each event on MAW property, there is the traffic of the event itself. There is event service truck traffic starting well in advance. Then after is the unwinding of the event, everything in reverse: deliveries, removing equipment, supplies, rentals, etc.

I want to see the amended CUP include written commitments that speaks to the following:

Require vans/buses to be limited in size and electric. MAW tried to reduce the large diesel buses which were too large to turn into the entrance without considerable back and forth and downshifting. I entreat that good will toward neighbors is memorialized in writing and applies to all event transportation.

Speed laws must be obeyed by all vans and buses serving MAW events and programs and we would like to have a visible sheriff on duty during medium and large events on-campus. Currently at many events, MAW attendees are aggressively driving, racing from pickup to drop off point. Fairway Road gets the traffic twofold for all traffic that exits MAW at Butterfly and then returns on Fairway northbound. The stop sign at Fairway and Channel is frequently blown through and zero regard for pedestrian and vehicular safety.

All event parking must be on MAW property. What we see are large buses and limos staging on Fairway Road during an event, with the noise and exhaust fumes from engines idling.

In the Fall 2021 neighborhood meeting we heard MAW representatives verbally promise to explore ways to mitigate traffic noise and congestion and that the type of events would complement MAW mission of music education. Times and management change, so it is imperative to have all commitments memorialized in the CUP. Montecito likes to proclaim itself to be a semi-rural community, me too, and I want it to continue. Why do we have to be so vigilant when the peace and safety of our community may be compromised by the MAW? There are plenty of nearby venues in the neighborhood where private celebrations can be held, i.e. Coral Casino and the Biltmore. I would like for the MAW to remain committed to music education and low-key performances.

Respectfully,
Sally Irving
1016 Fairway Road
Montecito, CA 93108

000351

Conner, Steve

From: Tom Sturgess <Tom.Sturgess@lsf.co.nz>
Sent: Wednesday, March 22, 2023 7:53 PM
To: Conner, Steve
Cc: Heather Sturgess
Subject: Music Academy of the West

4
4/5/23

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Heather and Tom Sturgess wish to express our disappointment in Music Academy's proposed changes to their CUP. The additional traffic due to their proposal will further negatively affect our neighbourhood. Please decline this application which is inconsistent with their existing CUP.
Heather and Tom Sturgess
1159 Hill Road
Montecito 93108

Villalobos, David

From: Conner, Steve
Sent: Friday, March 31, 2023 8:52 AM
To: Tom Sturgess
Cc: Villalobos, David
Subject: RE: Sturgess at 1159 Hill Rd MAW
Attachments: Email_TSturgess_032223.pdf
Categories: Purple Category

4
4/5/23

Mr. Sturgess,

Thank you for your interest in the proposed Music Academy CUP Revision. I have copied our hearing support staff on this email and your comments will be included in the public comment record.



**Steve Conner
Planner**

Planning & Development
Development Review Division
123 E. Anapamu St.
Santa Barbara, CA 93101
805-568-2081

conners@countyofsb.org

<https://www.countyofsb.org/160/Planning-Development>

www.countyofsb.org

From: Tom Sturgess <Tom.Sturgess@lsf.co.nz>
Sent: Thursday, March 23, 2023 9:20 AM
To: Conner, Steve <conners@countyofsb.org>
Cc: Debbie Resnick <debbieresnick13@gmail.com>; NICK HALE <nikahale@mac.com>; Diana Garcia <lovelylatinlady@gmail.com>; jeff@resnicktelluride.com; Michael Hair <mh@yourvalleybuilder.com>; Holly Lawson <hollylawson@me.com>; Edward Blizzard <eblizzard@blizzardlaw.com>; Lee Asseo <lefty1938@cox.net>; Robert A. Finkelstein <raflalaw@aol.com>; Dick Shaikewitz <dick.shaikewitz@gmail.com>; Steve Warner <stevepride@cox.net>; iirrt@gmail.com; Rich Lawson <richardflawson@me.com>; Tim Werner <tw@uciv.net>; ryanmalmsten@gmail.com; ebusinessgmt@gmail.com; willgus@cox.net, dc@quantum-cap.com, hadim@makarproperties, hayimabulafia@yahoo.com, sophiecalvin@gmail.com, spetrovich@bhfs.com, jls3finance@gmail.com <willgus@cox.net>; Carol Quackenbush <csquack@gmail.com>; tarynamartin5@gmail.com; cwbuono@gmail.com; mjcrincon@cox.net; eric.stille@nuggetmarket.com; mmcdermut@aol.com; Kelly (Craig) Ramsey <kellyramsey320@gmail.com>; Williams, Das <DWilliams@countyofsb.org>; olivier@olivarius.com; janewalkerwood@gmail.com; Jim & Kelly Hallman <Jamesj.hallman@gmail.com>; john sanford <jls3finance@gmail.com>
Subject: Re: Sturgess at 1159 Hill Rd MAW

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

This is an addendum to our letter of yesterday
Tom and Heather Sturgess
1159 Hill Road

Dear Mr. Steve Conner

We are writing this in support of the letter you received from John Sandford.

We reside at:
1159 Hill Road

The uniqueness and safety of Santa Barbara must be protected. The 2004 CUP was drafted to safeguard not only the population of this beautiful town but the environment, i.e. noise pollution, traffic pollution, and littering, not to mention the need for increased security that would engulf our already overwhelmed amazing local civil servants. It is imperative that you, our elected officials, represent and support your residents in the same manner those that composed the original 2004 CUP.

This request would not have been supported in 2004 when the population of this town was even less, to amend to the proposed 2023 CUP in 2023 would be threatening to the continued wise development of our special coastal city.

We request that you please leave the 2004 CUP in place.

Sincerely,
Heather and Tom Sturgess

805 403 2852

Mr. John Standfords original letter:

There needs to be another solution for MAW event traffic. Sending them all out on residential streets (Butterfly Lane, Hill Road, Channel Drive, Fairway Road, Olive Mill Road) with few, if any, street lights and center lines is not conducive with large event egress.

The Butterfly Beach neighborhood is already inundated with traffic.

1. Each neighbor can have up to 6 weddings per year.
2. Biltmore has hundreds of overnight guests and can have weddings, meetings and events
3. Coral Casino has hundreds of members and can have weddings, meetings and events
4. The Breakers can have weddings, meetings and events
5. Beach traffic and parking is a nightmare
6. Cut throughs still happen
7. Parking until 2AM means there are always people around and cars parked in the dark. There aren't any street lights except one by the MAW exit.
8. RV and Auto camping in the neighborhood is rampant

MAW has not acknowledged that there is a problem. In fact, just the opposite. The last CUP in 2004 mentioned Traffic Control 52 times and had multiple responsibilities of the MAW; including having manned gates at front and rear. Not one of the

recommendations was implemented. MAW said they are controlling traffic with the front gate. But that is not working. We had to install traffic humps on Hill Road to slow the speeding cars leaving events or cutting through MAW.

We appreciate the Board of Supervisors thoughtfulness in 2004 to include the traffic considerations. It is too bad that there wasn't monitoring and that the traffic mitigation requirements were ignored. We suggest they get another look for the new CUP, which doesn't address traffic control.

We do, however, have a possible solution. Change the exit road. Don't send traffic onto Butterfly lane, then either Hill Rd, Channel Dr, Fairway Rd and Olive Mill Roads in order to get to a freeway entrance. This would require passing more than 50 homes to get out of the neighborhood.

Why not provide an easement for an exit road directly out to Channel Drive by the cemetery. There is already a gate at Monte Cristo which could be used but would still pass by 10 homes. Better yet, there is plenty of room for a new road across Mont Water District property to access Channel Drive by the cemetery.

This new exit would also provide direct freeway access. Northbound 101 is already there. Southbound is to be built with 101 freeway widening.

We proposed this idea to Das Williams, MAW and you, but the Butterfly Beach Association has not heard any movement in this direction. MAW is zoned as a neighborhood 1-E-1. What if we all had 47,000 cars come to our houses each year? MAW should install a traffic counter that is available online for us to see in real time. Self policing has not worked. It is up to MAW to submit the number of visitors. But they don't really know. The number of cut-throughs is not counted.

We encourage the Board of Supervisors to do what is right to keep our neighborhoods safe. Adding more traffic to such a small neighborhood, especially when there are good alternatives, makes no sense. Please change the egress out of MAW.

Please acknowledge receipt and advise how we can have our community voices heard. Thank you.

--

Heather and Tom Sturgess

1159 Hill Road

Villalobos, David

From: Conner, Steve
Sent: Friday, March 31, 2023 8:53 AM
To: Holly Lawson
Cc: Villalobos, David
Subject: RE: Lawson 1127 Hill Rd MAW

4
4/5/23

Categories: Purple Category

Ms. Lawson,

Thank you for your interest in the proposed Music Academy CUP Revision. I have copied our hearing support staff on this email and your comments will be included in the public comment record.



Steve Conner

Planner

Planning & Development
Development Review Division
123 E. Anapamu St.
Santa Barbara, CA 93101
805-568-2081

conners@countyofsb.org

<https://www.countyofsb.org/160/Planning-Development>

www.countyofsb.org

From: Holly Lawson <hollylawson@me.com>

Sent: Thursday, March 23, 2023 8:35 AM

To: Conner, Steve <conners@countyofsb.org>

Cc: Debbie Resnick <debbieresnick13@gmail.com>; NICK HALE <nikahale@mac.com>; Diana Garcia <lovelylatinlady@gmail.com>; jeff@resnicktelluride.com; Michael Hair <mh@yourvalleybuilder.com>; Edward Blizzard <eblizzard@blizzardlaw.com>; Lee Asseo <lefty1938@cox.net>; Robert A. Finkelstein <raflalaw@aol.com>; Dick Shaikewitz <dick.shaikewitz@gmail.com>; Steve Warner <stevepride@cox.net>; iirrt@gmail.com; Holly Lawson <hollylawson@me.com>; Rich Lawson <richardflawson@me.com>; Tim Werner <tw@uciv.net>; ryanmalmsten@gmail.com; ebusinessmgmt@gmail.com; willgus@cox.net, dc@quantum-cap.com, hadim@makarproperties, hayimabulafia@yahoo.com, sophiecalvin@gmail.com, spetrovich@bhfs.com, jls3finance@gmail.com <willgus@cox.net>; Carol Quackenbush <csquack@gmail.com>; tarynamartin5@gmail.com; Tom Sturgess <tom.sturgess@lsf.co.nz>; cwbueno@gmail.com; mjcrincon@cox.net; eric.stille@nuggetmarket.com; mmcdermut@aol.com; Kelly (Craig) Ramsey <kellyramsey320@gmail.com>; Williams, Das <DWilliams@countyofsb.org>; olivier@olivarius.com; janewalkerwood@gmail.com; Jim & Kelly Hallman <Jamesj.hallman@gmail.com>; john sanford <jls3finance@gmail.com>

Subject: Lawson 1127 Hill Rd MAW

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear Mr. Steve Conner

We are writing this in support of the letter you received from John Sandford.

We reside at:
1127 Hill Rd.

The uniqueness and safety of Santa Barbara must be protected. The 2004 CUP was drafted to safeguard not only the population of this beautiful town but the environment, i.e. noise pollution, traffic pollution, and littering, not to mention the need for increased security that would engulf our already overwhelmed amazing local civil servants. It is imperative that you, our elected officials, represent and support your residents in the same manner those that composed the original 2004 CUP.

This request would not have been supported in 2004 when the population of this town was even less, to amend to the proposed 2023 CUP in 2023 would be threatening to the continued wise development of our special coastal city.

We request that you please leave the 2004 CUP in place.

Sincerely,

Richard and Holly Lawson
415-297-3082

Mr. John Standfords original letter:

There needs to be another solution for MAW event traffic. Sending them all out on residential streets (Butterfly Lane, Hill Road, Channel Drive, Fairway Road, Olive Mill Road) with few, if any, street lights and center lines is not conducive with large event egress.

The Butterfly Beach neighborhood is already inundated with traffic.

1. Each neighbor can have up to 6 weddings per year.
2. Biltmore has hundreds of overnight guests and can have weddings, meetings and events
3. Coral Casino has hundreds of members and can have weddings, meetings and events
4. The Breakers can have weddings, meetings and events
5. Beach traffic and parking is a nightmare
6. Cut throughs still happen
7. Parking until 2AM means there are always people around and cars parked in the dark. There aren't any street lights except one by the MAW exit.
8. RV and Auto camping in the neighborhood is rampant

MAW has not acknowledged that there is a problem. In fact, just the opposite. The last CUP in 2004 mentioned Traffic Control 52 times and had multiple responsibilities of the MAW; including having manned gates at front and rear. Not one of the recommendations was implemented. MAW said they are controlling traffic with the front gate. But that is not working.

We had to install traffic humps on Hill Road to slow the speeding cars leaving events or cutting through MAW.

We appreciate the Board of Supervisors thoughtfulness in 2004 to include the traffic considerations. It is too bad that there wasn't monitoring and that the traffic mitigation requirements were ignored. We suggest they get another look for the new CUP, which doesn't address traffic control.

We do, however, have a possible solution. Change the exit road. Don't send traffic onto Butterfly lane, then either Hill Rd, Channel Dr, Fairway Rd and Olive Mill Roads in order to get to a freeway entrance. This would require passing more than 50 homes to get out of the neighborhood.

Why not provide an easement for an exit road directly out to Channel Drive by the cemetery. There is already a gate at Monte Cristo which could be used but would still pass by 10 homes. Better yet, there is plenty of room for a new road across Mont Water District property to access Channel Drive by the cemetery.

This new exit would also provide direct freeway access. Northbound 101 is already there. Southbound is to be built with 101 freeway widening.

We proposed this idea to Das Williams, MAW and you, but the Butterfly Beach Association has not heard any movement in this direction. MAW is zoned as a neighborhood 1-E-1. What if we all had 47,000 cars come to our houses each year? MAW should install a traffic counter that is available online for us to see in real time. Self policing has not worked. It is up to MAW to submit the number of visitors. But they don't really know. The number of cut-throughs is not counted.

We encourage the Board of Supervisors to do what is right to keep our neighborhoods safe. Adding more traffic to such a small neighborhood, especially when there are good alternatives, makes no sense. Please change the egress out of MAW.

Please acknowledge receipt and advise how we can have our community voices heard. Thank you.

--

John Sanford
1115 Hill Road

Villalobos, David

From: Conner, Steve
Sent: Friday, March 31, 2023 8:55 AM
To: Michael Shapiro
Cc: Villalobos, David
Subject: RE: MAW TRAFFIC

4
4/5/23

Categories: Purple Category

Mr. Mr. Shapiro and Ms. Shimokaji,
Thank you for your interest in the proposed Music Academy CUP Revision. I have copied our hearing support staff on this email and your comments will be included in the public comment record.



**Steve Conner
Planner**

Planning & Development
Development Review Division
123 E. Anapamu St.
Santa Barbara, CA 93101
805-568-2081
conners@countyofsb.org
<https://www.countyofsb.org/160/Planning-Development>
www.countyofsb.org

From: Michael Shapiro <iirrt@gmail.com>
Sent: Thursday, March 23, 2023 9:22 AM
To: Conner, Steve <conners@countyofsb.org>
Cc: John and Suzanne Sanford <john.sanford@mbsfin.com>
Subject: MAW TRAFFIC

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Steve Conner,

We are Michael Shapiro and Gayle Shimokaji and my address is 1156 Hill Rd

There needs to be another solution for MAW event traffic. Sending them all out on residential streets (Butterfly Lane, Hill Road, Channel Drive, Fairway Road, Olive Mill Road) with few, if any, street lights and center lines is not conducive with large event egress.

The Butterfly Beach neighborhood is already inundated with traffic.

1. Each neighbor can have up to 6 weddings per year.
2. Biltmore has hundreds of overnight guests and can have weddings, meetings and events
3. Coral Casino has hundreds of members and can have weddings, meetings and events
4. The Breakers can have weddings, meetings and events
5. Beach traffic and parking is a nightmare
6. Cut throughs still happen
7. Parking until 2AM means there are always people around and cars parked in the dark. There aren't any street lights except one by the MAW exit.
8. RV and Auto camping in the neighborhood is rampant

MAW has not acknowledged that there is a problem. In fact, just the opposite. The last CUP in 2004 mentioned Traffic Control 52 times and had multiple responsibilities of the MAW; including having manned gates at front and rear. Not one of the recommendations was implemented. MAW said they are controlling traffic with the front gate. But that is not working. We had to install traffic humps on Hill Road to slow the speeding cars leaving events or cutting through MAW.

We appreciate the Board of Supervisors thoughtfulness in 2004 to include the traffic considerations. It is too bad that there wasn't monitoring and that the traffic mitigation requirements were ignored. We suggest they get another look for the new CUP, which doesn't address traffic control.

We do, however, have a possible solution. Change the exit road. Don't send traffic onto Butterfly lane, then either Hill Rd, Channel Dr, Fairway Rd and Olive Mill Roads in order to get to a freeway entrance. This would require passing more than 50 homes to get out of the neighborhood.

Why not provide an easement for an exit road directly out to Channel Drive by the cemetery. There is already a gate at Monte Cristo which could be used but would still pass by 10 homes. Better yet, there is plenty of room for a new road across Mont Water District property to access Channel Drive by the cemetery.

This new exit would also provide direct freeway access. Northbound 101 is already there. Southbound is to be built with 101 freeway widening.

We proposed this idea to Das Williams, MAW and you, but the Butterfly Beach Association has not heard any movement in this direction. MAW is zoned as a neighborhood 1-E-1. What if we all had 47,000 cars come to our houses each year? MAW should install a traffic counter that is available online for us to see in real time. Self policing has not worked. It is up to MAW to submit the number of visitors. But they don't really know. The number of cut-throughs is not counted.

We encourage the Board of Supervisors to do what is right to keep our neighborhoods safe. Adding more traffic to such a small neighborhood, especially when there are good alternatives, makes no sense. Please change the egress out of MAW.

Please acknowledge receipt and advise how we can have our community voices heard. Thank you.

-

Michael Shapiro and Gayle Shimokaji

Villalobos, David

From: Conner, Steve
Sent: Friday, March 31, 2023 8:57 AM
To: NICK HALE
Cc: Villalobos, David
Subject: RE: Music Academy of the West CUP Revision
Categories: Purple Category

4
4/5/23

Mr. Hale,
Thank you for your interest in the proposed Music Academy CUP Revision. I have copied our hearing support staff on this email and your comments will be included in the public comment record.



Steve Conner
Planner
Planning & Development
Development Review Division
123 E. Anapamu St.
Santa Barbara, CA 93101
805-568-2081
conners@countyofsb.org
<https://www.countyofsb.org/160/Planning-Development>
www.countyofsb.org

From: NICK HALE <nikahale@mac.com>
Sent: Wednesday, March 22, 2023 3:26 PM
To: Conner, Steve <conners@countyofsb.org>
Cc: john sanford <JLS3finance@Gmail.com>
Subject: Music Academy of the West CUP Revision

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Steve Conner,

My name is Nick Hale, and my address is 1152 Hill Road.

There needs to be another solution for MAW event traffic. Sending them all out on residential streets (Butterfly Lane, Hill Road, Channel Drive, Fairway Road, Olive Mill Road) with few, if any, street lights and center lines is not conducive with large event egress.

The Butterfly Beach neighborhood is already inundated with traffic.

1. Each neighbor can have up to 6 weddings per year.
2. Biltmore has hundreds of overnight guests and can have weddings, meetings and events
3. Coral Casino has hundreds of members and can have weddings, meetings and events
4. The Breakers can have weddings, meetings and events

5. Beach traffic and parking is a nightmare
6. Cut throughs still happen
7. Parking until 2AM means there are always people around and cars parked in the dark. There aren't any street lights except one by the MAW exit.
8. RV and Auto camping in the neighborhood is rampant

MAW has not acknowledged that there is a problem. In fact, just the opposite. The last CUP in 2004 mentioned Traffic Control 52 times and had multiple responsibilities of the MAW; including having manned gates at front and rear. Not one of the recommendations was implemented. MAW said they are controlling traffic with the front gate. But that is not working.

We had to install traffic humps on Hill Road to slow the speeding cars leaving events or cutting through MAW.

We appreciate the Board of Supervisors thoughtfulness in 2004 to include the traffic considerations. It is too bad that there wasn't monitoring and that the traffic mitigation requirements were ignored. We suggest they get another look for the new CUP, which doesn't address traffic control.

We do, however, have a possible solution. Change the exit road. Don't send traffic onto Butterfly lane, then either Hill Rd, Channel Dr, Fairway Rd and Olive Mill Roads in order to get to a freeway entrance. This would require passing more than 50 homes to get out of the neighborhood.

Why not provide an easement for an exit road directly out to Channel Drive by the cemetery. There is already a gate at Monte Cristo which could be used but would still pass by 10 homes. Better yet, there is plenty of room for a new road across Mont Water District property to access Channel Drive by the cemetery.

This new exit would also provide direct freeway access. Northbound 101 is already there. Southbound is to be built with 101 freeway widening.

We proposed this idea to Das Williams, MAW and you, but the Butterfly Beach Association has not heard any movement in this direction. MAW is zoned as a neighborhood 1-E-1. What if we all had 47,000 cars come to our houses each year? MAW should install a traffic counter that is available online for us to see in real time. Self policing has not worked. It is up to MAW to submit the number of visitors. But they don't really know. The number of cut-throughs is not counted.

We encourage the Board of Supervisors to do what is right to keep our neighborhoods safe. Adding more traffic to such a small neighborhood, especially when there are good alternatives, makes no sense. Please change the egress out of MAW.

Please acknowledge receipt and advise how we can have our community voices heard. Thank you.

Nick Hale
1152 Hill Road
805-341-9254 cell

--

Villalobos, David

From: Clive Chang <cchang@youngarts.org>
Sent: Monday, April 3, 2023 10:51 AM
To: Villalobos, David
Subject: Letter of support - Music Academy CUP Revision
Categories: Purple Category

4
4/5/23

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

David Villalobos
Montecito Planning Commission
Board Assistant Supervisor

Dear Mr. Villalobos:

In advance of the hearing on Wednesday, April 5, I am writing in enthusiastic support of the Music Academy’s proposed CUP revision.

The Music Academy is local and national treasure that has nurtured and accelerated the lives and careers of thousands of brilliant young musicians through the years, all the while providing the highest quality artistic experiences for Montecito residents and visitors at its historic campus. It has achieved significant growth in impact despite the limitations of the current CUP that was approved in 2004, largely due to its efforts and success in raising philanthropic support from the community. And yet, there is much more exciting, ambitious growth ahead—which will require further strengthening its operating model, and specifically, the ability to thoughtfully generate earned revenue.

The Music Academy’s leadership has thoughtfully conceived of and proposed a plan that will achieve the above without the need to increase overall attendance caps or altering hours of operations; and thus have no adverse impact on the local community.

I hope you will agree that this is a win-win for all, and that the continued strengthening of the Music Academy will be a source of joy and pride for all.

Respectfully yours,

Clive

Clive Chang
President
305.377.1140
cchang@youngarts.org
Pronouns: he/him/his



Villalobos, David

From: Lindsey Wilde <wildelb@gmail.com>
Sent: Wednesday, April 5, 2023 9:05 AM
To: Villalobos, David
Subject: Public Comment for Montecito Planning Commission Special Meeting - April 5, 2023
Categories: Purple Category

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Good afternoon, Montecito Planning Commission.

I am writing in response to the Music Academy's request for a revised conditional use permit. As a neighbor living on Monte Cristo Lane, I strongly oppose the request to allow for weddings to take place on the Music Academy's property as well as increasing the any-given-time cap of visitors by 25% to 410. Although I can appreciate the allure of revenues that may come from these proposals, this is outside of the scope of the Music Academy's mission and will be detrimental to the neighborhood, specifically the traffic on Channel Drive.

The road is already dangerous as sidewalks are not in place from Fairway Rd to Cabrillo Blvd, speed limits are not enforced and typically ignored, speed bumps are non-existent, and blind spots are significant at the turn at the cemetery and the bend at 940 Channel Dr. Anecdotally, there have been innumerable incidents of pedestrians and bicyclists having close encounters with cars, and pets being hit. For instance, a couple neighbors have had their dogs and cats killed from cars on Channel Dr. between Monte Cristo and Fairway Rd. We can tell when an event is taking place at the Music Academy because traffic significantly increases on Channel Dr., putting pedestrians and pets at greater risk as the cars race up to get to the entrance. **Adding more events and with greater capacity, especially weddings with out-of-town guests who do not know this is a residential area and who may be drinking, will make the traffic situation even more dangerous and untenable.** The pedestrians here are not solely neighbors of the Music Academy, they are residents of Santa Barbara and Montecito as well as tourists, so this is an issue that is greater than this small neighborhood.

I am a supporter of the Music Academy and am a member of AUX for All. I would be supportive of weddings if they were limited to 6 per year, capped at 50 attendees, and advance written notice sent to surrounding neighbors. I would be supportive of a 25% increase in capacity only if 5-10 speed bumps are installed and maintained on Channel Drive (from Butterfly Ln to Cabrillo Blvd), wide sidewalks are installed and maintained where there are currently none, bicycle lanes are installed and maintained, traffic wardens/attendants are hired by the Music Academy for all events and placed along various points on Channel Drive to enforce traffic rules and guide cars to the correct entrance, and advance written notice sent to surrounding neighbors.

I am supportive of their other requests for eliminating the retail shops and reintroducing residential uses and increasing student enrollment to 175 students.

I appreciate your time and consideration.

Best,
Lindsey Wilde

Sent from [Mail](#) for Windows

Music Academy
Montecito Planning Commission



April 5, 2023



Project Team

Music Academy

Scott Reed, President & CEO

Mimi Do, CFO & Vice President of Administration

Consultant Team

Heidi Jones, Land Use Planner, SEPPS


Scott Schell, Associated Transportation Engineers

Sarah Taubitz, 45dB Acoustics

History & Commitments

- Established in Santa Barbara County 1951
- Music Academy Program
- Alumni Success

Mission: To make a unique and enduring contribution to the work of music by:

- Advancing the development of the next generation of great classically trained musicians.
 - Cultivating discerning, appreciative, and adventurous audiences
- 



000369





000371

Music Academy Alumni

- 32 Alumni with the Metropolitan Opera
- 17 Alumni with the Chicago Symphony
- 18 Alumni with the New York Philharmonic
- 22 Alumni with the Los Angeles Philharmonic
- 13 Alumni with the San Francisco Symphony
- 14 Alumni with the Santa Barbara Symphony

Signature Partnerships:

- New York Philharmonic
 - London Symphony Orchestra
 - Leaders from Stanford's d.school
 - Young People's Chorus of New York City
- 

Proposed CUP Amendment Goals

Current CUP

- Approved 2004
- Physical construction over 3 Phases, Final Phase 2017
- Since 2004:
 - Successful completion of physical build-out
 - MA compliance with all Conditions of Approval
 - Hosted Neighbor Meeting for Proposed CUP Fall 2021
 - No Neighborhood complaints received since 2004 (MA and County)

Proposed Projects Summary

Proposed CUP Drivers and Goals

- Update and Simplify CUP
- Create operational flexibility
- Maintain 2004 Maximum Annual Attendance cap (47,000 members public/year)
- Proposed changes all off-set (reorganized)
- No increase in physical presence on campus
- No New Environmental Impacts
- Responds to requests from the Community for new uses

Changes to Conditions Key Requests

- **Hahn Hall Seating** (300 fixed seats/50 temporary) to 350
- **Any Given Time Public Attendance** – 330 to 410 allowing more than 1 event outside of Hahn Hall
- **Seminars & Meetings** – 175 participants to 350 (consistent with Hahn capacity), remain capped @41/year
- **Annual Attendance (47,000)** – vs. Seasonal Attendance Cap
Summer (22,000) Non-Summer (25,000)

Changes to Conditions Key Requests

- **Bi-Annual Reporting** to Annual Reporting
- **Student Parking & Population**
- **Reintroduce Significant Life Events & Repurpose**
Rack & Treasure House Uses
- Caretaker Residence, Storage & Studio Uses to
allow flexibility
- Update Conditions (Final CTRP, Building Names)
- Omit/Clarify Conditions historically satisfied COA's

Significant Life Events

- Proposal to allow up to 15 Events/Year
- Attendance limited to 225
- Limited to 9:00 am – 10:00 pm (breakdown, vacate site by 10:30)
- Indoor spaces (except Hahn Hall) Amplified music limited to Lehmann & Weinman Halls 4:30 pm – 9:00 pm
- Limited outdoor gardens (Zones) Proposed Use off-set by discontinuance of Rack & Treasure House retail
- Proposed to Self-Management of Sound & Events

Acoustics Self-Management

Proposed Outdoor unamplified/acoustic music & amplified spoken voice:

- Renter to provide personnel/management, MA Security
- Zones 1,3,4, & 5 (southern) limited to 2 hours
- Zones 2, 2.5, 7 & 9: limited to 4 hours
- SLE limited to 9:00 AM – 10:00 PM – Acoustics until 9:00 PM
- MA Designated Contact for any neighbor concerns
- Indoor acoustics 2- Halls, end by 9:00 PM



Traffic & VMT

- **TRIP GENERATION – Summer Season**
 - Project generates 25 ADT
 - (4) AM and (4) PM Peak-Hour Trips
 - Conservative Estimate (student drivers)
 - **NO IMPACTS** to intersections (carrying capacity or operations) or VMT

Table 1
Trip Generation Estimates

Project Component	Size	ADT		AM Peak Hour		PM Peak Hour	
		Rate	Trips	Rate	Trips	Rate	Trips
Students	25 Students	1.56	39	0.15	4	0.15	4
Rack and Treasure House	2 Rental Units	6.74	13	0.40	1	0.51	1
Rack and Treasure House	4,680 SF	22.88	- 32(a)	0.00 (b)	0	0.00 (b)	0
Total			+20		+ 5		+ 5

(a) 70% reduction factor applied to trips to account for limited hours.

(b) No AM or PM peak hour trip generation as stores are closed during peak hour periods.

Parking

PARKING & VMT

- Existing Parking Capacity = 293 spaces
- Project Peak Demands 107-242 spaces
- **NO IMPACTS** Added 51 space demand can be accommodated

MAW 2021 CUP Revisions – Parking Demand Estimates


CUP Component	Size Increase	Parking Demand (a)
Public Attendance	+ 80 Guests	+ 49 Spaces
Students	+ 25 Students	+ 10 Spaces
Rack & Treasure House	2 Residential Units	+ 2 Spaces
Rack & Treasure House	Remove Retail	-10 Spaces
Total		+ 51 Spaces

Access

Access Considerations

- Inquiries re: Access and Traffic concerns
- Current access off Fairway Road and exits Butterfly
Alternative Accessways/ EIR (MSD and Monte Cristo Lane)
- MSD request to remove access option from EIR

Monte Cristo


- MSD Easement studied, No interest then & now
 - 11 Homeowners Own Easement
 - Existing Conditions (Road Surface, Width, Trees)
 - NO IMPACTS STUDIED – NO NEXUS
- 

Cut-Through Traffic Program Gate Closure Program

Interim CTRP – Complied with and **SUCCESSFUL!**

Resulted in a 74-77% decrease in Cut-through traffic (2004-2006)

Proposed Final CTRP Program Components

- Access Card Program & Vehicle Registration requirements faculty, staff & students
 - Traffic Attendant Requirement for all events outside open gate hours
 - Signage and license plate number record requirements remain unchanged
 - Summer and Non-Summer Gate Closure Program
 - County Permit Compliance to Monitor CTRP & Report Annually
- 

Staff Report, General Plan/Policy Consistency/ Conditions of Approval

- Thorough and complete planning process since 2021
- Complete and accurate Staff Report
- Complete and consistent Findings made for:
 - CEQA (EIR Addendum)
 - General Plan & Zoning Ordinance
 - CUP Revision Findings
- Appropriate, Adequate and Acceptable Conditions of Approval
- Approve Project Resolutions

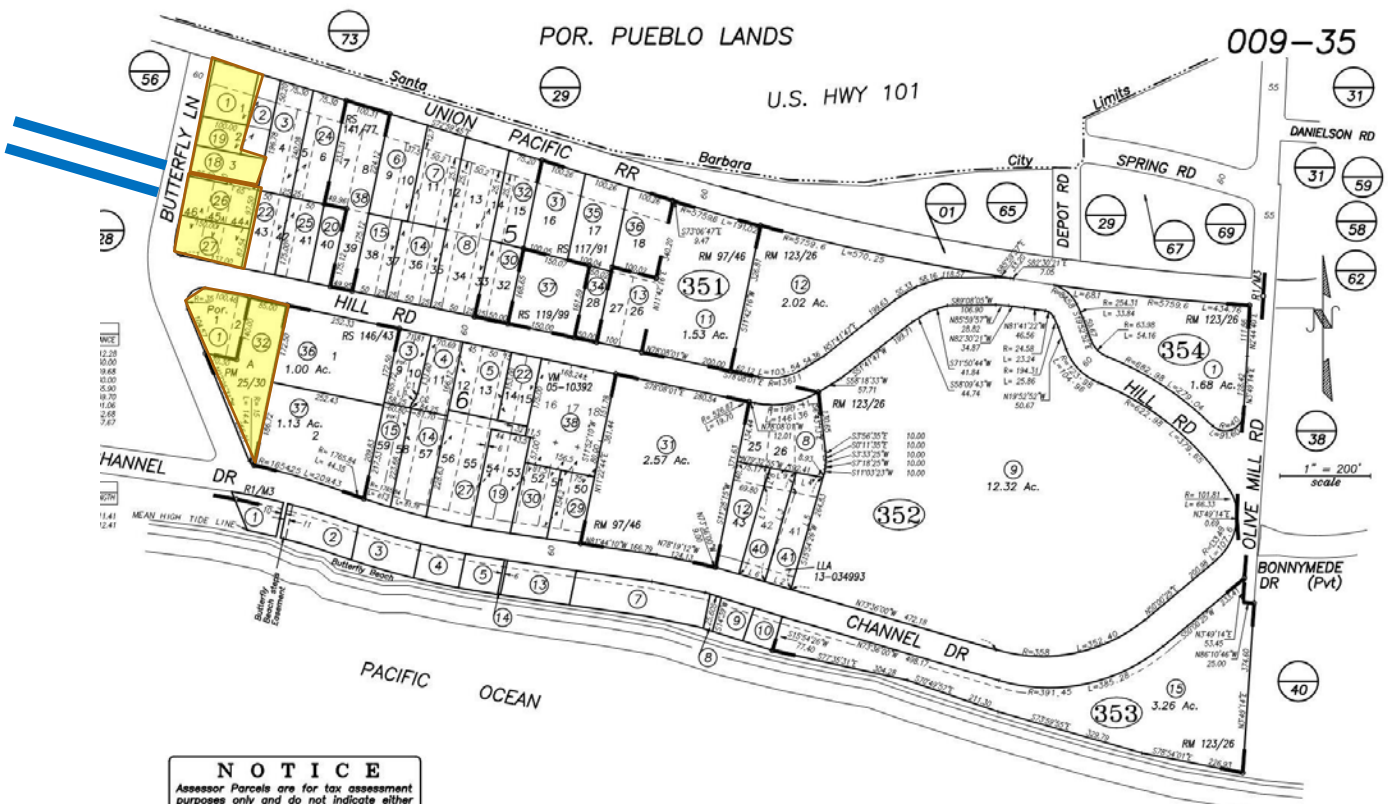


000385

Monte Cristo Background

- **Monte Cristo Access Discussion**

- MSD not interested in granting Easement across property
- Monte Cristo Ownership (Private Road)
- Road abandoned in 1919 and rights returned to adjacent land owners ~1959, 1961 (BOS Resolutions)
- Monte Cristo Residents (+/-11 Owners would have to agree)
- Unknowns: Road Improvement (Surface/Widening), Width, tree impacts/removals & Emergency Access gate (Fire, Police/Sheriff)
- Nexus? Proposal creates no new impacts and updates COA's to manage CTRP



NOTICE
 Assessor Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

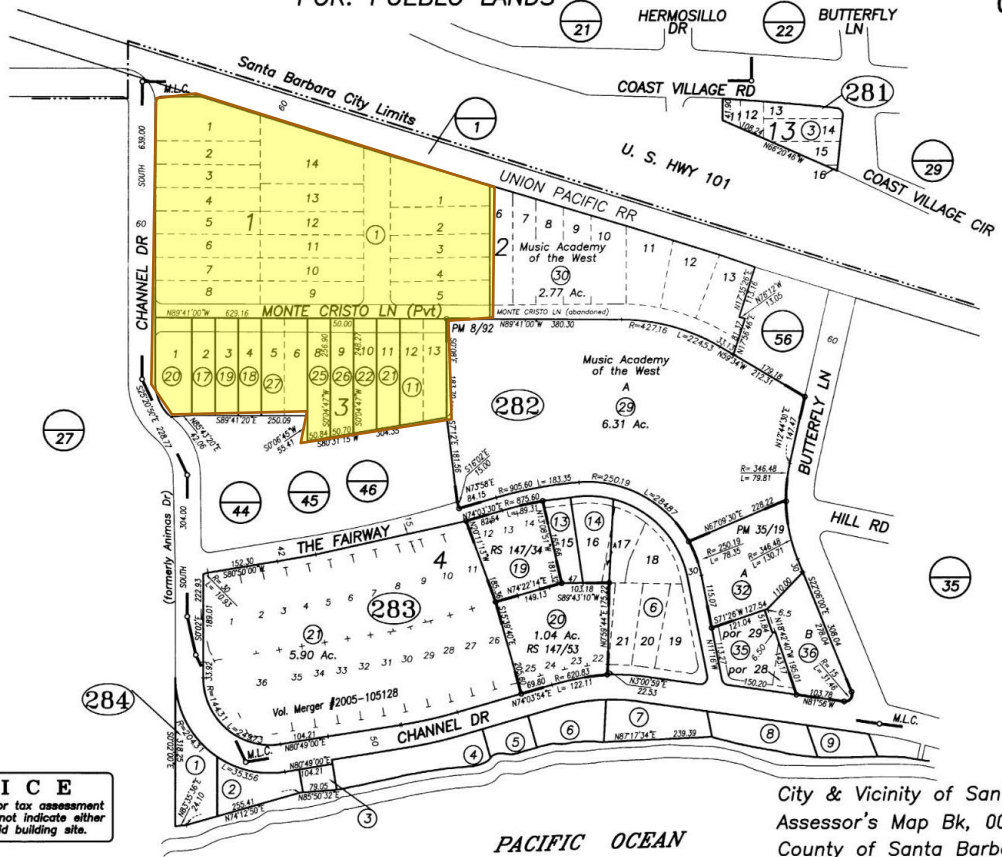
07/07/1982 R.M. Bk. 123, Pg. 26-28, Tract "Map of Vacation-Reversion to Acreage"
 11/16/1979 R.M. Bk. 97, Pg. 46-47, Tract "Map of Vacation-Reversion to Acreage"
 12/31/1887 Rack 1, Map 3, Tract "Montecito Land Co."

Assessor's Map Bk. 009-Pg. 35
 County of Santa Barbara, Calif.

LD/20 351-003 anno correction

POR. PUEBLO LANDS

009-28



1" = 200
scale

NOTICE
Assessor Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

City & Vicinity of Santa Barbara
Assessor's Map Bk, 009-Pg, 28
County of Santa Barbara, Calif.

09/01/1887 Rack 4 , Maps 3-4 Tract "Montecito Land Company"

LD/DB 283-02, 3, 4, 7, 8 & 9 into 21

000388

Table 4
MAW 2021 CUP Revisions vs Existing EIR Analysis

Component	2003 EIR analysis	Current CUP	Proposed CUP	Change from EIR
Students	150 Students	150 Students	175 Students	+ 25 Students
Attendees at any given time	480 Attendees	330 Attendees	410 Attendees	- 70 Attendees
Yearly Attendance	57,291 Attendees	47,000 Attendees	47,000 Attendees	- 10,291 Attendees
Arts and Wellness Meetings/Seminars	57,291 Attendees	47,000 Attendees	47,000 Attendees	N/A (a)
Storage/Administration	Storage	Storage	Administration	No intensification of use, increase in staff, or change in allowed populations.
Rack and Treasure House (2 retail shops)	2 Retail Shops	2 Retail Shops	2 Residential Units	2 Retail Shops to 2 Residential Units
Cultural Events	Remove Events	No Events	Add 15 Events	+ 15 Events

(a) These operational changes do not exceed the existing at any given time or annual attendance caps proposed and compared to in the EIR.

Interim CTRP Included:

- Gate Closure Program
- Retail Shop Hours parameters
- Vehicle ID (window stickers)
- Staffing (Portable Kiosk at Exit) with Attendant
- Site & County Signage

CUP Annual Attendance Report				
	Non-Summer August - June	Festival June - August	Total	Notes
2012-13	19,957	19,748	39,705	
2013-14	24,249	18,898	43,147	
2014-15	22,705	18,819	41,524	
2015-16	22,937	21,238	44,175	
2016-17	23,031	17,779	40,810	
2017-18	22,048	18,287	40,335	
2018-19	19,890	15,392	35,282	
2019-20	16,073	-	16,073	COVID - no 2020 Festival
2020-21	175	6,019	6,194	COVID - shortened 6-week Festival, limited rental activity
2021-22	21,126	9,896	31,022	Full 8-week festival, return of rental activity
Maximum Attendance	25,000	22,000	47,000	
		7,175		

Music Academy			
#	Building Name (2004)	Building Name (Current)	Notes
1	Abravanel	Hahn Hall	
2	Claeyssens Hall	Claeyssens Hall	
3	Harger Studio	Marjorie Crispin Annex	This was used for storage for the Rack & TH. Currently used for general administrative storage.
4	Main House	Marilyn Horne Main House	
5	Residence	Residence	Student use. Change from Cate School to Westmont
6	The Rack	Casitas #1	Discontinued retail use; proposed Casitas West
7	Treasure House	Casitas #2	Discontinued retail use; proposed Casitas East
8	Wood 1	Hind Hall	Demo and replacement with 2004 CUP - now Hind Hall
9	Wood 2	Hind Hall	Demo and replacement with 2004 CUP - now Hind Hall
10	Practice Studio Building/Instructional Center	Lehrer Studios	2nd Floor Lehrer existing caretaker apartment.
11	Student Services	Luria Education Center	
13	N/A	New Maintenance/Storage	Approved, not constructed.
14	N/A	New Storage	Approved, not constructed.
15	N/A	New Residence/Storage	Approved, not constructed.
17	Stewart Hall	Yzurdiaga Hall	
18	Lehmann Hall	Lehman Hall	

Music Academy of the West CUP Revision

Case Nos. 21RVP-00000-00109 and 21CDP-00000-00129

Montecito Planning Commission
April 5, 2023



County of Santa Barbara
Planning and Development
Steve Conner

Project Location



Background

- Operating with CUP in this location since 1951
- Current CUP approved in 2004 for phased Campus Master Plan
 - 93,500 sf of floor area permitted/constructed
 - Included various construction-related conditions
 - Final Phase of construction completed in 2017
 - Attendance caps established
 - 47,000 annual
 - Summer 22,000, Non-summer 25,000
 - 900 daily
 - 330 any-given-time
 - Student enrollment limited to 150

Background

- Established Limits on Events
 - Annual Maximum of 41 events (meetings/seminars/non-profit)
 - Maximum 350 public attendees
 - Weddings prohibited
- Established Limits on Amplified Sound
 - Two times/year, two hours per event
 - Only in cloistered outdoor courtyard or indoors
 - Limited to spoken voice and not be audible outside of MAW property
- Transportation/Circulation
 - Cut Through Reduction Plan for Traffic

Proposed Project

- Update and clarify the CUP and revise operational conditions
 - No new structural development or increase in annual or daily attendance caps
 - Key Operational Revisions
 - Eliminate seasonal attendance caps (i.e. summer vs. non-summer)
 - Increase any-given-time attendance cap from 330-410 and student enrollment from 150 to 175
 - Reintroduce Significant Life Events (up to 15/year) and provide staff management of associated traffic and noise
 - Eliminate resale shops and reintroduce residential use of those structures
 - Increase number of allowed events and locations with amplified spoken word and non-amplified acoustic music
 - Increase fixed seating in Hahn Hall from 300 to 350; decrease seating in Yzurdiaga Hall from 92 to 42

Outdoor Event Locations



Proposed Project

- The Cut Through Reduction Plan would be revised as follows:
 - Formalize use of the existing access card system
 - Provide traffic attendance for events
 - Formalize open hours for entrance gate
 - Maintain existing signage to discourage cut through

Ordinance and Policy Compliance

- Ordinance
 - Educational Institutions are a permitted use with a CUP
 - No new structural development – no change to setbacks or height
 - Parking is adequate
- Policy
 - Adequate Services are available
 - Designed to maintain compatibility with surrounding land uses
 - Noise levels will be monitored and managed consistent with current standards
 - Transportation and Circulation capacities/levels not exceeded

Environmental Review

- Previously-certified EIR (03-EIR-06) addressed impacts of Master Plan and operations associated with 2004 CUP Revision
- EIR Addendum prepared for proposed project
 - No new significant impacts
 - Impacts associated with proposed project within scope of prior EIR
- Proposed CUP Revision includes previous mitigation measures
 - Maintain Annual and Daily Public Attendance caps
 - Noise control measures
 - Retail shop uses will be eliminated to reduce traffic/parking demands

Recommended Actions

- Make the required findings for approval of the project specified in Attachment A of Staff Report, including CEQA findings
- After considering the environmental review documents included as Attachments C and D (Addendum to 03-EIR-06, dated March 7, 2023 together with the previously certified Final EIR [03-EIR-06]), determine that as reflected in the CEQA findings, no subsequent Environmental Impact Report or Negative Declaration shall be prepared for this project.
- Approve the project, Case Nos. 21RVP-00000-00109 and 21CDP-00000-00129, subject to the conditions included as Attachment B.



Venskus & Associates
A PROFESSIONAL CORPORATION

603 WEST OJAI AVE., SUITE F
OJAI, CALIFORNIA 93023
TEL: 805-272-8628

1055 WILSHIRE BLVD., SUITE 1996
LOS ANGELES, CALIFORNIA 90017
TEL: 213-482-4200

June 8, 2023

SENT VIA ELECTRONIC E-MAIL

Santa Barbara County Board of Supervisors
105 E Anapamu St
Board of Supervisors, 4th Floor
Santa Barbara, CA 93101
Email: SupervisorWilliams@countyofsb.org
Email: lcapps@countyofsb.org
Email: jhartmann@countyofsb.org
Email: Nelson@bos.countyofsb.org
Email: steve.lavagnino@countyofsb.org

Re: Appeal of the Montecito Planning Commission's Approval of Revised Conditional Use Permit for Music Academy of the West

Dear Supervisors Williams, Capps, Hartmann, Nelson and Lavagnino;

This firm and the undersigned represent Butterfly Beach Association (hereinafter "Association" or "Appellant"). Please keep this office on the list of interested persons to receive timely notice of all hearings, votes, determinations and official filings related to the above-referenced matter.

We submit this letter in response to the Montecito Planning Commission's ("MPC") approval of the Music Academy of the West ("MAW") Revised Conditional Use Permit ("CUP"). Our client, the Association, has appealed the MPC's approval of the CUP for the Project, and its use of an Addendum to an outdated Environmental Impact Report, pursuant to the California Environmental Quality Act ("CEQA").

Appellant urges the Board of Supervisors to grant the appeal and deny the CUP. The Project cannot be approved since it violates the 2004 CUP conditions of approval, and a number of state statutes and municipal codes, as further explained in detail below.

Importantly, when the original CUP was approved in 2004, the Board of Supervisors specifically found that "the operation and site development at the Music Academy have reached a maximum level able to be found consistent with the health, welfare, safety, and convenience of the neighborhood and the Board of Supervisors recommends that no further increase in use, density, or development be allowed." This finding was incorporated into the CUP's Conditions of Approval, which stated:

Advisory statement from the Board of Supervisors with regard to neighborhood compatibility and its intent in approving 90-CP-111 RV01: In granting this permit, the Board of Supervisors advises future decision-makers that based on the evidence in the record at this time, the operation and site development at the Music Academy have reached a maximum level able to be found consistent with the health, welfare, safety, and convenience of the neighborhood and the Board of Supervisors recommends that no further increase in use, density, or development be allowed.

(2004 Final Conditions of Approval, p. 1 [bold in original].)

The 2004 Conditions of Approval stated that the CUP was subject to compliance with the following conditions:

This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-L, with Planning Commission hearing stamp date of June 16, 2004 (plans dated May 2004 except plan PL-2 dated 1/30/04), and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. **Deviations may require approved changes to the permit and/or further environmental review.** Deviations without the above-described approval will constitute a violation of permit approval.

(2004 Final Conditions of Approval, p. 1 [bold added].)

The Conditions also state that “all provisions of the permit shall be strictly construed.” (2004 Final Conditions of Approval, p. 13.)

Given the above-referenced directives and findings by the Board of Supervisors, the MPC erred in approving a “revised” CUP that simply piggybacked on a 20-year-old CUP for a vastly different Project that now seeks to not only intensify the operational use allowed, but transform an educational facility into a commercial enterprise. The CUP is improper and should be denied in its entirety. Further, the 2004 CUP’s conditions of approval should be enforced.

I. THE MPC APPROVED THE PROJECT IN VIOLATION OF CEQA BY PROCEEDING UNDER AN ADDENDUM TO A 20-YEAR-OLD ENVIRONMENTAL IMPACT REPORT (“EIR”) FOR A 2004 APPROVAL OF A DIFFERENT PROJECT.

An addendum to a previously certified EIR or adopted MND may only be used if none of the conditions described in CEQA Guidelines section 15162 have occurred, and if only minor technical changes or additions are necessary. (CEQA Guidelines § 15164(b).) A lead agency violates CEQA, on among other grounds, if it abused its discretion either by failing to proceed in the manner required by law or by making findings unsupported by substantial evidence. (Pub. Resources Code (“PRC”) § 21168.5.) The use of an addendum when a Subsequent, Supplemental, or new EIR or MND is required is a failure to proceed in accordance with law, and deprives the public and decision makers of the benefit of further public comment on the new or revised Project.

An agency must prepare a Subsequent EIR or Supplemental EIR for a project if the agency has some kind of continuing discretionary authority over the project (CEQA Guidelines § 15162(c)), and the

agency determines, based upon the basis of substantial evidence in light of the whole record, that “substantial changes proposed in the project require major revisions to a previous EIR because of the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; substantial changes occur with respect to the circumstances under which the project is undertaken that will require major revision of a previous EIR because of the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; or new information of substantial importance that was not known or could not have been known without exercise of reasonable diligence at the time of the previous EIR was certified shows any of the following: (1) The project will have one or more significant effects not discussed in the previous EIR, (2) Significant effects previously examined will be substantially more severe than shown in the previous EIR, (3) Mitigation measures or alternatives previously found not feasible would, in fact, be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt them, (4) Mitigation measures or alternatives that are considerably different from those analyzed in the previous document would substantially reduce one or more significant effects, but the project proponents decline to adopt them.” (CEQA Guidelines § 15162(a).)

If a court finds that the lead agency's decision to rely on the Addendum instead of preparing a full EIR was arbitrary, capricious, or unsupported by substantial evidence, it may overturn the agency's action. A lead agency under CEQA must provide a basis for their CEQA findings, especially if the agency is to rely on an Addendum to a prior EIR. (CEQA Guidelines §15164(e) [explanation must be supported by substantial evidence]; See, e.g., *IBC Business Owners for Sensible Development v. City of Irvine* (2023) 88 Cal.App.5th 100 [court struck down use of an Addendum due to failure to quantify GHG emissions][“*IBC Business Owners*”].)

MAW is proposing to significantly modify the project from the description set forth in the 2004 CUP. The significant modifications to the 2004 CUP proposed by the instant Revised CUP include, but are not limited to:

- 1) increasing the maximum “any given time” public attendance from 330 to 410 people;
- 2) increasing the attendance cap for meetings and seminars from 175 to 350 participants per event with an end time of 10:00 p.m.;
- 3) eliminating the seasonal caps of “summer” (22,000 people) and “non-summer” (25,000 people), while maintaining the existing annual cap of 47,000 people;
- 4) increasing the total allowances of use of the amplified spoken voice from twice per calendar year to 17 per calendar year and allowing this to occur in outdoor zones along with non-amplified music;
- 5) permitting a change in use to allow Significant Life Events (SLEs), such as weddings, memorial services, quinceaneras, birthday and anniversary celebrations, bridal/baby showers and other individual private parties up to 15 times per year, with reception attendance related to each SLE being limited to 252 people and permitting amplified music at indoor locations in Lehmann Hall or Weinman Hall, which shall commence no earlier than 4:30 PM and end no later than 10:00 PM. However, Outdoor amplified sound for SLEs shall be limited to spoken voice. SLEs may take place in any appropriately-sized indoor space, with the exception of Hahn Hall. Outdoor amplified spoken word and unamplified/acoustic music shall be limited to the following areas: Zone 1 Anne’s Garden, Zone 2/2.5

Holden Encore Society Garden/Presidents Garden, Zone 3/4 Bock Garden/Williams Garden, Zone 5 Kuehn Court, Zone 7 Towbes Court, Zone 9 Lind Patio, and Zone 11 Kinnear Fountain (See Figure 1 Map of MAW Outdoor Zones);

6) Formally replacing the Cut Through Reduction Program with the Gate Closure Program where fairway road entrance requires access card and traffic attendants placed at gate for any public events; and

7) Changing public use of studios from music practice and recordings to yoga, dance, visual and performing arts (See Staff Report pp. 7-8.)

8) Increasing the instructional student population from 150 to 175 students.

These major changes may have significant environmental impacts that were not discussed in the previous 20-year-old EIR. At a minimum, additional analysis is required of the following impacts:

- Traffic
- Land use Compatibility
- Noise
- Air Quality
- GHG Emissions

a. **Traffic Impacts**

The MPC erred in approving the Addendum and the CUP, because it incorrectly determined the MAW project's traffic would have less than significant environmental effects. Here, there is no substantial evidence to support the MPC's findings of no new or substantial impacts. Substantial evidence "includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact." PRC § 21080(e)(1). It also includes "*reasonable inferences from this information that a fair argument can be made to support a conclusion*, even though other conclusions might also be reached . . ." (CEQA Guidelines § 15384(a).)(Emphasis added.)

First, there is insufficient evidence to support the MPC's explanation that the MAW project's traffic counts are consistent with the 2003 EIR. (CEQA Guidelines §15164(e).) The 2003 EIR only accounted for traffic in summer and non-summer events attendance because it relied on Project conditions that required such caps – 22,000 and 25,000 respectively. The MAW Project and Addendum deletes these mitigation measure/project component caps, while maintaining the overall 47,000 annual attendance cap. Not only is it "unclear" whether the MAW will be able to meet the EIR's mitigation requirement of 22,000 summer public attendance totals, but it is *impossible* for the MAW Project to continue meeting this mitigation measure/Project component because *it deletes it*. Adding insult to injury, the Addendum provides *no rationale* for why deleting this vital mitigation measure/project design feature, meant to mitigate impacts to a less than significant level, could possibly result in no new or substantial impacts.

Second, the removal of the summer attendance cap will undoubtedly lead to the MAW hosting more public events (many of which will be commercial events) and therefore lead to more people visiting the MAW during the summer months. This obviously was not analyzed in the 2003 EIR because

the summer attendance cap was put in place by the 2003 EIR/2004 CUP. However, there is no analysis in the Staff Report for the instant project about how the increase in intensity of use resulting from the removal of the summer attendance cap will impact traffic, or any other resource for that matter. Moreover, no analysis was performed about how this increase in intensity would be amplified by the public commuting to the nearby Butterfly Beach during summer beach season.

In granting the 2004 CUP, the Board of Supervisors advised “future decision-makers that based on the evidence in the record at that time, the operation and site development at the Music Academy had reached ***a maximum level able to be found consistent with the health, welfare, safety, and convenience of the neighborhood*** and the Board of Supervisors recommends that no further increase in use, density, or development be allowed.” Thus, any deviations from what was analyzed in the FEIR on the 2004 CUP must require subsequent environmental review. (CEQA Guidelines §15162.) The issue of traffic generated from the change in intensity and removal of attendance caps has not been examined in either the 2003 EIR, which did not and could not have analyzed the effects of these project changes, or the instant Addendum.

Here, the Addendum does not attempt to quantify the increase in traffic from the proposed changes to CUP, and, as such, its findings are not supported. (CEQA Guidelines § 15164(e) [explanation must be supported by substantial evidence]; See, e.g., *IBC Business Owners*, supra, 88 Cal.App.5th 100 [court struck down use of an Addendum due to failure to quantify GHG emissions].) The 2022 Traffic Study glaringly omits any quantification of trips generated from these public attendance increases and *solely* focuses on the increase due to *additional students*. Thus, it cannot be relied upon to support an Addendum to the EIR. (*IBC Business Owners*, supra, 88 Cal.App.5th 100, 128-131; CEQA Guidelines § 15162.) In contrast, as noted in the attached correspondence from Mr. Robert Kahn, a traffic engineer with over 40 years’ experience, the raised level of attendance caused by the proposed Project raises new significant impacts and increase in the severity of impacts identified in the EIR, such as:

- **Additional trips from public attendance at any time from 330 to 410 people:** “several events could occur simultaneously that could generate additional AM and/or PM trips. The traffic study only assumed 5 additional AM or PM peak hour trips for the project. Increasing the maximum public attendance by 80 persons could easily increase the peak hour tips by at least 50 peak hour trips” (Attachment 1, p. 3.)
- **Additional trips from increasing the attendance for meetings and seminars from 175 to 350 participants per event:** “Scheduling events “back-to-back” has the potential for increasing trips and parking requirements during the peak hours... [the current CUP does not ensure] entering and exiting traffic won’t happen at the same time and the overlap of parking does not occur and overflow into the adjacent neighborhoods.” (Attachment 1, p. 3.)
- **Increasing peak traffic flows during the busiest season of the year by eliminating the seasonal caps of summer (22,000 people) and non-summer (25,000 people):** see below. (Attachment 1, p. 3.)
- **Impacts from weddings and other special events:** “Changing to allow for weddings and other special events as SLE’s (Significant Life Events) 15 times per year which will include up to 225 attendees plus additional support staff, deliveries and other activities which will increase trip generation for the project.” (Attachment 1, p. 4.)

- **Impacts from cut-through traffic:** (see below page 7 of this letter, referencing Attachment 1, p. 4.)

The Addendum's failure to quantify the project's anticipated traffic and noise increases would be overturned as an abuse of discretion on the part of the MPC in approving the Project with the Addendum. And there is substantial evidence that impacts from the Project are outside the scope of the prior EIR. (Attachment 1, Kahn Letter, pp. 3-5.)

i. *Elimination of seasonal attendance caps*

A major change from the Project analyzed in the 2003 EIR is the removal of seasonal attendance caps. The Addendum draws the following conclusion regarding impacts from removing seasonal attendance caps:

“The summer (22,000) and non-summer (25,000) maximum public attendance caps will be eliminated to allow MAW more flexibility in scheduling events throughout the year, but the daily and annual maximum public attendance caps will remain unchanged at 900 and 47,000, respectively. This mitigation measure was initially adopted to reduce land use compatibility impacts to less than significant levels. ***Elimination of the seasonal attendance caps will not result in any new significant impacts or increase the severity of impacts previously identified since the overall level of use on any given day, daily and on an annual basis will not change.***” (Addendum, at p. 5 [emphasis added].)

This finding is not supported by logic, analysis, or the evidence in the record before the MPC. Below is Table 1 from page 9 of the 2004 CUP Final Conditions of Approval [highlights added] and illustrates why conditions of approval requiring caps on attendance figures was vital to mitigate significant impacts to the environment from the 2004 CUP project, specifically relating to traffic and noise.

Table 1 Music Academy Attendance Figures ^(a)			
Music Academy Attendance			
Maximum Attendance	Existing Baseline	Proposed Project	Net Change
Any-given-time	382	330	-52 ^(b)
Daily	None	900	N/A ^(c)
Summer (8-weeks)	15,828 ^(d)	22,000	+6,172
Non-Summer (44 weeks) ^(e)	53,766	25,000	-28,766
Annual	71,447	47,000	-24,447

(a) Figures do not include faculty, staff, students, other performers or employees or people attending administrative functions.

(b) To avoid parking and other conflicts, special administrative functions (board meetings, dinners, etc.) shall not occur concurrently with high attendance events. Therefore, administrative activities are not expected to increase occupancy of the site over and above the proposed any-one time attendance maximum. Also, special administrative functions are not be subject to the daily, seasonal and annual attendance limits either under baseline conditions or the proposed project scenarios (Fundraisers shall not count as administrative functions).

(c) Seasonal attendance caps limit the number of days where the daily maximum could be reached.

(d) The new summer public attendance caps will result in a 39% increase in public audience members (est. 15.5% increase in traffic) for the summer period.

(e) When more than 95 performers and staff are present for a maximum capacity non-summer event, staff or performers above this number shall be bused to the MAW campus.

The 2004 CUP raised the summer attendance by 6,172. Footnote c states that seasonal attendance caps limit the number of days where the daily maximum could be reached, so dividing the 900 daily cap into the 22,000 summer total, would equal a total of 24 days in the summer that the 900 could be used under the current CUP as analyzed in the 2003 EIR. With the new CUP application, that 900 daily cap can be used **many more days** in the top summer season, **up to 28 more days** if MAW chooses to use the total 47,000 annual cap. Footnote d says that the new (2004) summer public attendance cap of 22,000 would result in a 39% increase in attendance and an estimated 15.5% increase in traffic for the summer period.

Thus, MAW's current CUP application's removal of the seasonal cap potentially allows MAW to have up to 900 public visitors per day in the summer beyond the 24 days allowed by the original CUP and analyzed in the EIR. Given the 2004 Board's admonition that no new intensity of use be permitted given that the community impacts were already maxed out with the 2004 CUP, allowing an increase in summer attendance (and its resulting traffic and noise) will overburden the community and cause new significant impacts and more severe impacts not encompassed by the EIR. The EIR relied on the requirement that "[s]pecial events and rental activities would continue to be limited to the non-summer season as the summer season would continue to be devoted solely to the Academy's summer music program." (FEIR, at p. 62, nt. 15.) This restriction has not been applied to the SLEs or other commercial activity (conferences, yoga, dance, performing arts studio rentals, etc...) anticipated to occur under the instant project.

In fact, the proposed changes to the CUP represent an 850% increase in attendance, and with the proposed removal of seasonal attendance caps, a potential to *more than double* summer traffic and increase non-summer traffic by eliminating the seasonal caps relied on in the EIR that were intended to reduce significant impacts caused by the approval of the CUP (FEIR, at pp.62-63.)

As traffic expert Robert Kahn explains:

Of particular concern is that although the annual projected attendance will not be changed with the action, the potential change in the distribution of trips for the project during the day could impact both the AM/PM peak hour trips and peak parking demand for the project. The action would also allow more activities to occur during the summertime than the currently approved CUP. Furthermore, the type of activities such as the SLE's (Significant Life Events) has the potential for increasing trips generated by non- attendees for the various activities. This is especially true for the SLE's where non-attendee traffic would occur beyond just the attendees at the events. (Attachment 1, p. 2.)

This represents new significant impacts not addressed in the EIR. As such, subsequent environmental review must occur, and the Board may not rely on an Addendum for the Project on this basis alone.

ii. *The Project's deletion of the Cut-Through Reduction Plan elements presents new and more severe traffic impacts*

The 2004 CUP required MAW to: "Implement a Cut-Through Reduction Plan (CTRP) to discourage vehicles coming to the MAW for no reason other than to gain access to the east of the site (Butterfly Lane and beyond) using the MAW internal road as a circulation 'short-cut.' In the short-term implement a more simple cut-through program prior to implementing the more elaborate long-term program." (2004 CUP p. 4.)

The short-term CTRP consisted of: 1) a requirement to count roadway traffic; 2) placing an attendant at the MAW's exit to monitor cut-through traffic (from 2-4 pm during the summer season) and inform motorist about not using MAW's private drive as a cut-through and 3) closing the entrance gate at Fairway Road when activities are not occurring on-site. The Fairway Road gate hours were as follows: Summer hours - Weekdays [Opened at 10:00 AM, closed at 4:00 PM]; Saturdays [Opened at 10:00 AM, closed at 4:00 PM]; and Sunday [Closed all day] AND for Non-summer hours - the start time was generally 11:00 a.m. A key card access system for faculty, staff and students was also implemented. (Staff Report for Informational Briefing on Cut-Through Traffic Reduction Program (CTRP) pp. 5-8.)

While this Short-Term CTRP was ongoing, MAW was required to submit a formal CTRP (that was to be consistent with the 2003 ATE Study and contained some additional limitations) to the County for review. It does not appear the formal CTRP was ever adopted, because sometime in 2009, the County determined (based on a letter from MAW's traffic consultant who relied on a traffic study conducted in mid-march, i.e., not during the peak summer season) that the interim CTRP and the gate closure program were effective in reducing cut-through traffic by up to 77% by 2006. Thus, in 2009, the County further determined that reporting requirements for the CTRP were to be discontinued.

The instant project proposes to replace the formal CTRP with a Gate Closure Program which provides: Gate Hours for the Fairway Rd. gate would be as follows – Summer Hours: [Weekdays and Saturdays Gate open 10:00 AM to 4:00 PM]; [Gate open for evening events held on campus with traffic attendant] and [Gate closed all day Sunday] AND Non-summer hours of: [Weekdays Gate open 11:00 AM to 3:00 PM]; [Gate closed all day Saturday and Sunday, except for events held on campus with traffic attendant]. Finally, a traffic attendant shall be placed at the entrance to the driveway for any public events held on campus outside of open gate hours. Attendant shall monitor for cut-through vehicles which were not observed originating from a campus parking lot. Attendant shall record license numbers of confirmed cut-through vehicles and issue verbal warning to associated drivers and existing site and County signage warning on no through traffic at the Fairway Road entrance gate and along the exit road adjacent to The Rack. (Proposed Revised Permit pp. B-42-B43.)

Thus, in approving the Gate Closure Program, the MPC waived the following mitigation measures contained in the formal CTRP:

“Provide a ‘ticket-spitter’ before arriving at the fork in the entrance drive, where the driver would receive a ticket and provide signage that indicates that validation of the ticket will be required or a minimum \$10.00 fee will be charged upon exiting the site (and increasing this fee to \$20.00 for non-validated tickets for persistent cut-through traffic);... whenever the entrance gates are open, a kiosk on the exit segment shall be manned to collect validated tickets or the exit fee (for non-validated tickets).” (2004 CUP p. 30.)

The Gate Closure Program does not control cut through traffic during hours when the gate is open and does not contain the measures from the CTRP that would have accomplished this. Sometime after our client’s appeal was filed, the County further revised the CUP to insert the following permit condition: “The Music Academy shall assign a full-time staff member year-round to actively monitor and direct parking, vehicular flow, and traffic on-site and at the gates to reduce neighborhood traffic impacts.” (Revised Conditions of Approval p. B-5.) However, it is unclear if this refers to the front gate or exit gate or both, nor whether a ticket validation component will be included in this condition. The penalty of paying a fee absent a validated ticket is one way to deter cut-through traffic.

Moreover, the reporting and monitoring under the 2004 CUP was faulty, as Appellant believes that MAW undercounted the total number of vehicles entering the property in that it only counted attendees, not staff, contractors, musicians etc., as was required. Traffic expert Robert Kahn notes the failure to properly assess the CTRP:

RK recommends to quantify the current Cut-through problem; an updated Cut- through evaluation by another professional traffic consultant should be completed to determine the true extent of the Cut-through traffic traveling both through the MAW to Butterfly Lane and along the one-way section of Fairway Road. This would be done by the use of a license plate survey which would track vehicles traveling through the MAW and along the one-way section of Fairway Road and would compare it to amount of total traffic along both of these routes. (Attachment 1, Kahn Letter, p. 4.)

iii. Current issues with traffic remain unaddressed and must be addressed in an EIR.¹

Regardless of proper traffic counts, local neighborhood observations clearly indicate a major problem with cut through traffic that greatly impacts the neighborhood. (Attachment 2 [Map depicting route taken by cut through traffic].) This cut-through traffic causes back-ups on the neighborhood roads. The location of the cut-through route is from the entrance at Fairway Road to Butterfly Lane. (Attachment 2.) This creates spillover traffic on Hill Road and Channel Road. Thus, the deletion of the CTRP mitigation measures and condition of approval constitutes new significant impacts and/or severity of previously identified significant impacts in the EIR, necessitating further environmental review. **Appellants propose that the ultimate solution is to run a road from MAW to Channel Drive at the Santa Barbara Cemetery as this would bypass the neighborhood and mitigate the significant impacts from MAW's traffic.**

Fairway Road is a two-lane street from Channel Drive to the point of the entrance to the MAW. There is a gate immediately at the entrance to the MAW. If the MAW's gate is closed, motorists will continue driving down the one-way portion of Fairway (which flows in the opposite direction west) to reconnect with Channel Drive. The second problem is that if MAW's gate is open, motorists will take the left turn into the MAW and then drive to and make a right on the street near Wildwood Home for the Arts. Motorists will then travel down that street until they reach Butterfly Lane. From Butterfly Lane they will either make a left onto Hill Street and speed down Hill en route to their ultimate destination or drive further down Butterfly Lane traveling south and make a left onto Channel Drive and speed down Channel Drive. The problem is so widespread that the residents were forced to demand speed bumps be installed on Hill Street to prevent abuse of that street and speed bumps may now be required on Channel in order to mitigate the Project's traffic impacts.

iv. Cumulative traffic impacts were impermissibly ignored and represent potentially significant impacts.

The MPC relied on the 2022 ATE Traffic Study to support its use of an Addendum to conduct the required CEQA review. However, in addition to the defects discussed above, there is no mention of cumulative traffic impacts at all in the study. That a particular threshold for analysis may not be met does not mean, *ipso facto*, that no significant impacts, or cumulative impacts, exist. (*Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 117.)

¹ On or about April 28th, Appellant was informed of more recent CUP Revisions. The added items were:

“The Music Academy shall assign a full-time staff member year-round to actively monitor and direct parking, vehicular flow, and traffic on-site and at the gates to reduce neighborhood traffic impacts.” This was added to the project description under Condition #1, on page B-5.

“For SLEs, traffic shall be routed in and out through the main gate on Fairway Road.” This was added to Operational Changes under Condition #1, on page B-11.

A cumulative impact consists of an impact which is created as a result of the combination of the project together with other projects causing related impacts. (CEQA Guidelines § 15130(a)(1).) “One of the most important environmental lessons evident from past experience is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant, assuming dimensions only when considered in light of the other sources with which they interact.” (*Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025.) (*Internal citations and quotes omitted*).

CEQA recognizes the potential for an accumulation of small contributions to a problem to create a cumulative effect, and requires investigation and disclosure of the potential of a project to be the straw that breaks the camel’s back. (CEQA Guidelines § 15065(a)(3).) If a lead agency finds a project’s incremental effect is not “cumulatively considerable,” the agency does need not to consider that effect significant, but it must “briefly describe its basis for [so] concluding. . .” (CEQA Guidelines § 15130(a).) As with other aspects of CEQA, “cumulative impact analysis must be interpreted so as to afford the fullest protection of the environment within the reasonable scope of the statutory and regulatory language.” (*Citizens To Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 431-432.)

The 20-year-old EIR discussed a handful of projects in terms of cumulative traffic impacts, but noted that those projects had either been withdrawn or came with their own EIRs that stated no anticipated increases in traffic from those other projects. Although, the EIR did state that the closure [for improvements] of “the southbound on-ramp [to the 101] at the Cabrillo interchange would mean that... it is likely that the number of non-Music Academy vehicles using the Academy’s private road for eastbound travel between Cabrillo Boulevard and the Butterfly Beach area would increase.” (EIR p. 185.)

The 1993 Montecito Community Plan EIR found there would be significant cumulative traffic impacts as a result of build-out under that plan. (MCP EIR Table 1.) Regional Traffic along S.R. 192, future Caltrans Freeway Improvements and Channel Drive Termination were all identified as impacts. The EIR concluded by confirming that residual cumulative traffic impacts even after mitigation would remain significant and unavoidable. (MCP EIR p. 5-65.)

The Addendum conveniently omits impacts identified in the EIR and MCP EIR. Projects in the immediate vicinity of the Project, as well as other nearby projects in the planning stages are reasonably foreseeable. *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985), 172 Cal.App.3d 151, made it clear that consideration must reach beyond those projects currently under environmental review: “Related projects currently under environmental review unequivocally qualify as probable future projects to be considered in a cumulative analysis. [Citation.] In addition, even projects anticipated beyond the near future should be analyzed for their cumulative effect.” (*Id.* at 168, citing *Bozung v. Local Area Formation Com.* (1975) 13 Cal.3d at 284.)

In conclusion, the Addendum and Staff Report fails to perform the required cumulative impact analysis.

b. Land Use Impacts

In granting the 2004 CUP, the Board of Supervisors advised future decision-makers that based on the evidence in the record at that time, the operation and site development at the Music Academy had reached ***a maximum level able to be found consistent with the health, welfare, safety, and convenience of the neighborhood*** and the Board of Supervisors recommended that no further increase in use, density, or development be allowed. Thus, any deviations from what was analyzed in the EIR on the 2004 CUP requires subsequent environmental review. (Guidelines §15162.)

Per CEQA Guidelines Appendix G, a project may have a significant impact on Land Use if it will cause a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The Project is inconsistent with several land use policies and codes. Thus, the Project represents a change in intensity that has not been examined in sufficient detail in either the 2003 EIR, which did not analyze the effects of these project changes, or the current Addendum.

The Planning and Zoning Law of California (Government Code (“Gov. Code”) § 65000 et seq.) establishes the authority of most local government entities to regulate the use of land. (Gov. Code § 65850.) “The general plan is atop the hierarchy of local government law regulating land use.” (*Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1183.)

“Subordinate to the general plan are zoning laws, which regulate the geographic allocation and allowed uses of land.” (*Neighborhood Action Group, supra*, 156 Cal.App.3d 1176, 1183.) “Most zoning ordinances specify certain uses as of right and certain other uses allowed only by use permit for each zone. This mechanism enables localities to control uses that may be desirable, but whose unrestricted existence at a specific location could engender a nuisance. Most conditionally permitted uses are such that the use could easily become incompatible with the surrounding uses, especially residential uses. Other types of conditionally permitted uses (for example, mineral extraction or drive-through businesses) may raise specific issues such as traffic, noise, or health and safety, requiring close scrutiny regarding the desirability of the location and the need to impose conditions on the use to protect against nuisance. Common uses allowed by CUP are liquor stores, alcohol service at restaurants, cannabis retail locations, and automotive repair, and places of worship, schools, or hotels in residential zones.” (4 California Environmental Law & Land Use Practice § 60.31 (2022) (Emphasis added).

Put another way, “Zoning laws regulate land uses in two basic ways. Some uses are permitted as a matter of right if the uses conform to the zoning ordinance. Other sensitive land uses require discretionary administrative approval pursuant to criteria in the zoning ordinance. (Gov. Code § 65901.) They require a conditional use permit. (See Cal. Zoning Practice, *supra*, § 7.55 et seq.) The reason for discretionary treatment is that these are uses which cannot be said to be always compatible in some zones while always incompatible in others. . . . uses that should not be allowed as of course, but could be allowed subject to conditions. . . . The traditional purpose of the conditional use permit is to enable a municipality to exercise some measure of control over the extent of certain uses, such as service stations, which, although desirable in limited numbers, could have a detrimental effect on the community in large numbers.” (*Neighborhood Action Group, supra*, 156 Cal.App.3d 1176, 1183-1184.)

The state legislature has found and declared that “Decisions involving the future growth of the state, most of which are made and will continue to be made at the local level, should be guided by an effective planning process, including the local general plan, and should proceed within the framework of

officially approved statewide goals and policies directed to land use, population growth and distribution, development, open space, resource preservation and utilization, air and water quality, and other related physical, social and economic development factors." (Gov. Code § 65030.1.)

A local permit action taken without compliance with the hierarchy of land use laws is *ultra vires* as to any defect implicated by the uses sought by the permit. (*Neighborhood Action Group, supra*, 156 Cal.App.3d 1176, 1184.) Zoning laws must conform to the adopted general plan and all of its elements. (*Ibid.*) Land use actions, including CUPs, must be consistent with any pertinent general plan elements. (4 California Environmental Law & Land Use Practice § 60.31 (2022); *Neighborhood Action Group, supra*, 156 Cal.App.3d 1176, 1185.)

i. *The CUP is Inconsistent with the Montecito Community Plan*

The MAW is within the Montecito Community Plan ("MCP") area. (MCP p. 3.) The goals, objectives and policies in the MCP were established to ensure that new development is sensitive to community desires and to conditions within the community. (MCP p. 10.) A main focus of the MCP is to allow development in a manner consistent with available resources and in keeping with the semi-rural residential quality of life in Montecito. (MCP p. 26.)

The MAW will conflict with the semi-rural residential quality of life in Montecito by increasing its hosting of commercial activity, including conferences, outdoor commercial events (i.e., SLEs) and rental activity (yoga, dance and performing arts studio sessions) without any regard to the semi-rural residential area in which these activities are to be conducted.

Pursuant to Policy LUG-M-1.1: The County shall recognize that the Montecito Planning Area is a community nearing its full buildout potential, and shall require that development respect its small town, semi-rural character. (MCP p. 49.)

Pursuant to Policy LUED-M-1.1: All educational, institutional, and other public and quasi-public uses shall be developed in a manner compatible with the community's residential character. (MCP p. 54.)

While the Staff Report identifies these two policies, the purported consistency analysis only states that "The proposed change of uses will not exceed the current allotted daily or maximum annual public attendance, nor will it result in a further increase in the uses allowed." (Staff Report, p. 13.)

The Staff Report is wrong. Under the proposed CUP, there will be an increase in intensity of the summer season attendance as the summer season attendance cap is eliminated under the instant CUP. The summer attendance cap is being removed because the MAW knows that is likely to receive more people than the pre-existing 22,000 cap would permit through a combination of future musical events and new uses consisting of SLEs, yoga, dance and performing arts activities. The removal of the cap would also allow increased conferences and seminars. The Staff Report has not analyzed the impact of the increase in intensity of the summer season attendance on the land use policies in the MCP. As discussed in more detail herein, the increase in summer session attendance will result in traffic and noise that is not compatible with the semi-rural residential character of the area. Thus, the Staff Report has not performed the required analysis of the MCP's land use policies.

In fact, the MCP states that, “The roadway characteristics of the community are unique because of the semi-rural nature of the major and collector street system, the limited controls (i.e., only two intersections are signalized), and because most streets provide direct access to numerous residential driveways. Many roadways within Montecito are narrow and winding and often fail to meet typical County standards (twelve-foot lanes, five-foot paved shoulder). These narrow widths, winding design and extensive vegetation, while valued by area residents, tend to somewhat decrease road system traffic capacity.” (MCP p. 64.)

In terms of traffic, Policy CIRC-M-1.7 states: “The County shall continue to develop programs that encourage the use of alternative modes of transportation including, but not limited to, an updated bicycle route plan, park and ride facilities, and transportation demand management ordinances.” (MCP p. 70.) This policy was not analyzed in the Staff Report nor Addendum, but must be; implementation of the policy with the instant project could serve to reduce traffic impacts.

Policy CIRC- M-3.3 states: “If at any time, a traffic count accepted by the County Public Works Department determines that a local road (i.e., a road not designated on the Circulation Element) has an ADT count which exceeds 5,530 ADT, a review of land use densities and intersecting roadways of the surrounding area shall be conducted for possible inconsistencies with Circulation and Land Use goals and policies. (If appropriate, a road classification may be assigned to such a road after a review and approval by the Board of Supervisors).” (MCP p. 73.) This ties in with the fact that the Plan does not provide LOS standards for local roads (i.e., roadways that have and will likely continue to contain the highest levels of traffic. Local roads or roadways that lack the geometrics handle traffic associated with classified roadways). (e.g., MCP p. 72.)

In terms of noise, Policy N-M-1.1 states: Noise-sensitive uses (i.e., residential and lodging facilities, educational facilities, public meeting places and others specified in the Noise Element) shall be protected from significant noise impacts.

However, residents surrounding the MAW have made many complaints that MAW leaves its windows to the concert halls open during music performances, that the semi-trucks bringing sound equipment to the site for performances as well as some generators powering that equipment make an unreasonable amount of noise, and that the proposed outdoor events will also contribute to the already noisy environment at and around the MAW.

ii. *The CUP is Inconsistent with The Santa Barbara County Local Coastal Plan/Coastal Zoning Ordinance*

The Staff Report states that “No new structural development is included with the proposed revision to the CUP, the daily and annual maximum public attendance limitations will not be changed, there will be no significant traffic impacts, and the addition of amplified and acoustic sound outdoors will be monitored and managed to maintain compliance with existing CUP conditions and the 65 dBA CNEL maximum at property lines. Therefore, the proposed CUP revision will be consistent with the purpose and intent of the 1-E-1 Zone District.” (Staff Report p. 17.) This finding of consistency is not supported by the evidence cited by the Staff Report, and constitutes an incomplete analysis of the facts.

The County of Santa Barbara has a certified Local Coastal Plan and a component of that plan is the Santa Barbara County Coastal Zoning Ordinance. The R-1/E-1 Zone in which MAW is situated does

not permit educational institutions by-right. (Coastal Zoning Ordinance (“CZO”) Sec. 35-71.) A CUP can permit education facilities in R-1 Zones. (CZO Sec. 35-172.5) However, commercial activity such as yoga, dance and performing arts studios, corporate retreats, SLEs and other non-music education related activities purely for financial and commercial gain are not permitted in R-1 zones, even with a CUP. (*Ibid.*) Theoretically under the CUP, MAW could hold funerals, gun shows, political benefits and weddings on site, all of which are completely divorced from music education and are instead purely commercial endeavors which should not be permitted. Thus, the County’s approval of the CUP which allows commercial activities is, by definition, inconsistent with the zoning law in R-1/E-1 Zones.

Thus, the MAW’s project is also inconsistent with the Santa Barbara LCP.

iii. *The County Cannot Approve the CUP as-is Because Doing So Would Permit a Nuisance to Continue to Exist on and around the MAW site.*

The County is under an ongoing obligation to ensure that the MAW’s use of the site does not become a nuisance. (*Neighborhood Action Group, supra*, 156 Cal.App.3d 1176, 1183-1184.) The CUP will allow the MAW to increase its intensity and nature of use (e.g., new uses of non-music education related endeavors such as yoga, dance and visual and performing arts and outdoor Significant Life Events, as well as allowing the potential for an increase of total summer season attendance above 22,000) as the MAW seeks to increase the commercial activity occurring onsite. This increase in intensity and nature of use will have impacts on traffic, noise and land use compatibility. Since there are no adequate safeguards and mitigation measures imposed on MAW that will control these impacts, the CUP will result in nuisance activity with respect to traffic, noise and land use.

For instance, the CUP reinstates weddings at MAW, when weddings were previously removed from the list of permitted activities in the 2004 CUP due to complaints by neighbors. (See 2003 FEIR p. 20.) In fact, in the 2003 FEIR, the County recognized that “one of the most controversial aspects of the previous permit was legitimizing use of the Academy grounds for weddings.” (2003 FEIR p. 123.) It is unclear why the County and Applicant would implicitly admit the weddings are a nuisance by removing them from the 2004 CUP only to bring this nuisance activity back in the instant iteration of the CUP. To compound this error, not only is MAW proposing to bring back weddings, but it now proposes to role weddings into a larger category of “Significant Life Events” (“SLEs”) all of which are currently approved for outdoor use in the instant CUP. The instant CUP also represents a nuisance in that it is inconsistent with the hierarchy of applicable land use laws.

It must also be noted that MAW is not trying to hide the commercial use of its educational facility; it has publicly disseminated marketing materials that claim, “The Music Academy, formerly known as the Music Academy of the West, and now in its 76th season, celebrates the ‘Summer of the Artist’ with eight weeks of live events at its picturesque Miraflores campus and throughout scenic Santa Barbara, California (June 12–Aug 5). Learn more about the lineup here!” (<https://www.broadwayworld.com/camp/Summer-Music-Academy>) It goes without saying that the overarching purpose of these events are commercial, not educational.

c. *Noise Impacts*

The Santa Barbara County Thresholds for Noise Impacts provides, “In the unincorporated County, it is estimated that as many as 8,000 housing units and 21,000 persons are potentially exposed

to transportation noise at Day-Night Average Levels exceeding 60 dB. The exposure level of 60-65 dB(A) is considered to be the maximum outdoor noise level compatible with residential and other noise-sensitive land use. In the planning of land use, 65 dB(A) Day-Night Average Sound Level is regarded as the maximum exterior noise exposure compatible with noise-sensitive uses unless noise mitigation features are included in project designs. The Montecito Community Plan requires that noise-sensitive uses, as defined in the Noise Element, shall be protected from significant noise impacts.” (Santa Barbara County Environmental Thresholds and Guidelines Manual, p. 139.)

“If existing exterior noise levels, including at outdoor living areas, experienced by sensitive receptors is below 65 dB(A) CNEL, and if the proposed project will generate noise that will cause the existing noise levels experienced by the sensitive receptors to exceed 65 dB(A) CNEL – either individually or cumulatively when combined with other noise-generating sources – then the proposed project is presumed to have a significant impact. If existing exterior noise levels, including at outdoor living areas, experienced by sensitive receptors exceeds 65 dB(A) CNEL, and if the proposed project will generate noise that will cause the existing noise levels experienced by the sensitive receptors to increase by 3 dB(A) CNEL – either individually or cumulatively when combined with other noise-generating sources – then the proposed project is presumed to have a significant impact.” (Santa Barbara County Environmental Thresholds and Guidelines Manual pp. 140-141; See Also Santa Barbara Noise Element Policy No. 5.)

The Staff Report states that “The applicant provided an acoustical analysis of the proposed sound levels at seven designated outdoor areas (Attachment I). The analysis concluded that sound levels will not exceed the 24-hour equivalent exterior noise limit of 65 dBA CNEL at the property lines, in accordance with the County’s CEQA Thresholds and Guidelines Manual.” (Staff Report p. 14.)

However, noise expert Marlund Hale, the principal of Advanced Engineering Acoustics, has reviewed the MAW’s acoustical analysis from 45dB and determined that the application of the CNEL (LDN) 24-hour average noise descriptor that was originally developed for use primarily for transportation (highways, railways, airports, etc.) and construction noise is a poor fit for informational noise sources such as speech and music events, which typically have set performance times and venue locations. Instead, the Lmax standard is more appropriate to measure the impacts of sudden spontaneous noise events anticipated to occur at the MAW, including but not limited to speech, yelling, cheering and amplified music.

Mr. Hale concludes that the new uses of yoga, dance and visual and performing arts and outdoor Significant Life Events, as well as allowing the potential for an increase of total summer season attendance above 22,000, are all new activities that were not studied in the 2003 EIR and that could pose potential significant noise impacts to the neighborhood. (See Attachment 3.)

The 45dB report did not take into account that the CNEL standard is unequipped to deal with the unique noise issues presented by MAW and also appears to have omitted analysis of the noise from semi-trucks that bring in audio equipment for the MAW’s performances and the generators that run to power the amplification equipment during the MAW’s performances. Nor did the 45dB report address the noise from large amounts of attendees on the MAW’s property. Thus, the County’s analysis of noise impacts is insufficient and its conclusion regarding noise is not based on substantial evidence.

d. GHG Impacts

The Santa Barbara County CEQA GHG Thresholds state, “The environmental document shall first quantify and disclose a project’s GHG emissions by individual GHG and then convert the project’s emissions to metric tons of carbon dioxide equivalent per year (MTCO₂e/year), based on the global warming potential of each gas...All industrial stationary-source projects shall be subject to a numeric, bright-line threshold of 1,000 MTCO₂e/year to determine if GHG emissions constitute a significant cumulative impact. Annual GHG emissions that are equivalent to or exceed the threshold are determined to have a significant cumulative impact on global climate change unless mitigated.”

Recent case law held that an Addendum that does not quantify GHG emissions violates CEQA. (*IBC Business Owners, supra*, 88 Cal.App.5th 100.) A Project cannot proceed without a quantification and an analysis of GHG emissions, as is required also by the Santa Barbara County Environmental Thresholds and Guidelines. (Santa Barbara County Environmental Thresholds and Guidelines Manual, at p. 84.) The Addendum fails to do so and is invalid under CEQA

In summary, by not identifying these impacts and not performing the required analysis of these impacts, the County has erred a matter of law.

II. SUBSTANTIAL EVIDENCE DOES NOT EXIST TO SUPPORT THE FINDINGS NECESSARY TO APPROVE REVISIONS TO THE CUP OR THE COASTAL DEVELOPMENT PERMIT.

The landmark case of *Topanga Asso. for Scenic Community v. County of Los Angeles* (1974) 11 Cal. 3d 506, 515 established that a decision on an application for a quasi-judicial zoning action [like a CUP] must be accompanied by written findings, supported by substantial evidence in the record, that satisfy the criteria of the local zoning ordinance and, if applicable, Gov. Code § 65906. Although they need not be as formal as judicial findings, the findings must bridge the analytic gap between the raw evidence and the ultimate decision. The findings must be sufficient to enable the parties to determine on what basis they should seek review in court, and, in the event of a legal action, to apprise the court of the basis for the local jurisdiction’s decision. (*Id.*, 515.)

a. The County Cannot Make the Required Findings for a Revised Coastal Development Permit

MAW is within the area governed by the CZO and is engaging in change of intensity of use, thus the provisions of the CZO regulating CDPs also apply to this project. Under CZO Sec. Section 35-169.5, the approval of a Revised CDP requires the following:

1. The proposed development conforms: To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan and with the applicable provisions of this Article or the project falls within the limited exceptions allowed under Section 35-161 (Nonconforming Use of Land, Buildings and Structures);
2. The proposed development is located on a legally created lot;

3. The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid;
4. The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast;
5. The development is compatible with the established physical scale of the area; and
6. The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.

While the Staff Report includes each of the above six findings, the findings are not supported by substantial evidence, nor is the required analysis performed to support these findings, as explained herein. Therefore, the County has committed error under the CZO and the Coastal Act.

b. The County Cannot Make the Required Findings for a Revised CUP

Pursuant to Government Code §§ 66474.60 and 66474.61, the MPC shall deny approval of a CUP if the proposed CUP is not consistent with applicable general and specific plans. As explained above, a finding of consistency with the applicable plans is not supported by the record, because the required analysis was not performed, and therefore the record lacks the substantial evidence to support the consistency finding. Moreover, the record demonstrates that the CUP is affirmatively *inconsistent* with the applicable plans.

Moreover, under CZO Sec. 35-172.8, the findings for a Revised CUP requires the same findings as a new CUP or:

1. That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed;
2. That adverse environmental impacts are mitigated to the maximum extent feasible;
3. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use;
4. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project;
5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area;
6. That the project is in conformance with the applicable provisions and policies of this Article and the Coastal Land Use Plan;
7. That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area;
8. That the project will not conflict with any easements required for public access through, or public use of the property; and
9. That the proposed use is not inconsistent with the intent of the zone district (Coastal Ordinance 35-172.8.)

As to finding 2, the MCP claims that the mitigation measures from the 2003 EIR are being carried over into the new CUP. (Findings p. 2.) That is not true; key provisions of the 2004 CUP intended to mitigate significant impacts have been deleted from the instant CUP.

As to finding 3, the MCP claims that the attendance caps will prevent the project from resulting in a significant traffic increase. (Findings p. 3.) There is zero evidence in the record to support this claim; the Staff Report completely failed to analyze the impact of increased summer attendance due to the removal of the summer attendance cap.

As to finding 5, the MCP failed to consider the impact of increased summer attendance resulting from the removal of the summer attendance cap, the deletion of the formal CTRP, and the pre-existing and new commercial uses being added to CUP. For the same reasons, the findings fail to properly bridge the gap between evidence and conclusion with respect to findings 6, 7 and 9.

Finally, pursuant to CZO Sec. 35-215, the following findings for a development project shall also be made:

1. That the project meets all the applicable development standards included in the Montecito Community Plan of the Coastal Land Use Plan;

2. For projects requiring a Major Conditional Use Permit, a finding shall be made that the project will not potentially result in traffic levels higher than those anticipated for the parcel by the Montecito Community Plan and its associated environmental documents; or if the project will result in higher traffic levels, that the increase in traffic is not large enough to cause the affected roadway(s) and/or intersection(s) to exceed their designated acceptable capacity levels at buildout of the Montecito Community Plan or that road improvements included as part of the project description are consistent with provisions of the Comprehensive Plan (specifically the Montecito Community Plan) and are adequate to fully offset the identified potential increase in traffic; and

3. For projects subject to discretionary review, a finding shall be made that the development will not adversely impact recreational facilities and uses.

MCP's finding as to item 2 fails to acknowledge an increase in intensity of traffic as a result of lifting the summer attendance cap and the elimination of key provisions of the contemplated formal CTRP. Thus, the finding is not supported.

III. THE NEW CUP CREATES A USE NOT ALLOWED BY THE COASTAL ZONING ORDINANCE

The proposed Project turns the MAW into a commercial enterprise for renting out its facilities for events, meetings and weddings in violation of the original CUP. Approval of this revised CUP will result in the property being utilized predominantly for commercial purposes for uses that are not permitted in a R-1/E-1 district. The list of permitted uses allowed in such a zone with a CUP does not include an entertainment/recreation venue akin to what the instant CUP would allow. (CZO Sec. 35-71 and Sec. 35-172.) This unauthorized CUP will be materially detrimental to the public welfare, and injurious to the property or improvements in the same zone and vicinity. Therefore, the revised CUP must be denied outright.

IV. THE COUNTY HAS NOT MADE THE FULL RECORD AVAILABLE TO APPELLANT AND THE PUBLIC FOR REVIEW AND COMMENT, AND NO HEARING ON THE APPEAL SHOULD BE SCHEDULED UNTIL ALL DOCUMENTS ALLEGEDLY RELIED UPON BY THE MPC FOR ITS DECISION ARE PROVIDED TO APPELLANT WELL IN ADVANCE OF THE APPEAL HEARING DATE.

The 2003 EIR relied on the 2003 ATE study for its environmental assumptions and project design features intended to mitigate environmental impacts. There are also numerous appendices referred to by the 2003 EIR, but Appellant is unable to access these documents due to the County's inability to locate them, and these documents must be released to Appellant and the public so that the public and decisionmakers may properly review and comment on the Project's environmental review. Per Public Resources Code § 21082.1, the County must "submit, in an electronic form as required by the Office of Planning and Research, the draft environmental impact report...to the State Clearinghouse" (Pub. Res. Code § 21082.1(c)(4)), and post all environmental review documents on its internet website, if any. (Pub. Res. Code § 21082.1(b)). The failure of the County to post its environmental documents is a violation of CEQA. The fact that these documents were not presented to the MPC also strongly suggests a failure by the MPC to properly consider the referenced documents prior to approving the Addendum. (See Guidelines §15164(d) [requiring decision-making body to consider the addendum along with the Final EIR].)

Appellant requests that the Board of Supervisors not set a hearing on its appeal until key environmental and case documents are located and provided to Appellant and the Board of Supervisors for review and consideration. (Guidelines §15164(d).) In particular, the 2003 EIR appendices, including the 2003 ATE Traffic Study, could not be located by the County in a digital medium.² These documents are necessary. The California Supreme Court has stated: "Implicit in the democratic process is the notion that government should be accountable for its actions. In order to verify accountability, individuals must have access to government files." (*CBS, Inc. v. Block* (1986) 42 Cal.3d 646, 651.) Those precepts apply to the Board of Supervisors. As stated by the Supreme Court in *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, CEQA's "purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR protects not only the environment but also informed self-government. To this end, public participation is an essential part of the CEQA process." (*Id.* at 1123) (italics in original; underline added).

The CEQA process must provide accurate information to the public and decisionmakers to obtain a complete picture of the environmental context, as well as to provide government accountability. (See *Laurel Heights, supra*, and *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935-936.)

² Appellant's counsel performed a search for the complete 2003 EIR on the County of Santa Barbara's website and the state's CEQAnet portal. Neither the environmental document and its appendices were available on either website. Accordingly, Appellant's counsel contacted the County and asked for the location of the 2003 EIR and its appendices. The County staff member indicated that the county was in the process of scanning prior environmental documents and that the 2003 EIR was one of those documents. The Staff Member indicated that the documents were most likely somewhere on site. It was later confirmed that hard copies of the documents were available for review and copy.

V. APPELLANT’S AND ITS MEMBERS’ DUE PROCESS RIGHTS WERE VIOLATED

Appellant and the public in general were denied the opportunity to engage in a fair and impartial hearing at the MPC. No advanced notice was given of the last-minute modification to the Project’s agenda item, nor the County’s decision to move the hearing to the afternoon session. This prevented those interested in voicing concerns about the project from participating in the hearing. Only a few concerned neighbors were permitted to provide comments during the public comment portion of the MPC meeting, preventing the Planning Commissioners from receiving the full input of the community.

Disturbingly, MAW was able to present their CUP revisions without any discussion from dissenters and without rebuttal. Many statements made to the MPC on behalf of MAW were incorrect and misleading. MAW inaccurately classified this as a “no impact proposal” with “no additional traffic,” and that they have received “no neighbor complaints,” a patently untrue claim.

Appellant and its members’ inability to participate at the hearing on the relevant agenda item resulted in a lack of accountability on the part of decisionmakers and the project proponent. Appellant was entitled to minimum procedural due process, including a right to adequate notice and opportunity to be heard in front of the MPC. (*Horn v. County of Ventura* (1979) 24 Cal.3d 605.) The MPC failed to give due consideration, and constitutionally required due process, to the community members who tried to raise these crucial public-interest issues. As such, we recommend that matter be sent back to the MPC to give proper notice and a full hearing on the merits of the CUP application and environmental review. (See, e.g., *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1123 [“public participation is an essential part of the CEQA process”].) At the very least, the Board of Supervisors should give very little deference to the MPC’s findings based on the record before it.

VI. CONCLUSION

Based on the foregoing, it is respectfully requested that the Board of Supervisors grant the appeal and deny the CUP as approved by the Montecito Planning Commission.

Sincerely,



Sabrina Venskus
Attorney for Appellant

ATTACHMENT 1

May 18, 2023

Ms. Emilee Annine Moeller
VENSKUS & ASSOCIATES
1055 Wilshire Blvd., Ste. 1996
Los Angeles, CA 90017

**Subject: Music Academy of the West (MAW) CUP Revision – Traffic Review,
County of Santa Barbara**

Dear Ms. Moeller:

Introduction

RK Engineering Group, Inc. is pleased to submit this review of the TIS (Traffic Impact Study) and VMT (Vehicle Miles Traveled) analysis for the proposed Music Academy of the West (MAW) CUP (Conditional Use Permit) revision. The Music Academy of the West (MAW) campus is located at 1070 Fairview Road in Montecito area of Santa Barbara County. Operations at the MAW campus is regulated under a CUP that was last revised in 2004.

The project is proposing to revise 2004 CUP to provide more flexibility in the programming and activities at the campus. The goal of the CUP revision is not to increase the approved maximum attendance levels of 47,000 guests per year, but to reallocate the attendance limits for more flexibility. **However, these changes could result in more traffic during the summer and peak period usage of the facility.**

The traffic study dated July 5, 2022 was prepared to assess the traffic, parking and VMT impacts of the Music Academy of the West CUP amendment. The study was prepared by an ATE (Associated Transportation Engineers). A previous traffic study was prepared for the project in the year 2009 by the same firm. RK has also reviewed the Planning Commission staff report as related to the potential increase in activity and possible traffic impacts from the proposed change in operations allowed under the revised CUP.

The Music Academy of the West (MAW) campus is located at 1070 Fairview Road in the Montecito area of Santa Barbara County. Operations at the MAW campus is regulated under a CUP that was last revised in 2004. The project is proposing to revise the 2004 CUP to provide more flexibility in the programming and activities at the campus. The goal of the

CUP revision is not to increase the approved maximum attendance levels of 47,000 guests per year, but to re-allocate the attendance limits for more flexibility. **It also proposes to modify significantly the “Cut-through Reduction Plan” which was previously required by the 2994 CUP requirements.** However, the local neighborhood still report that the cut-through traffic is still occurring with the measures that have been previously implemented by the MAW. Therefore, a more aggressive Cut-through program is needed to resolve this issue and it must be continued to be monitored in the future. This would include a current Cut-through evaluation by another traffic consultant to determine the true extent of the Cut-through traffic traveling both through the MAW to Butterfly Lane and along the one-way section of Fairway Road.

Based upon our review, RK has identified a number of items that could potentially increase the trip generation, traffic impacts and VMT impacts of the proposed project during peak usage periods of the day. According to the traffic study, it is claimed that the trip generation for the adjusted operations would have only a minor increase in the ADT (average daily traffic) and AM/PM peak hour trips generated by the project. This is not justified based upon the proposed changes to the operation in comparison to both current operations and previously approved conditions analyzed in the past environmental documents as a result of changes in the activity levels that are now being proposed for the use of the project.

Of particular concern is that although the annual projected attendance will not be changed with the action, the potential change in the distribution of trips for the project during the day could impact both the AM/PM peak hour trips and peak parking demand for the project. The action would also allow more activities to occur during the summertime than the currently approved CUP. Furthermore, the type of activities such as the SLE's (Significant Life Events) has the potential for increasing trips generated by non-attendees for the various activities. This is especially true for the SLE's where non-attendee traffic would occur beyond just the attendees at the events. Consideration should be given to reducing other activities or not having simultaneous events at the same time that SLE's are occurring. Finally, RK has several suggestions to help ensure that the cut-through program is successful in reducing any possible outside traffic from cutting through the site to other destinations.

Comments

The significant changes that are anticipated are as follows:

1. *Increasing the maximum public attendance at any time from 330 to 410 people.* This will allow more than one public event in a location to occur other than Hahn Hall (350 seats). These events could occur at any one time and if scheduled together would increase the am/pm peak hour trip generation for the project. Although there is no change in the daily attendance limit of 900 people, several events could occur simultaneously that could generate additional AM and/or PM trips. The traffic study only assumed 5 additional AM or PM peak hour trips for the project. Increasing the maximum public attendance by 80 persons could easily increase the peak hour tips by at least 50 peak hour trips. The traffic study must assess the worse case additional project trips that could occur as a result of this change in operations.

2. *Increasing the attendance for meetings and seminars from 175 to 350 participants per event.* Again, the impact of this change must be considered if it were to occur simultaneously with the previously mentioned increase in maximum public attendance limits. This could impact the peak hour trips to and from the project. Scheduling events "back-to-back" has the potential for increasing trips and parking requirements during the peak hours. **An adequate time separation between events is essential in reducing trips and parking demand during the peak hours.** This would be critical in ensuring the entering and exiting traffic won't happen at the same time and the overlap of parking does not occur and overflow into the adjacent neighborhoods,

3. *Eliminating the seasonal caps of summer (22,000 people) and non-summer (25,000 people) while still maintaining the annual cap of 47,000 people.* This change has the potential of increasing the site usage during peak summer conditions which occur in the Santa Barbara Community. Although the intent of the change is to provide more flexibility in the operation of the MAW, it has the potential to increase peak traffic flows during the busiest season of the year. The current restriction allows for more activity to occur when the road systems in the area are the least busy in comparison to the summer season when the more intense use of the site will have a larger impact to the adjacent roadways in the area. If this change is to be considered, a lower daily and peak period usage of the MAW should be considered during this busier season in the Santa Barbara area.

4. *Changing to allow for weddings and other special events as SLE's (Significant Life Events) 15 times per year which will include up to 225 attendees plus additional support staff, deliveries and other activities which will increase trip generation for the project.* If these events are to occur, they should be scheduled when there are additional restrictions on the number of other on-site activities are going on at the MAW. Perhaps a time restriction can be imposed to permit SLE's to occur at times when no other, or a limited number of other events are occurring at the same time. **By separating the time of simultaneous events, less direct impacts would occur in the neighboring areas at any one time of the day.**

5. *The existing cut-through plan will be replaced with the gate closure program where the Fairview Road entrance would require access cards and traffic attendants will be placed at the gates during any public events.* While these measures will be helpful in controlling traffic that does not belong within the site, additional traffic calming measures should be considered to further reduce cut-through traffic through the site. **This could include installing traffic calming design features within the projects internal roadway system. Consideration should be given to installing speed humps/cushions, traffic calming striping, chokers, mini roundabouts, medians, etc. which will discourage non-site related vehicles from using the internal roadway system of the MAW.** This should also include additional traffic calming features (i.e., speed humps/speed cushions) along the one-way section of Fairway Road to discourage vehicles from traveling the wrong direction on the one-way section of the roadway. A left turn pavement marking should be placed on Fairway Road at the main entrance to the MAW to further enforce the one-way operation of Fairway Road. These features would also have the benefit of reducing speeds within the site and on Fairway Road which would be a safety benefit to the project.

RK recommends to quantify the current Cut-through problem an updated Cut-through evaluation by another professional traffic consultant be completed to determine the true extent of the Cut-through traffic traveling both through the MAW to Butterfly Lane and along the one-way section of Fairway Road. This would be done by the use of a license plate survey which would track vehicles traveling through the MAW and along the one-way section of Fairway Road and would compare it to amount of total traffic ang both of these routes.

The CUP should maintain some form of reviewing the cut-through traffic once these measures and the Gate Closure Program are implemented. This should include an annual traffic review of the cut-through traffic volumes for a period of at least two-years after the gate closure plan and traffic calming design features are implemented. If it is found that they are not successful in reducing Cut-through traffic then additional measures should be required to reduce this problem and the follow-up program should be continued.

Conclusions

RK Engineering Group, Inc. appreciates this opportunity to review and provide input on the revisions to the Music Academy of the West's CUP. RK has identified a number of concerns about the proposed revisions that could cause additional traffic impacts if they are not reconsidered. Of particular concern is that even if the existing daily limitations on attendance are made, the proposed changes could result in more peak period impacts than currently allowed by the current CUP. Larger events should not be scheduled to start or finish during the typical peak hours of 7 – 9 am and 4 - 6 pm during the weekdays and mid-days during the weekends. A key solution to this would be to not schedule simultaneous events and to provide more time separation so that inbound and outbound flows of traffic do not occur at the same time. Perhaps a formalized program schedule review process should be required and submitted to the County to ensure that the local roadways would not be overused. Furthermore, eliminating the summertime caps will put more burden on the adjoining area as a result of increased traffic volumes on the local roadways in vicinity of the MAW site during that time of the year. Perhaps a lower daily attendance cap should be established that would compensate for the increase in summertime attendance.

Finally, the change in the Cut-through plan should also consider updating the Cut-through traffic counts through the use of a license plate survey. Also, adding additional internal traffic calming design features that would discourage cut-through traffic, reduce vehicle speeds and improve traffic safety. Some form of short-term monitoring of the effectiveness of the revised cut-through plan should be considered for at least two years after it is implemented to ensure that additional measures are not needed to eliminate cut-through problems. If this does not result in a reduction in the Cut-through traffic then an update to the program should be required.

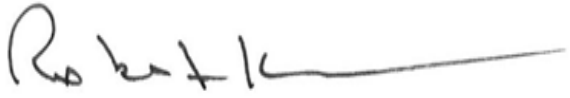
VENSKUS & ASSOCIATES

RK 19043

Page 6

RK appreciates the opportunity to work with you if you have a VENSKUS & ASSOCIATES in reviewing and providing input on the revisions to the MAW CUP. If you have any questions regarding this review, please call me at (949) 474-0809.

Respectfully submitted,
RK ENGINEERING GROUP, INC.



Robert Kahn, PE
Founding Principal

Registered Civil Engineer 20285
Registered Traffic Engineer 0555

Attachment

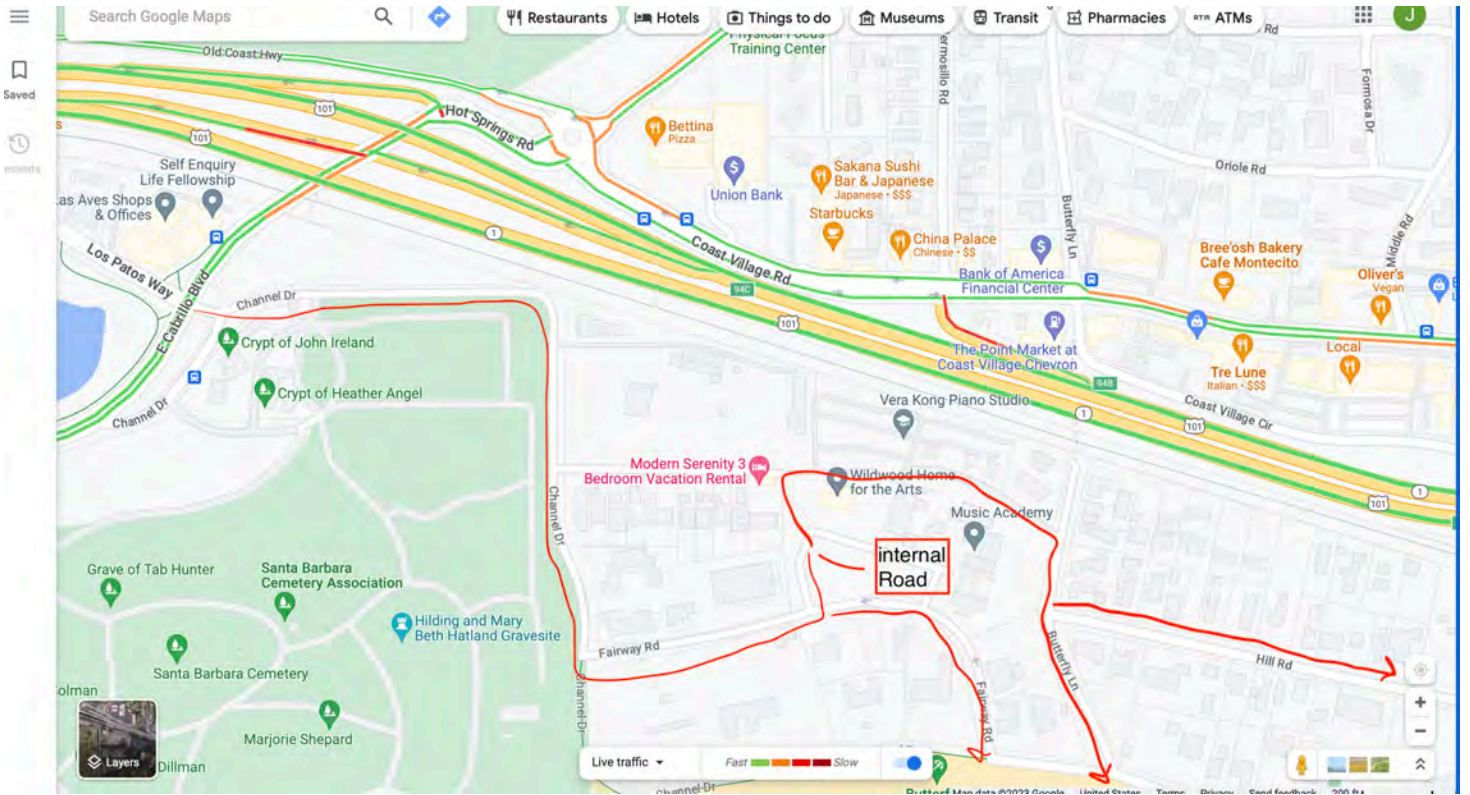
RK19043

JN:3101-2023-01

XC: Jason Sanders, VENSKUS & ASSOCIATES



ATTACHMENT 2



000432

ATTACHMENT 3

ADVANCED ENGINEERING ACOUSTICS

663 Bristol Avenue

Simi Valley, California 93065-5402

(805) 583-8207 - Voice (805) 522-6636 - FAX (805) 231-1242 - Cell

May 24, 2023

Jason R. Sanders, Attorney at Law
VENSKUS & ASSOCIATES, A.P.C.
Los Angeles, 1055 Wilshire Blvd. Ste 1996, Los Angeles, CA 90017
Ojai, 603 West Ojai Ave., Suite F, Ojai, CA 93023

Subject: Music Academy of the West (MAW)
Review/Commentary: Proposed Revised CUP Noise Issues and Prior CUP Noise Study

Dear Mr. Sanders:

At your request Advanced Engineering Acoustics (AEA) has conducted a review of a prior noise study report and supporting documents produced for and by the County of Santa Barbara for a proposed Music Academy of the West (MAW) project to expand activities to include outdoor ceremonies, events, performances and concerts. The Butterfly Beach Association (BBA), a group of MAW neighbors in Montecito, is challenging the County of Santa Barbara's approval of the Music Academy of the West's application to revise their existing CUP. AEA also recently conducted short-term ambient noise measurements at two BBA residences near the Music Academy to get a sense of the character of the locale. AEA has found that it is possible that the 24-hour ambient CNEL is already near 65 at these residences. Thus, AEA has proposed conducting several weekday and weekend day 24-hour ambient and event noise monitoring to determine the differences with and without MAW events, even though there are no outdoor MAW events currently.

The Butterfly Beach Association Concerns

The biggest noise issues the Butterfly Beach Association have are:

1. The amount of people that show up on the MAW grounds. A member says that could be upwards of 1,000 people over the course of the day.
2. Amplified sound (either voices or music) in the outdoor areas of the grounds near and far.
3. During the summer amplified music from the indoor events at the MAW and MAW leaves the windows open during these events.
4. Sound from heavy equipment/trucks transporting music equipment to and from the MAW.

Prior 45dB Acoustics Noise Study Review

The previous noise study report we reviewed was produced by 45dB Acoustics LLC, located in Buellton, CA. Page 2 of their July 6, 2022 noise study report states the following: (underlining by AEA) *“Based upon our analysis, and considering the previous EIR study and reports, we recommend implementation of the following self-management tools to be incorporated in the applicant's project description for this revised CUP to be:*

a) *At Zones 2/2.5, 7 and 9, i.e., event within the previous EIR: Not more than four total*

hours of unamplified acoustic music and/or amplified spoken word programming—EIR Mitigation Measure 4.a)

- b) At Zones 1, 3, 4, and 5 i.e, new proposed event areas near the southern property lines: not more than two total hours of unamplified acoustic music and/or amplified spoken word programming—EIR Mitigation Measure 4.a)*
- c) Levels attributable to MAW events not exceed 65 dBA at property line—EIR Mitigation measure 4.d)*
- d) PA systems be pointed away from neighbors whenever and wherever possible.*
- e) Only to occur within the hours of 9am to 9pm;*
- f) A MAW staff member to be designated as a point-of-contact for any potential neighbor concerns*

We reconfirm the requirement within the original EIR of self-monitoring by trained MAW staff with a sound level measurement device capable of accurate measurements.

With utilization of the above-described self-management tools, the County Threshold of CNEL 65 would not be exceeded at the property line. Additionally, the proposed/current CUP application is in compliance with the 2021 County Threshold criteria of not more than a 3 dB increase on existing CNEL at sensitive receptors with the above conditions in place. The proposed project is consistent with the prior Environmental Analysis and the mitigation measures therein applied to the project. Additional mitigation is not required.”

AEA Comments After Review of Noise Report and Supporting Documents

AEA has extensive experience over many years with outdoor concerts, celebrations, dances, receptions and other events with amplified vocal and music performances. There is often a great deal of excitement, yelling, screams of joy and excessive happiness that is frequently much louder than the amplified announcements and music. These issues must be addressed in MAW applicant contracts, since they can be and often are the major source of intrusive annoyance and disturbance for nearby residents and even those at great distances from the venue (see Figure 1), especially in evenings and at night when ambient noises tend to be lower.

In addition, our review of the 45DB report and other documents regarding the upcoming MAW events and the potential impacts on nearby residences causes us to question the application of the CNEL (LDN) 24-hour average noise descriptor. The CNEL was originally developed for use primarily for transportation (highways, railways, airports, etc.) and construction noises and is a poor fit for informational noise sources such as celebrations, receptions, speech and music events, which are not long-term events and which typically have set performance times and venue locations. Since the MAW events may have set time durations (< 2 hours, < 4 hours, 9am-9pm), the 24-hour average CNEL noise limit of 65 would allow the residential property line live noise to be greater than the decibel level of the CNEL noise limit itself even if the event noise was a constant noise level (say 65 dBA Leq) throughout the shorter full event time period. Since there are likely to be breaks and pauses in performances for a number of reasons, it is possible that the 24-hour average noise limit would allow much higher short-term startling events, that in the extreme might be as loud as a firecracker, starter pistol or cap gun (110 dBA) but could still comply with the 65 dBA CNEL event noise limit. The CNEL noise descriptor is not suited for monitoring concerts and other informational events in order for those

tasked with monitoring to require performance sound level adjustments since one does not know the 24-hour average CNEL noise level until after the midnight-to-midnight time period is over. However, it may have some use for up-front planning when all other factors are known in advance. We have attached an Audio Engineering Technical Document which addresses many of the issues unique to musical concert noise pollution.

Since the proposed changes to the existing CUP would allow outdoor functions with amplified voice and amplified and unamplified music, these would introduce new and potentially more intrusive noises into neighboring residential areas. From a real-life standpoint it is important to know that, with the exception of on-going steady loud noises, people are not disturbed by noise level averages. What is disturbing and most annoying and causes people to notice, alert and take action are sounds and noises that are different, impulsive and/or are louder than what they usually experience. Especially when those sounds continue over a period of time and are distracting or are upsetting because of their unusual character compared to the normal ambiance of their local surroundings. If approved, the new or changed CUP would allow new and different outdoor sounds of differing character and loudness, which will certainly be more intrusive due to changing information, inflection, pitch, tonal content and constantly varying sounds. The varying informational sounds and changing acoustic frequencies of voice and music will bring a new and unwanted intrusion to the current peaceful surrounding residential properties.

Should the new CUP still be approved, AEA strongly suggests that a more effective way be utilized to control the new proposed outdoor performances and events at levels of noise that are more effectively controllable and could cause event organizers to be better motivated to keep their events and party goers excitement noise levels more reasonable and less intrusive to nearby neighbors. Replacing long-term noise descriptors, such as Leq (24 hr), CNEL and LDN, with descriptors more representative of event or celebration durations, such as continuous intervals of Leq (1 sec) or L1.67 (1 min), and Lmax, with selected appropriate limits which should be established by having two or more noise level monitors, one close to the event noise source, with the microphone at a specific short distance from a loud speaker and the meter screen visible to a designated noise monitoring person (possibly with a noise exceedance signal light near the DJ or PA controls) and another noise monitor located at another specified distance from the event in the direction of the nearest sensitive property of concern and manned by another designated noise monitor person.

Noise limits for the two suggested event noise monitors should be established prior to the event itself using sound level checks at least a day prior to the scheduled event and at about the same time period as the planned event. During a sound check a sensitive receptor site noise monitor should be set up at or on the closest receptor location to measure controlled test sounds from the planned event location. This method will allow the establishment of the appropriate noise limits for the two on-site event monitor locations. The test signal can be repeated a few times to be sure to avoid any other non-site noise such as local traffic, bird calls, barking dogs, etc. The test signal should be a similar type of sound as will be at the scheduled event, whether amplified or unamplified voice or music. During the scheduled event, noise monitor people should be aware of event sounds (MAW traffic, music, vocals, guest excitement) causing noise limit exceedances and ignore sounds that are from other non-event noise sources. In addition, there are noise monitoring devices that will cut the power to amplified sound sources, but

they cannot alter excessive event participant noise.

Some community venues have adopted financial motivations for event planners and sponsors to avoid and even require cooperation from DJs and others responsible for lack of noise limit compliance by including financial penalties in their event contracts, such as hefty monetary fines for each and every event-caused noise limit non-compliance after receiving fair warning about exceedances or say after having a warning and then committing three more exceedances.

This completes our comments on our reviews of the documents we were provided and suggestions to help select appropriate event noise level descriptors and maintain compliance with more useful noise limits.

Please contact us if you have any concerns, comments or questions.

Sincerely,



Marlund E. Hale, Ph.D., P.E. (Acoustics-OR)

Technical Director

ASA, ASME, INCE (Full Member), NCAC

LADBS Acoustical Field-Testing Agency License # TA24874



Figure 1. Project Area



DATE: 5 November 2021

TO: County of Santa Barbara
Planning & Development
123 E. Anapamu St.
Santa Barbara, CA 93101

VIA: Electronic Submittal

PURPOSE: For processing

SUBJECT: Music Academy of the West – 1070 Fairway Rd. (APN: 009-282-029, -030)
CUP Revision to 90-CP-111 RV01 with follow-up CDP

ENCLOSED IS THE FOLLOWING:

- One (1) Check in the amount of \$X,XXX.XX (to be invoiced by staff)
- One (1) Owner Agent Authorization form
- One (1) Agreement for Payment of Processing Fees form
- One (1) Indemnification Agreement
- One (1) CUP Application form with Project Description
- One (1) Cup Revision Key Objectives document
- One (1) Follow-up CDP Application form
- One (1) Copy of CUP Final Action letter, 10/26/2004
- One (1) Copy of Issued CDP (08CDP-00045)
- One (1) Redlined Final Action letter noting requested revisions
- One (1) Copy of CUP Master Plan project plans Oct. 2004
- One (1) Copy of Site plan A101 and MAW Garden locations exhibit
- One (1) ATE Traffic, Parking & VMT Analysis dated 5/12/2021
- One (1) Acoustics Analysis, 45db Acoustics dated 9/1/2021

COMMENTS: If you have any questions or require additional information, please contact our office at 966-2758.

Sincerely,

SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES, INC.

A handwritten signature in black ink that reads "Heidi Jones".

Heidi Jones, AICP
Senior Planner

FOUNDER: SUZANNE ELLEDGE • PRINCIPAL PLANNERS: LAUREL F. PEREZ & STEVE WELTON

MAIL: PO BOX 21522, SANTA BARBARA, CA 93121 • OFFICE: 1625 STATE ST., SUITE 1, SANTA BARBARA, CA 93101 • TEL: 805 966-2758 • FAX: 805 966-2759

000440



Planning & Development Application

Land Use Permit/Coastal Development Permit/ Zoning Clearance/Revision

A LAND USE (LUP)/COASTAL DEVELOPMENT (CDP)/ZONING CLEARANCE (ZCI) or REVISION (RVP) permit is required before using any land or structure or commencing any work to erect, move, alter, enlarge or rebuild any building or structure in the unincorporated area of the County of Santa Barbara. Exemptions from these permits are found in the applicable Ordinance.

REQUIRED FORMS

- Completed Application

- Authorization of Agent form - signed by property owner
[Click to download Authorization of Agent form](#)

- Indemnification Agreement - signed by property owner
[Click to download Indemnification Agreement](#)

- Agreement to Pay form - signed by Financially Responsible Person
[Click to download Agreement to Pay form](#)

REQUIRED PLANS & DOCUMENTS- See page 2

**FOR SOUTH COUNTY SUBMITTALS, PLEASE CALL 568-2090 TO SCHEDULE AN
INTAKE APPOINTMENT**

**FOR NORTH COUNTY SUBMITTALS, PLEASE CALL 934-6250 FOR AN
APPOINTMENT OR WALK-IN AT THE COUNTER BETWEEN 9:00 AND 11:30 A.M.**

<http://www.countyofsb.org/plndev>

SUBMITTAL REQUIREMENTS FOR LUP/CDP/ZCI/REV

Cities Sphere of Influence

Is this site within a city sphere of influence Yes No

If yes, which city? _____

Provide the following:

- | | |
|---|--|
| <input type="checkbox"/> Proof that the project site is a legal lot:
http://surveyor.countyofsb.org/downloads/Parcel_Validity_Review_Form.pdf | <input type="checkbox"/> Certificate of Compliance
<input type="checkbox"/> Lot Line Adjustment
<input type="checkbox"/> Voluntary Merger
<input checked="" type="checkbox"/> Parcel Map or Tract Map |
|---|--|

N/A

- | | |
|--|----------------------------|
| <input type="checkbox"/> 2 Copies of the Site Plan/Topographic Map
Click to download Site Plan and Topographical Map Requirements | FOLDED TO 8½" X 11" |
|--|----------------------------|

N/A

- | | |
|---|----------------------------|
| <input type="checkbox"/> 2 Sets of floor plans and building elevations. | FOLDED TO 8½" X 11" |
|---|----------------------------|

N/A

- 2 Sets of photos taken from three vantage points: **NO BLACK AND WHITE XEROX COPIES**
- close-up
 - mid-field
 - entire project site.

Photos must:

- be mounted on heavy 8 1/2" x 11" paper
- orient the viewer by direction ("looking northwest from...")
- note any landmarks

N/A

- Electronic submittal (all documents and plans)

N/A

- Processing fee(s) - check made payable to Planning & Development or cash. Credit cards are not accepted as a form of payment.
-



Planning & Development Application

Land Use Permit/Coastal Development Permit/ Zoning Clearance/Revision

SITE INFORMATION

Site Address: 1070 Fairway Road

Assessor Parcel No.(s): 009-282-029, & -030 Zone District: _____

Parcel Size: 6.31 acres (Gross) 6.31 acres (Net)

CONTACTS

1. **Financially Responsible Person:** Mimi Do, Music Academy Phone: 805-695-7902

Mailing Address: 1070 Fairway Road, Santa Barbara, CA 93108
Street City State Zip

2. **Property Owner:** Music Academy of the West Phone: 805-969-4726

Mailing Address: 1070 Fairway Road, Santa Barbara, CA 93108 E-mail: SReed@musicacademy.org
Street City State Zip

LLC, LP or Corporation Name and File #: _____

3. **Applicant** (if different than property owner): Heidi Jones, SEPPS Inc. Phone: 805-966-2758 Ext. 117

Mailing Address: 1625 State Street, Suite 1 Santa Barbara, CA 93101 E-mail: heidi@sepps.com
Street City State Zip

LLC, LP or Corporation Name and File #: _____

4. **Agent:** Heidi Jones, SEPPS Inc. Phone: 805-966-2758 Ext. 117

Mailing Address: 1625 State Street, Suite 1 Santa Barbara, CA 93101 E-mail: heidi@sepps.com
Street City State Zip

5. **Arch./Designer:** N/A Phone: _____

Mailing Address: _____ E-mail: _____
Street City State Zip

PROJECT DESCRIPTION SUMMARY (description of all work proposed):

Follow-up CDP to 2021 CUP Revision request.

PARCEL INFORMATION: (Check each that applies. Fill in all blanks or indicate "N/A")

Existing Use: Ag SFD Duplex Multi –Family Commercial Office Indus Vacant

Proposed Use: Ag SFD Duplex Multi –Family Retail Commercial Office Indus

Existing: No. of Buildings N/A Age of Structure(s) N/A No. Res. Units N/A

Proposed: No. of Buildings N/A No. Res. Units N/A

Impervious Surfaces (sq. ft.): Existing N/A Proposed N/A

Landscape (sq. ft.) Existing N/A New _____ Renovated _____ Non-irrigated _____

Parking Spaces: Existing N/A Proposed _____ Handicapped _____ Total _____

Utilities: Water: Public Private **Sewer Disposal:** Public Private

Grading (cu. yd.): Cut N/A Fill _____ Import _____ Export _____

Max % Slope: Parcel N/A Work site _____ **Max Height:** Cut/fill combined slope _____

Retaining wall(s): Yes No **Height** (measured from bottom of footing): N/A

Tree removal: Yes No Species: _____

Vegetation removal: Yes No Sq. ft./acres: _____

Lighting: Is exterior lighting proposed: Yes No

Hillside/Ridgeline (defined as 16 foot drop in elevation within 100 feet of project): Yes No

Creeks, Ponds, Drainages, Water Bodies, Oak or Riparian Habitat within 100 feet: Yes No

CERTIFICATE OF ACCURACY AND COMPLETENESS

Must be signed by the landowner or authorized agent before a permit can be accepted for processing

I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.

Signature authorizes County staff to enter the property described above for the purposes of inspection.

Heidi Jones , Agent, SEPPS, Inc. _____

Circle One: Property Owner Agent

Print Name

Heidi Jones

Signature

8/30/2021 _____

Date



Conditional Use Permit

A CONDITIONAL USE PERMIT (CUP) provides for discretionary review of uses that are essential or desirable but cannot readily be classified as principal permitted uses in individual zone districts.

THIS PACKAGE CONTAINS

- ✓ SUBMITTAL REQUIREMENTS
- ✓ APPLICATION FORM
- ✓ INDEMNIFICATION AGREEMENT

AND, IF ✓'D, ALSO CONTAINS

- AGREEMENT FOR PAYMENT OF PROCESSING FEES
[Click to download Agreement to Pay form](#)
- PLAN AND MAP REQUIREMENTS
[Click to download Site Plan and Topographical Map Requirements](#)
- AGRICULTURAL ACTIVITIES SUPPLEMENT
[Click to download Agricultural Activities Supplement form](#)
- WATER EFFICIENT LANDSCAPE ORDINANCE SUPPLEMENT FORM
[Click to download Water Efficient Landscape Ordinance Supplement Form](#)
- PERMIT COMPLIANCE APPLICATION
[Click to download Permit Compliance Application](#)
- MISSION CANYON SUPPLEMENT
[Click to download Mission Canyon Supplement form](#)
- ORDINANCE 661 INFORMATION
[Click to download Ordinance 661 information](#)
- SIGN PLAN REQUIREMENTS
[Click to download Sign Plan Requirements](#)
- FIRE DEPARTMENT VEGETATION PLAN INFORMATION
[For additional information regarding Fire Department Requirements click here](#)
- STORMWATER CONTROL PLAN
[For project applicability and SCP submittal requirements, click here](#)

South County Office
123 E. Anapamu Street
Santa Barbara, CA 93101
Phone: (805) 568-2000
Fax: (805) 568-2030

North County Office
624 W. Foster Road, Suite C
Santa Maria, CA 93455
Phone: (805) 934-6250
Fax: (805) 934-6258

Website: <http://www.countyofsb.org/plndev/home.sbc>

SUBMITTAL REQUIREMENTS FOR CONDITIONAL USE PERMIT

If this application is for an oil, gas or energy project, please contact the Energy Division of Planning and Development - (805) 568-2000 - for additional submittal requirements.

Military Land Use Compatibility Planning Requirements

Is the site located in an area with any military uses/issues? Yes No

Please review the website to determine applicability. <http://cmluca.gis.ca.gov/>. This requirement applies to all General Plan Actions and Amendments, and Development Projects that meet one or more of the following conditions:

- 1) Is located within 1,000 feet of a military installation,
- 2) Is located within special use airspace, or
- 3) Is located beneath a low-level flight path

Copy of report attached? Yes No

Cities Sphere of Influence

Is the site within a city Sphere of influence?¹ Yes No

If yes, which city? _____

X 11 Copies of completed application form
(if the parcel is currently under AG Preserve Contract, submit 7 additional copies)

X 11 Copies of the Site Plan **Folded To 8-1/2" X 11"**
[Click to download Site Plan and Topographical Map Requirements](#)

N/A 10 Copies of the Topographic Map **Folded To 8-1/2" X 11"**
[Click to download Site Plan and Topographical Map Requirements](#)

N/A 10 Sets of preliminary building elevations **Folded To 8-1/2" X 11"**

N/A 10 Sets of floor plans indicating ground floor area and total floor area of each building folded to 8-1/2" x 11"

N/A 3 Copies of a preliminary/conceptual landscape plan folded to 8-1/2" x 11"

Indicate the acreage/square footage of the following:

- drought tolerant areas
- non-drought tolerant areas
- non-vegetative areas (bark, granite, stone, etc.)

N/A 2 proposed grading and drainage plans folded to 8-1/2" x 11" showing:

- cut and fill calculations
- existing and proposed contour lines
- methods of conveying water off the site.

¹ If additional information is needed regarding location of a City's Sphere of Influence, please contact our zoning information counter.
Updated by SCI 092019

N/A 1 Stormwater Control Plan for Regulated Projects (See Section V)

N/A 2 Copies each: (refer to application)

- ___ existing hydrologic studies
- ___ water well driller's reports
- ___ well pump test reports
- ___ water quality analysis
- ___ percolation tests
- ___ drywell performance tests

N/A 2 Copies of 10 year water use data: (refer to application)

- ___ District/Company meter records for the past 10 years
- ___ pumpage records for the past 10 years

If ten year history is not available, provide available data

X 2 Copies of an 8 1/2" x 11" vicinity map showing project location with respect to identifiable landmarks, roadways, etc.

X 1 Copy of the site plan reduced to 8½"x11"

N/A 2 Sets of photos taken from three vantage points:

- close-up
- mid-field
- entire project site.

NO BLACK AND WHITE XEROX COPIES

The following is also required:

- mount the photos on heavy 8 1/2" x 11" paper
- orient the viewer by direction ("looking northwest from...")
- note any landmarks

N/A 1 Copy of the letter sent to each utility company requesting submission of utility easement requirements to P&D.

N/A 1 Copy of an Intent to Serve or can/will serve letter from an existing water company or district requesting approval for connection. (Developer must furnish the maps for their review). Application cannot be deemed complete without intent to serve or can and will serve letter

N/A 1 Copy of a can/will serve letter from an existing sanitary company or district requesting approval for connection. (Developer must furnish the maps for their review).

N/A 1 Aerial photo(s) of the property and surrounding parcels, when available

N/A 1 For properties in Agricultural Preserve, a list of proposed parcels and their estimated dates of transfer of ownership.

N/A 1 Letter of Authorization from all owners noted in the title report if the subdivider and owner are not the same. Full addresses of all owners must be on the map or Letter of Authorization.
[Click to download Authorization of Agent form](#)

- N/A 1 Title Report must be less than 60 days old.
- X 2 If available, copies of any existing special studies or reports such as archaeological and historical assessments, traffic studies, marketing studies, employee data and noise studies.²
- X 1 Check Payable to Planning & Development.
- X 1 Agreement to Pay Form.
[Click to download Agreement to Pay form](#)
- X 1 Indemnification Agreement

NOTES:

1. If you had a pre-application meeting and submittals were recommended as a result of that meeting, your application may not be called complete until those items are also submitted.

² Will remain confidential (not a part of the public case file) if requested by the applicant.
Updated by SCI 092019



PLANNING & DEVELOPMENT

PERMIT APPLICATION

SITE ADDRESS: 1070 Fairway Rd.

ASSESSOR PARCEL NUMBER: 009-282-029, -030

PARCEL SIZE (acres/sq.ft.): Gross 9.04 acres Net 9.04 acres

COMPREHENSIVE/COASTAL PLAN DESIGNATION: Educational ZONING: 1-E-1

Are there previous permits/applications? no yes numbers: _____
(include permit# & lot # if tract)

Did you have a pre-application? no yes if yes, who was the planner? 90-CP-111 RV01

Are there previous environmental (CEQA) documents? no yes numbers: 03EIR-06

Is this application (potentially) related to cannabis activities? no yes

1. **Financially Responsible Person** Mimi Do, CFO for MAW Phone: 805-969-4726 FAX: _____

(For this project)

Mailing Address: 1070 Fairway Rd. Santa Barbara, CA 93108
Street City State Zip

2. **Owner:** Music Academy of the West Phone: 805-969-4726 FAX: _____

Mailing Address: 1070 Fairway Rd. Santa Barbara, CA 93108 E-mail: SReed@musicacademy.org
Street City State Zip

3. **Agent:** Heidi Jones, Suzanne Elledge (SEPPS, Inc.) Phone: 805-966-2758 FAX: _____
Suzanne@sepps.com

Mailing Address: 1625 State St., Suite 1 Santa Barbara, CA 93101 E-mail: Heidi@sepps.com
Street City State Zip

4. **Arch./Designer:** N/A Phone: _____ FAX: _____

Mailing Address: _____ State/Reg Lic# _____
Street City State Zip

5. **Engineer/Surveyor:** N/A Phone: _____ FAX: _____

Mailing Address: _____ State/Reg Lic# _____
Street City State Zip

6. **Contractor:** N/A Phone: _____ FAX: _____

Mailing Address: _____ State/Reg Lic# _____
Street City State Zip

COUNTY USE ONLY

Case Number: _____ Companion Case Number: _____

Supervisory District: _____ Submittal Date: _____

Applicable Zoning Ordinance: _____ Receipt Number: _____

Project Planner: _____ Accepted for Processing _____

Zoning Designation: _____ Comp. Plan Designation _____

III. GRADING: Will there be any grading associated with the project? Y N

N/A

(NOTE: For proposed access drives over 12% grade, a clearance letter from the Fire Dept. will be required)

CUT _____ cubic yards AMOUNT TO BE EXPORTED _____ c.y.

FILL _____ c.y. AMOUNT TO BE IMPORTED _____ c.y.

MAXIMUM VERTICAL HEIGHT OF CUT SLOPES _____

MAXIMUM VERTICAL HEIGHT OF FILL SLOPES _____

MAXIMUM HEIGHT OF ANY PROPOSED RETAINING WALL(S) _____

TOTAL AREA DISTURBED BY GRADING (sq. ft. or acres) _____

What is the address of the pick-up/deposit site for any excess cut/fill?

Specify the proposed truck haul route to/from this location.

IV. SITE INFORMATION

A. Is this property under an Agricultural Preserve Contract? Y N

B. Describe any unstable soil areas on the site.

C. Name and describe any year round or seasonal creeks, ponds, drainage courses or other water bodies. How is runoff currently conveyed from the site?

D. Has there ever been flooding on the site? Y N
If yes, state the year and describe the effect on the project site.

E. Describe any proposed drainage and/or flood control measures. How will storm water be conveyed across and from the site? Where will storm water discharge?



N/A

F. Will the project require the removal of any trees? Y N
If so, please list them here as requested. Attach additional sheets as necessary.

<u>Type</u>	<u>Diameter (at 4' height)</u>	<u>Height</u>

Explain why it is necessary to remove these trees.

G. Describe any noise sources that currently affect the site.

H. Are there any prehistoric or historic archaeological sites on the property or on neighboring parcels? Y N Unknown
If yes, describe. _____

I. Describe all third party property interests (such as easements, leases, licenses, rights-of-way, fee ownerships or water sharing agreements) affecting the project site, provision of public utilities to the site or drainage off the site.

J. Have you incorporated any measures into your project to mitigate or reduce potential environmental impacts? Y N Unknown If so, list them here. (Examples include tree preservation plans, creek restoration plans, and open space easements.)

V. STORM WATER MANAGEMENT AND APPLICATION OF LOW IMPACT DEVELOPMENT FEATURES

Is the project located in the NPDES Permit Area³? Y N Undetermined

If Yes and 2,500 square feet or more of new or replaced impervious area, the project shall comply with the following:

Tier 1. If the project is 2,500 square feet or more of new or replaced impervious area, submit a *Stormwater Control Plan for Small (Tier 1) Projects*⁷ with this application that identifies Low Impact Development measures incorporated into the project design, such as:

- Limit disturbance of natural drainage features
- Limit clearing, grading, and soil compaction

³ See www.sbprojectcleanwater.org under "Development" for map of the NPDES Permit Area, Stormwater Technical Guide, Stormwater Control Plan template, Stormwater Control Plan for Small (Tier 1) Projects, and Definition of Low Impact Development.

- Minimize impervious surfaces
- Minimize runoff by dispersing runoff to landscape or using permeable pavements

Tier 2. If the project is 5,000 square feet or more of new or replaced “net impervious” area (not Single Family Dwelling), or if the project is Single Family Dwelling with 15,000 square feet or more of new or replaced “net impervious” area, submit a *Stormwater Control Plan* with this application that identifies 1) Low Impact Development measures incorporated into the project design and 2) stormwater quality treatment measures. [“Net impervious” is defined as the sum of new and replaced impervious surface area minus any reduction in impervious, such as new landscaped area. It is an incentive for redevelopment projects to increase pervious area.]

Tier 3. If the project is 15,000 square feet or more of new or replaced impervious area, submit a *Stormwater Control Plan* with this application that identifies the above requirements and also identifies retention of stormwater runoff from a regulated storm event.

If No, the project is not located in the NPDES Permit Area, but is a Regulated Project, the project shall comply with the following:

Regulated Project:

1. Residential subdivision developments with 10 or more dwelling units;
2. Commercial development of 0.5 acres or greater;
3. Parking lots of 5,000 square feet or more or have 25 or more parking spaces and are potentially exposed to storm water runoff;
4. Automotive repair shops;
5. Retail gasoline outlets;
6. Restaurants, and
7. Any new development or redevelopment where imperviousness exceeds one acre.

Water Quality: Submit a *Stormwater Control Plan* with this application that identifies measures to reduce and remove pollutants from storm water runoff. The *Stormwater Control Plan* will follow the Tier 2 approach described in the Stormwater Technical Guide, with storm water treatment, source control, and LID⁴ measures.

VI. ACCESS

A. Describe the existing access road(s) to the site. Include road widths, shoulders, and type of surface material.

B. Does property front on a public street? Y N
 Is access to be taken from this public street? Y N
 Name of public street: _____

C. Will the proposed access utilize an easement across neighboring property? Y* N
 *Submit documentation which supports the applicant's use of this easement.

D. Describe proposed construction equipment access _____

⁴ Low Impact Development is a design approach that minimizes or eliminates pollutants in storm water through natural processes and maintains pre-development hydrologic characteristics, such as flow patterns, onsite retention, and recharge rates. For examples and design guidance see <http://www.sbprojectcleanwater.org>.
 Updated by SCI 092019

VII.DEVELOPMENT AND USE

A. Existing: Describe the existing structures and/or improvements on the site.

<u>Use</u>	<u>Size (sq ft)</u>	<u>Height</u>	<u># of Dwelling Units</u>
<u>Music Academy of the West</u>	<u></u>	<u></u>	<u></u>

B. Proposed: Describe the proposed structures and/or improvements.

<u>Use</u>	<u>Size (sq ft)</u>	<u>Height</u>	<u># of Dwelling Units</u>
<u>N/A</u>	<u></u>	<u></u>	<u></u>

C. Will any structures be demolished or removed? ____ If so, please list them here as requested.

<u>Current Use</u>	<u>Historic Use</u>	<u>Age</u>	<u>Rental Price (if rented)</u>
<u>N/A</u>	<u></u>	<u></u>	<u></u>

D. Describe all other existing uses of the property.

Music Academy of the West

E. How will the project affect the existing uses of the property?

No change

F. Describe any other historic use(s) of the property. This may include agricultural (include crop type), commercial, or residential uses.

N/A

G. Provide a short description of the land uses surrounding the site.

North U.S Highway 101

South Residential

East Residential

West Residential

H. STATISTICS: Mark each section with either the information requested or "n/a" if not applicable.

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>TOTAL</u>
BUILDING COVERAGE	N/A	N/A	N/A
IMPERMEABLE ROADS/PARKING/ WALKWAYS (sq. ft.)			
OPEN SPACE (sq. ft.)			
RECREATION (sq. ft.)			
LANDSCAPING (sq. ft.)			
• New			
• Renovated			
• Nonirrigated			
AGRICULTURAL LANDS (sq. ft.)			
POPULATION (#) (employees/residents)			
DWELLING, HOTEL/MOTEL UNITS			
PARKING (on-site)			
TOTAL # OF SPACES			
# OF COVERED SPACES			
# OF STANDARD SPACES			
SIZE OF COMPACT SPACES	↓	↓	↓

Estimate the cost of development, excluding land costs. N/A

VIII. PARCEL VALIDITY

P&D requires applications for development on vacant, unimproved property to provide clear evidence that the property is a separate legal lot. The following documents that show the subject property in its current configuration constitute acceptable evidence of a separate, legal lot: a recorded Parcel or Final Map, a recorded Official Map, a recorded Certificate of Compliance or Conditional Certificate of Compliance, an approved Lot Line Adjustment, a recorded Reversion to Acreage, a recorded Voluntary Merger or an approved Lot Split Plat.

A. Type of evidence provided to demonstrate a separate, legal lot:

Copy of evidence attached: Yes No

Reference number for evidence supplied: _____

IX. PUBLIC/PRIVATE SERVICES

N/A

A. WATER:

1. If the property is currently served by a private well, submit the following for each well:
 - a. Pumpage records (electrical meter or flow meter readings) for the past 10 years
 - b. Pump test data
 - c. Location of other wells within 500 feet
 - d. Water quality analysis
 - e. Drillers report (with construction details)
 - f. Copy of applicable well sharing agreement
2. Does the well serve other properties? Y N
If yes, address(es): _____
3. Is a well proposed? Y N If so, will it serve other properties? Y N
If yes, address(es): _____
4. If the property is currently served by a private or public water district, submit the following:
 - a. Name: _____
5. Will the project require annexation to a public or private water company? Y N
If yes, name: _____

B. SEWAGE DISPOSAL:

1. Existing: Indicate if the property is currently served by the following:

Yes/No	
a. Septic system*	_____
b. Drywell*	_____
c. Public sewer district	_____ If yes, name: _____

*Submit engineering details on septic tanks and dry wells, as well as calculations for leach field size, where applicable.

2. Proposed: Indicate what sewage disposal services are proposed as part of this project?

a. Septic system*	_____	
b. Drywell*	_____	
c. Public sewer district	_____	District Name: _____

*Submit percolation tests and/or drywell performance tests as applicable.

3. Will the project require annexation to any public sewer district? Y N
Name: _____

C. FIRE PROTECTION

1. Fire protection is (will be) provided by the Montecito Fire Department.
(Montecito, Summerland, S.B. County)

N/A

2. Is there an existing water main infrastructure in the vicinity? Circle one: Yes No

3. How far away is the nearest standard fire hydrant? _____ feet.

4. Is a new fire hydrant proposed? Circle one: Yes No

5. If a new hydrant is proposed, what is the longest driving distance from the proposed hydrant to the proposed building(s)? _____ feet.

6. Will fire protection be provided by an on-site water storage tank? Circle one: Yes No

Tank capacity: _____ gallons

7. What is the driving distance from the water tank to the proposed structure(s)? _____ feet.

8. Is a fire sprinkler system proposed? Yes No Location _____

9. Describe the access for fire trucks. Include width and height clearance for access and surface material.

10. Will hazardous materials be stored or used? Y/N List any hazardous materials which may be used or stored on the site. _____



HAZARDOUS WASTE/MATERIALS

Please read and answer the following questions if, in the known history of the property, there has been any storage (above or underground) or discharge of hazardous materials or if the proposal includes storage, use or discharge of any hazardous material. Hazardous materials include pesticides, herbicides, solvents, oil, fuel, or other flammable liquids. Attach additional sheets if necessary.

N/A

Past & Present:

List any hazardous materials which have been or are currently stored/discharged/produced on the property. Describe their use, storage and method of discharge. Provide dates where possible.

If a characterization study has been prepared, please submit it with this application.

Is the project site on the County Site Mitigation list? Y N Unknown

Is the site on the CA Hazardous Waste and Substances Sites list? Y N Unknown

Proposed Project:

List any hazardous materials proposed to be stored/discharged/produced on the property. Describe the proposed use and method of storage and disposal.

If the proposed project involves use, storage or disposal of any hazardous materials, please contact Environmental Health Services Certified Unified Program Agency (CUPA) at (805) 681-4927 to determine whether additional submittals are required.


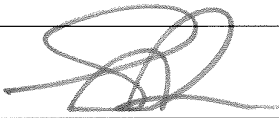



Please include any other information you feel is relevant to this application.

CERTIFICATION OF ACCURACY AND COMPLETENESS: Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.

I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.

Heidi Jones, SEPPS (Agent)	<i>Heidi Jones</i>	5/17/2021
Print name and sign - Applicant		Date
Scott Reed, President & CEO Music Academy of the West		5/17/2021
Print name and sign - Landowner		Date



**The Music Academy of the West
Revised Conditional Use Permit
1070 Fairway Road APN's: 009-282-029 & -030
Project Description**

REQUEST SUMMARY

On behalf of the property owner and project applicant, the Music Academy of the West (MAW), we are requesting a CUP Revision for the approved Master Plan (90-CP-111 RV01) and CDP (07CDP-000018). No physical development is proposed as part of this request.

Please refer to the key objectives outlined below followed by summaries of the technical analyses completed related to traffic, Vehicle Miles Traveled (VMT), and parking as well as an acoustics assessment. The application submittal also includes a redlined CUP for ease in tracking the requested changes. The redlined version contains proposed language reflecting the current request (please see **Attachment A**, *redline and accepted changes version of original CUP*).

KEY OBJECTIVES

After years of working with the County staff, neighbors, and decision makers, the Music Academy of the West (MAW) obtained approval of its most recent Conditional Use Permit (CUP) Revision in 2004. A phased construction of the MAW Master Plan followed this approval with the final phase completed in 2017.

Presently, in 2021, nearly seventeen years after its 2004 CUP was approved, the MAW is seeking to update and simplify the document, and revise several of the CUP conditions to better serve its current and foreseeable needs and create operational flexibility while also maintaining, overall, maximum CUP restrictions set forth in 2004. Further, it is the express intent of the MAW to balance the proposed CUP changes in a manner that results in no new environmental impacts. Thus, where a change is sought to seating in one recital hall, a reduction of seats is proposed in another; where a new activity for public use is proposed, another existing public use is eliminated, and so on.

Since the 2004 CUP approval, the Music Academy has successfully complied with the project conditions of approval, specifically the operational parameters that were established, and it has conducted all required surveys and filed required reports to the County. We are pleased to report that there have been no neighbor complaints filed with the County since the 2004 CUP approval. Please note that two SCD's were approved in 2015 & 2016 (5SCD-00038/15LUP-00220 and 16SCD-00005/16CDP-00046)

related to the Main house landscaping, pavers, doors windows and lighting which do not affect the 2004 Master Plan CUP Conditions of Approval.

Also, since 2004, the MAW has reprogrammed some of its larger events to occur off-site which added multiple performances for thousands of Santa Barbarans in concert series downtown at the Granada and Lobero Theatres along with annual Community Concerts at the Granada Theater, La Playa Stadium, and the Santa Barbara Bowl. These events have mainly occurred on Tuesday and Saturday nights, resulting in having created more MAW events for the community to enjoy without increasing activity on the Miraflores campus.

During the pandemic in 2020-2021, the MAW's *Remote Learning Institute and Innovation* seminars were completely online, with very few administrators on campus during regular business hours. Online activity is anticipated to continue in the future, offering new programming opportunities without increasing physical presence on campus.

Categorized and briefly summarized below are the proposed CUP changes. We have noted each relevant CUP condition of approval (COA). For further detail, please refer to the enclosed red-lined mark-up of the CUP that reflects the changes proposed by the MAW.

Simplify Operations and Add Flexibility

Hahn Hall Seating Capacity

(COA #1 (Project Description) & COA #48¹)

The seating capacity in Hahn Hall is currently limited to 300 fixed seats with the ability to set up an additional 50 temporary seats during the summer. The MAW would like to eliminate having to set up temporary seats in the summer and proposes to add 50 permanent seats to Hahn Hall, allowing a maximum seating capacity of 350 seats. As required under the 2004 CUP, 330 seats would continue to be the maximum available to the public and the 20 remaining seats would continue to be used by students, staff and volunteers.

To offset this increase in permanent seats within Hahn Hall, the MAW proposes to decrease an equal number of seats in Yzurdiaga Hall (formerly Stewart Hall) from 92 to 42. It is important to emphasize that not only does the overall seat count remain the same as existing, there is no change proposed to the maximum annual attendance permitted to attend events at the MAW (47,000).

Any Given Time – Public Attendance Limitation

(COA #1 (Project Description) & COA #28)

The MAW is requesting an increase to the "any given time" restriction of maximum public attendance from 330 to 410. This would allow more than one public event in a location other than Hahn Hall (350). Again, there is no change proposed to the maximum annual attendance of 47,000 members of the public/year.

¹ All Condition References are to existing/original CUP document

Seminars and Meetings

(COA #1 (Project Description) & COA #38)

The current CUP limits attendance at meetings and seminars to 175 participants per activity/event. The MAW proposes that this be increased to 350 consistent with the maximum seating capacity in Hahn Hall. Again, while an increase in attendance at individual events is proposed, the MAW is not proposing to increase the annual maximum attendance of 47,000.

Flexible Annual Public Attendance CAP instead of Seasonal Caps

(COA #1 (Project Description))

In order to provide scheduling flexibility throughout the year the Music Academy proposes to simplify the public attendance cap by replacing the seasonal caps of "summer" (22,000) and "non-summer" (25,000) with one annual cap of the same number (47,000).

Change Reporting Requirements from Biannual to Annual

(COA #34)

The MAW is not seeking to change what it is required to track and report to the County just to reduce its frequency from twice a year to once a year.

Increase Seminar & Meeting Participants

(COA #1 (Project Description) & COA #16)

In concert with the proposed Hahn Hall seating capacity update, the Music Academy proposes an increase to the total number of participants for meetings and seminars from 175 to 350. The annual total number of meetings and seminars will remain capped at 41 events annually and the annual maximum would remain the same as existing.

Increase Student Parking

(COA #49)

Currently the CUP restricts the number of parking spaces reserved for students to 10. The MAW proposes to increase this to 20 spaces to provide additional flexibility to students and reduce bus traffic without negatively impacting on-site parking availability.

Student Population

(COA #1 (Project Description))

Allow an increase in Instructional Student population from 150 to 175 students.

Proposed Uses

Reintroduce Significant Life Events and Repurpose the Treasure House & The Rack Resale Shop Uses for Mission Driven Activities

(COA #1 (Project Description) and COA's: #26 & #32)

For many decades the MAW served as a community wedding and event venue. During the processing of the 2004 CUP, the MAW offered to eliminate weddings, while maintaining other events for community nonprofits and businesses. The MAW has experienced ongoing and steadfast interest from the community to once again make its beautiful campus available for such uses. This community interest reflects a potentially meaningful and sustainable income source to support its educational programs. Stable income is always important to non-profit educational and cultural

institutions, particularly in the midst and aftermath of a global pandemic. Restrictions to the number of these events, location, frequency, maximum attendance, hours and other protocols are detailed in the red-lined CUP (See COA #1, Project Description, attached).

The MAW truly welcomes the opportunity to offer its campus to community use for significant life events (weddings, memorial services, quinceañeras, bridal/baby showers, etc.). To offset this proposed public use, the MAW will discontinue its resale shops uses (The Treasure House & The Rack) which are currently allowed to operate six days per week from 12:00 pm to 3:00 pm, and repurpose these spaces for MAW mission-driven activities such as guest artist accommodations and rehearsal space, significant life event preparation space, and residential use for alumni, faculty members, local organizations and community use. The Academy has made a commitment with local performing arts organizations such as the Santa Barbara Symphony to share this valuable resource.

The proposed residential component reintroduces the historical uses of these buildings and does not result in an intensification of use. It is anticipated that the residential component would be utilized in the summer months for 8-10 weeks for Festival-related personnel. In non-summer months, durations of stay may range from 1-night to 30-days at a time, and with a 1-4-person maximum occupancy for The Rack, and 1-2-person maximum occupancy for the Treasure House. This request further supports the fiscal health of the MAW in generating revenue and off-setting rental expenses otherwise paid for by the MAW for off-site rentals for guest artists, alumni, and faculty members.

Proposed Caretaker Residence Use Flexibility
(COA #1 (Project Description))

The MAW requests flexibility in the prescribed use of the "caretaker" residential unit in order to provide the opportunity for other types of MAW employees to occupy the onsite residence located east of the Treasure House.

Proposed Storage Building Use Flexibility
(COA #1 (Project Description))

The existing 1,380 sq. ft. storage building, constructed during the Master Plan build-out, and located between the Treasure House and Rack was initially purposed for storage uses associated with the retail shops. With the proposed repurposing of those spaces, the MAW requests flexibility for that storage space use to allow for future use for MAW administrative offices. No intensification of use, increase in staff, or change in allowed populations is proposed with this change. In addition, no added square footage or changes to the exiting configuration or footprint of this structure is proposed.

Proposed Outdoor Sound
(COA #1 (Project Description) & COA #55)

With the proposed significant life events, the Music Academy would like to have outdoor amplified spoken word and unamplified/acoustic music in the following areas: Lind Patio, Kuehn Court, Kinneer Fountain, Bock Garden/Williams Garden, Holden Encore Society Garden/Presidents Garden, Anne's Garden and Towbes Court. This change would increase the total allowances of use of the amplified spoken voice from

twice a year to seventeen times per year to capture the SLE uses. The SLE may occur in seven outdoor areas and event durations consistent with the recommendations outlined below from the acoustical assessment. Amplified music would be allowed only indoors as per the current CUP guidelines.

Public Use of Studios for Other Artistic and Wellness Endeavors

(COA #1 (Project Description) & COA #47)

In addition to music practice and recordings for community members, the MAW requests that public use of the studio spaces for other artistic and wellness purposes (dance, yoga, meditation, visual and performing arts, etc.) be allowed in the revised CUP.

The foregoing proposed changes to uses allowed at the MAW better support the institution and the local community without increasing annual attendance. Further by stabilizing and optimizing revenue stream, the MAW is able to reduce pressure on the philanthropic community and keep ticket prices lower for audiences.

Augment Safety and Security Lighting

(CUP Condition #4)

The MAW proposes to augment existing safety and security lighting on campus in compliance with current CUP lighting requirements.

Conditions that Need to be Updated

CTRP Conditions (CUP Condition #30 through #33)

The current CUP contains conditions of approval that require implementation of a Cut-Through Reduction Plan (CTRP) to discourage members of the public who are not visiting the MAW campus from "cutting through" the campus in their vehicles. Pursuant to the required review by MPC, a decision was made in 2009 to discontinue reporting as the MPC found the Interim CTRP condition was satisfied with Phase I Occupancy and the Phase I CTRP reporting. Therefore, this condition should be revised to reflect the gate closure program that was approved to replace the CTRP.

Building Names, References to Cate School Need to be Updated

Since 2004 there have been a number of changes to the names of on-campus buildings referenced in the CUP. Additionally, the CUP refers to Cate School as the location where MAW students reside off-site and since 2016 students have resided at Westmont College. To avoid confusion, the CUP should be updated to reflect these changes.

TECHNICAL STUDIES

Traffic, Parking and VMT Analysis

Associated Transportation Engineers (ATE) prepared the enclosed traffic, parking and VMT Analysis for the project, **Attachment B**. The report analyzes the County zoning ordinance parking requirements and project trip generation estimates for County review.

Project Trip Generation

The revised project is anticipated to generate 39 Average Daily Trips (ADT), 4 A.M. peak our trips (PHT) and 4 P.M. PHT during the summer months when the MAW is in session. The study area roadways currently operate at volumes acceptable to the County's carrying capacity and the proposed additions would not cause an exceedance of adopted capacities. The project would not generate impacts or be inconsistent with the City or County of Santa Barbara's transportation traffic operations policies. Further, the project would add less than significant traffic increases at the key intersections in the City of Santa Barbara (Hot Springs Rd./U.S. 101 and Olive Mill Rd./U.S. 101).

Parking

The MAW currently has 275 marked and 18 stacked parking spaces, for a total of 293 spaces. The proposed project would increase parking demand on campus. The baseline parking data indicates that existing peak demand levels range from 107 to 242 spaces during the peak summer concert and masterclass events resulting in 51 to 186 reserve spaces available which could accommodate the additional 50 parking space demand required by the proposed CUP Revision changes.

VMT Analysis

Based on the new Santa Barbara County Transportation analysis guidelines, ATE's report concludes the proposed project meets the applicable screening criteria and would have a less than significant impact. Based on the screening categories, additional VMT analysis is not required. Please see the enclosed ATE report dated 5/12/2021, for additional information.

Acoustics Analysis

45dB Acoustics prepared the enclosed acoustics analysis, **Attachment C**, for the seven outdoor areas proposed for significant life event use (with amplified spoken voice and non-amplified acoustic music), see Figure 1:

- Zone 1: Anne's Garden
- Zone 2/2/5: Holden Encore Society Garden/Presidents Garden
- Zone 3/4: Bock Garden/Williams Garden
- Zone 5: Kuehn Court
- Zone 7: Towbes Court
- Zone 9: Lind Patio
- Zone 11: Kinnear Fountain

The assessment considers the proposed noise sources, topography, the layout of the physical environment as well as fundamental vibration and noise considerations. Federal, State, and local regulations specific to sound were analyzed and the report concludes that the proposed outdoor acoustics will not exceed CNEL levels above 65 dB(A) beyond the site's property lines, and is therefore consistent with the parameters of the County's Environmental Thresholds Manual. The proposed outdoor acoustics are consistent with Santa Barbara County's Code of Ordinances (Section 40-2). It is recommended that the

proposed sounds in association with all Zones comply with the hourly limitations (3 hours at the Kinnear fountain or in the Bock and Williams Gardens and 2 hours or less at Ann's Garden and Kuehn court with no use of horns or drums) to conform to CEQA guidelines. Please see the enclosed report dated 9/1/2021 for additional information.

Management of Acoustic Levels

The Music Academy proposes to follow the recommended self-management strategies outlined by 45dB Acoustics as to limit durations of sounds to 2 hours or less in Zone 1, 3, 4, 5 & 11 and ensure acoustic music does not include horns or drums in locations 3, 4, & 11 without monitoring. Acoustic music and amplified spoken voice would be prohibited past 10:00 p.m. Further, the MAW will designate and train a staff person to monitor events with acoustic music and/or amplified voice and make any necessary adjustments based on reasonable judgment and good neighbor practices.

The events in the Zones 1, 3, 4, 5 & 11 will be self-monitored utilizing one of the methods outlined in the analysis, likely the "Audio Tools" app. and associated external microphone. PA systems will be directed towards events and away from neighbors whenever and wherever possible and a staff contact will be assigned as a designated point-of-contact.

NEIGHBOR INQUIRY REGARDING EUCALYPTUS TREES

A neighbor has requested the MAW explore the removal of three (3) existing Eucalyptus trees located near the south east corner of the MAW property. Please refer to the enclosed CUP Master Plan project plans, and, **Attachment D** (Google Street View images, aerial imagery mark-up) for reference. The neighbor has concerns that these trees create a fire hazard and has requested they be removed. The MAW understands the General Plan and Community Plan ESHA and Monarch Butterfly mapped designations, and, in an effort to accommodate this request, we ask for the County to advise on the feasibility and describe options to pursue this specific request.

CONCLUSION

The MAW has conducted neighborhood outreach, meetings with individual households and the adjacent homeowners' association in addition to hosting a neighborhood meeting in September 2021 to discuss the proposed CUP Revision. A number of suggestions were made (such as using smaller buses to transport students to and from Westmont and making sure signage related to reducing cut through traffic is unobstructed by vegetation) that are not directly related to the proposed changes and the MAW is currently acting upon these in good faith. Some neighbors also wanted to obtain copies of the CUP application revision documents and provided their email addresses so we could provide them with a link to the application package upon submittal.

We look forward to working collaboratively with the County of Santa Barbara to accomplish these needed updates. Please feel free to contact Heidi Jones, or Suzanne Elledge with any questions. We can be reached via email at Heidi@sepps.com and Suzanne@sepps.com.

Attachments:

- A: *Redlined CUP Condition of Approval (90-CP-111 RV01)*
- B: *ATE Traffic, Parking and VMT Analysis dated 5/12/2021*
- C: *45dB Acoustics Assessment dated 9/1/2021*
- D: *Google Earth Imagery and Photographs of Eucalyptus trees*



County of Santa Barbara Planning and Development

Lisa Plowman, Director

Jeff Wilson, Assistant Director

Elise Dale, Assistant Director

August 5, 2022

Heidi Jones

SEPPS

1625 State Street, Suite 1

Santa Barbara, CA 93101

heidi@sepps.com

RE: Determination of Application Completeness
Case Nos. 21RVP-00000-00109 and 21CDP-00000-00129
APN 009-282-028 and -030

Dear Ms. Jones:

Thank you for the July 6, 2022 resubmittal for the Music Academy of the West (MAW) Conditional Use Permit (CUP) Revision (RVP) project. Planning and Development (P&D) reviewed your application and found it to be complete for processing.

P&D will immediately begin review of your project to determine the appropriate level of environmental review under the California Environmental Quality Act (CEQA) and the Santa Barbara County Guidelines for Implementation of CEQA. P&D will begin an evaluation of the proposed project's consistency with applicable State and County regulations and conduct a more detailed analysis of its environmental impacts as necessary. Please note that during the review of your project, additional information may be requested in order to complete our analysis and make the necessary findings for approval.

The length of time P&D will need to process the proposed project will vary and is dependent on the type of environmental document that is required pursuant to CEQA. In general, the Department's goal is to complete reviews for projects that are exempt from CEQA within four months and those requiring a Negative Declaration within approximately six months. Please note that any delays as a result of CEQA-required environmental review, or if your project requires plan revisions, will cause the tentative hearing schedule to shift accordingly. If P&D determines that the length of processing or hearing date will change, you will be advised accordingly.

Our review is based on the following project description:

123 E. Anapamu Street, Santa Barbara, CA 93101 • Phone: (805) 568-2000 • FAX: (805) 568-2030
624 W. Foster Road, Santa Maria, CA 93455 • Phone: (805) 934-6250 • FAX: (805) 934-6258
www.sbcountyplanning.org

000469

The project is for a revision to 90-CP-111 to allow the following project components associated with the MAW Master Plan:

- **Increase the maximum seating capacity in Hahn Hall from 300 permanent seats and 50 temporary seats during the summer to 350 permanent seats year-round. As required under the CUP, 330 seats will continue to be the maximum available to the public and the 20 remaining seats will continue to be used by students, staff, and volunteers.**
- **Decrease the permanent seats in Yzurdiaga Hall (formerly Stewart Hall) from 92 to 42 seats.**
- **Increase the maximum “any given time” public attendance from 330 to 410 people. This would allow more than one public event in a location other than Hahn Hall (350 seats).**
- **Increase the attendance cap for meetings and seminars from 175 to 350 participants per event.**
- **Replace the seasonal caps of “summer” (22,000 people) and “non-summer” (25,000 people) with one annual cap of the same number (47,000 people).**
- **Change reporting requirements from biannual to annual.**
- **Increase the number of parking spaces available to students from 10 to 20 spaces.**
- **Increase in instructional student population from 150 to 175 students.**
- **Change in use to allow MAW operation as a venue for weddings and other special events known as Significant Life Events (SLE).**
- **Change in use to discontinue operation of retail shops (The Treasure House and the Rack) and allow residential use of these spaces for alumni, faculty members, local organizations, guest artists and other community-related uses such as rehearsal space and significant life event preparation space.**
- **Change in use to allow “caretaker” residential unit to be used by other MAW employees.**
- **Change in use to convert existing storage building to administrative office.**
- **Allow outdoor amplified spoken word and unamplified/acoustic music associated with SLE in the following areas: Lind Patio, Kuehn Court, Kinnear Fountain, Bock Garden/Williams Garden, Holden Encore Society Garden/Presidents Garden, Anne’s Garden, and Towbes Court.**
- **Increase the total allowances of use of the amplified spoken voice associated with SLE from twice a year to seventeen times per year.**
- **Allow SLE in seven outdoor areas and event durations consistent with the proposed self-management recommendations outlined below:**
 - **At Zones 1, 3, 4, and 5, i.e., areas near the southern property lines: not more than two total hours of acoustic music programming, and/or amplified spoken voice.**
 - **At Zones 2, 2.5, 7, and 9: Not more than four total hours of acoustic music programming/or amplified spoken voice.**
 - **PA systems be pointed away from neighbors whenever and wherever possible.**
 - **SLE only to occur within the hours of 9AM to 9PM.**
 - **A MAW staff member to be designated as a point-of-contact for any potential neighbor concerns.**

- **Modification in community use of the studio spaces to allow other art- and wellness-related uses, including dance, yoga, meditation, visual and performing arts, etc.**
- **Updates to conditions of approval related to Cut-Through Reduction Plan (CTRP), for which reporting requirements were discontinued as of 2009. The CTRP Condition would be revised to reflect the gate closure program that was approved to replace the CTRP.**
- **Updates to several references to MAW campus building names.**

The project does not propose any change to the maximum annual attendance of 47,000 people. No grading is proposed as part of the project. No physical development is proposed as part of the CUP Revision. The parcel will continue to be served by the Montecito Water District, the Montecito Sanitary District, and the Montecito Fire Protection District. Access will continue to be provided off of Fairway Drive. The property is a 2.77-acre parcel zoned 1-E-1 and shown as Assessor's Parcel Number 009-282-029 and -030, located at 1070 Fairway Drive in the Montecito Community Plan Area, First Supervisorial District.

Please review this description carefully. If you believe the project description is incorrect or does not include components that you intend to include as part of the project, please contact us immediately. Further review of the project will be limited to this project description unless you provide us with corrections within five (5) days of receipt of this letter. We reserve the right to request additional information to clarify any changes or additions that are made to the project description in response to this letter, as our completeness determination is based upon the material provided with your application.

Advisory Information

Based on our preliminary review of your application, we offer the following advisory statements:

1. **Subdivision/Development Review Committee.** This project will be scheduled at an upcoming Subdivision/Development Review Committee (SDRC) hearing. Any comments or requests for additional information will be forwarded to the agent at the time they are received.
2. **Development Impact Mitigation Fees.** Your project, if approved, may be subject to the payment of development impact mitigation fees. The total amount of fees will be estimated during the processing of this application. If you feel that the project should not be subject to such fees, based on the absence of a reasonable relationship between the impacts of the proposed project and the fee category for which fees have been assessed, you may appeal to the Board of Supervisors for a reduction, adjustment or waiver of any of those fees. An appeal must be made in writing and must state the factual basis on which the particular fee or fees should be reduced, adjusted or waived. The appeal must be submitted to the director(s) of the relevant departments within 15 calendar days following approval of the project.

3. Advisory on Fees

If your project requires an environmental document, you will be charged for time spent by staff preparing the document. If an EIR is required and an outside consultant is required to prepare the EIR, the County will work with you to select a private consulting firm to prepare the document. The applicant is responsible for paying all consultant and staff costs associated with the EIR preparation.

Effective January 1, 2007, all environmental documents must be sent to the Department of Fish and Game for review and comment. The Department of Fish and Game charges a filing fee pursuant to Section 711.4 of the California Fish and Game Code. These fees shall be paid at the end of the environmental review process prior to filing the Notice of Determination. Furthermore, pursuant to Section 711.4(c)(3) of the Fish and Game Code, "no project shall be operative, vested or final, nor shall local government permits for the project be valid until the filing fees required pursuant to this section are paid."

Additionally, effective July 5, 2018, County Clerk of the Board charges an Administrative Handling Fee for all environmental document filings including Notice of Exemptions and Notice of Determinations. Please refer to the Clerk of the Board's website for the most up-to-date fees (<http://countyofsb.org/ceo/cob/ceqa.sbc>). This fee shall be paid at the time the document is filed with the Clerk of the Board.

All of the information and advisories contained in this letter are based on the current project description as provided above. Please be aware that substantial changes to your project may affect the time estimates, fees, and levels of review outlined in this letter.

If you have any questions regarding this letter, please call me at (805) 568-2081 or email me at conners@countyofsb.org

Sincerely,

Steve Conner

Steve Conner, Development Review Division
Planning and Development Department
County of Santa Barbara
123 E. Anapamu St., Santa Barbara, CA 93101

cc: Case File



DATE: 6 July 2022

TO: Mr. Steve Conner
County of Santa Barbara
Planning & Development
123 E. Anapamu St.
Santa Barbara, CA 93101

VIA: Electronic Submittal

PURPOSE: For processing

SUBJECT: **Music Academy of the West - CUP Revision, 1070 Fairway Drive
Response to Incompleteness #2**
Case Nos. 21RVP-00000-00109 and 21CDP-00000-00129
APN 009-282-029 and -030

ENCLOSED IS THE FOLLOWING:

- One (1) Copy of County Incompleteness letter dated 4/26/22
- One (1) Applicant Response letter to Incomplete #2
- One (1) Updated Project Description/Applicant Letter
- One (1) Copy of Prior ATE and 45dB Acoustics Reports
- One (1) Copy of Updated ATE and 45dB Acoustics reports/letters (EIR related)
- One (1) MAW Building Name Summary Table
- One (1) Updated MAW Redlined CUP Document (reference Word and .pdf)
- One (1) Copy of CUP Approved Project Plans (for reference)

COMMENTS: If you have any questions or require additional information, please contact our office at 966-2758.

Sincerely,

SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES, INC.

A handwritten signature in black ink that reads "Heidi Jones".

Heidi Jones, AICP
Senior Planner

Cc: Music Academy of the West



**The Music Academy of the West
Revised Conditional Use Permit
1070 Fairway Road APN's: 009-282-029 & -030
UPDATED Project Description**

REQUEST SUMMARY

On behalf of the property owner and project applicant, the Music Academy of the West (MAW), we are requesting a CUP Revision for the approved Master Plan (90-CP-111 RV01) and CDP (07CDP-000018). No physical development is proposed as part of this request.

Please refer to the key objectives outlined below followed by summaries of the technical analyses completed related to traffic, Vehicle Miles Traveled (VMT), and parking as well as an acoustics assessment. The application submittal also includes a redlined CUP for ease in tracking the requested changes and how the language in the existing conditions of approval might change to facilitate this request (please see **Attachment A**, *redline and accepted changes version of original CUP*).

KEY OBJECTIVES

After years of working with the County staff, neighbors, and decision makers, the Music Academy of the West (MAW) obtained approval of its most recent Conditional Use Permit (CUP) Revision in 2004. A phased construction of the MAW Master Plan followed this approval with the final phase completed in 2017.

Presently, in 2021, nearly seventeen years after its 2004 CUP was approved, the MAW is seeking to update and simplify the document, and revise several of the CUP conditions to better serve its current and foreseeable needs and create operational flexibility while also maintaining, overall, maximum CUP restrictions set forth in 2004. Further, it is the express intent of the MAW to balance the proposed CUP changes in a manner that results in no new environmental impacts. Thus, where a change is sought to seating in one recital hall, a reduction of seats is proposed in another; where a new activity for public use is proposed, another existing public use is eliminated, and so on.

Since the 2004 CUP approval, the Music Academy has successfully complied with the project conditions of approval, specifically the operational parameters that were established, and it has conducted all required surveys and filed required reports to the County. We are pleased to report that there have been no neighbor complaints filed with the County since the 2004 CUP approval. Please note that two SCD's were approved in 2015 & 2016 (5SCD-00038/15LUP-00220 and 16SCD-00005/16CDP-00046)

related to the Main house landscaping, pavers, doors windows and lighting which do not affect the 2004 Master Plan CUP Conditions of Approval.

Also, since 2004, the MAW has reprogrammed some of its larger events to occur off-site which added multiple performances for thousands of Santa Barbarans in concert series downtown at the Granada and Lobero Theatres along with annual Community Concerts at the Granada, La Playa Stadium, and the Santa Barbara Bowl. These events have mainly occurred on Tuesday and Saturday nights, resulting in having created more MAW events for the community to enjoy without increasing activity on the Miraflores campus.

During the pandemic in 2020-2021, the MAW's *Remote Learning Institute and Innovation* seminars were completely online, with very few administrators on campus during regular business hours. Online activity is anticipated to continue in the future, offering new programming opportunities without increasing physical presence on campus.

Categorized and briefly summarized below are the proposed CUP changes. We have noted each relevant CUP condition of approval (COA). For further detail, please refer to the enclosed red-lined mark-up of the CUP that reflects the changes proposed by the MAW.

Simplify Operations and Add Flexibility

Hahn Hall Seating Capacity

(COA #1 (Project Description) & COA #48¹)

The seating capacity in Hahn Hall is currently limited to 300 fixed seats with the ability to set up an additional 50 temporary seats during the summer. The MAW would like to eliminate having to set up temporary seats in the summer and proposes to add 50 permanent seats to Hahn Hall, allowing a maximum seating capacity of 350 seats. As required under the 2004 CUP, 330 seats would continue to be the maximum available to the public and the 20 remaining seats would continue to be used by students, staff and volunteers.

To offset this increase in permanent seats within Hahn Hall, the MAW proposes to decrease an equal number of seats in Yzardiaga Hall (formerly Stewart Hall) from 92 to 42. It is important to emphasize that not only does the overall seat count remain the same as existing, there is no change proposed to the annual (47,000) members of the public permitted to attend events at the MAW.

Any Given Time – Public Attendance Limitation

(COA #1 (Project Description) & COA #28)

The MAW is requesting an increase to the "any given time" restriction of maximum public attendance from 330 to 410. This would allow more than one public event in a location other than Hahn Hall (350). There is no change proposed to the maximum annual attendance of 47,000 members of the public/year.

¹ All Condition References are to existing/original CUP document

Seminars and Meetings

(COA #1 (Project Description) & COA #38)

The current CUP limits attendance at meetings and seminars to 175 participants per activity/event. The MAW proposes that this be increased to 350 consistent with the maximum seating capacity in Hahn Hall. Again, while an increase in attendance at individual events is proposed, the MAW is not proposing to increase the annual maximum attendance of 47,000.

Flexible Annual Public Attendance CAP instead of Seasonal Caps

(COA #1 (Project Description))

In order to provide scheduling flexibility throughout the year the Music Academy proposes to simplify the public attendance cap by replacing the seasonal caps of "summer" (22,000) and "non-summer" (25,000) with one annual cap of the same number (47,000).

Change Reporting Requirements from Biannual to Annual

(COA #34)

The MAW is not seeking to change what it is required to track and report to the County just to reduce its frequency from twice a year to once a year.

Increase Seminar & Meeting Participants

(COA #1 (Project Description) & COA #16)

In concert with the proposed Hahn Hall seating capacity update, the Music Academy proposes an increase to the total number of participants for meetings and seminars from 175 to 350. The annual total number of meetings and seminars will remain capped at 41 events annually and the annual maximum would remain the same as existing.

Increase Student Parking

(COA #49)

Currently the CUP restricts the number of parking spaces reserved for students to 10. The MAW proposes to increase this to 20 spaces to provide additional flexibility to students and reduce bus traffic without negatively impacting on-site parking availability.

Student Population

(COA #1 (Project Description))

Allow an increase in Instructional Student population from 150 to 175 students.

Proposed Uses

Reintroduce Significant Life Events and Repurpose the Treasure House & The Rack Resale Shop Uses for Mission Driven Activities

(COA #1 (Project Description) and COA's: #26 & #32)

For many decades the MAW served as a community wedding and event venue. During the processing of the 2004 CUP, the MAW offered to eliminate weddings, while maintaining other events for community nonprofits and business. The MAW has experienced ongoing and steadfast interest from the community to once again make its beautiful campus available for such use. The significant interest in having the MAW

available for such use reflects a potentially meaningful and reliable income source to support its educational program. Stable income is always important to non-profit educational and cultural institutions and particularly so in the midst and aftermath of a global pandemic. Restrictions to the number of these events, location, frequency, maximum attendance, hours and other protocols are detailed in the red-lined CUP (See COA #1, Project Description, attached).

The MAW truly welcomes the opportunity to offer its campus to community use for significant life events (weddings, memorial services, quinceaneras, bridal/baby showers and other individual private parties). To offset this proposed public use, the MAW will discontinue its resale shops uses (The Treasure House & The Rack) which are currently allowed to operate six days per week from 12:00 pm to 3:00 pm, and repurpose these spaces for MAW mission-driven activities such as guest artist accommodations and rehearsal space, significant life event preparation space, and residential use for alumni, faculty members, local organizations and community use. The Academy has made a commitment with local performing arts organizations such as the Santa Barbara Symphony to share this valuable resource.

The proposed residential component reintroduces the historical uses of these buildings and does not result in an intensification of use. It is anticipated that the residential component would be utilized in the summer months for 8-10 weeks for Festival-related personnel. In non-summer months, durations of stay may range from 1-night to 30-days at a time, and with a 1-4-person maximum occupancy for The Rack, and 1-2-person maximum occupancy for the Treasure House. This request further supports the fiscal health of the MAW in generating revenue and off-setting rental expenses otherwise paid for off-site rentals for MAW guest artists, alumni, and faculty members.

Proposed Caretaker Residence Use Flexibility

(COA #1 (Project Description))

The MAW requests flexibility in the prescribed use of the "caretaker" residential unit in order to provide the opportunity for other MAW employees to occupy the onsite residence located east of the Treasure House.

Proposed Storage Building Use Flexibility

(COA #1 (Project Description))

The existing 1,380 sq. ft. storage building, constructed during the Master Plan build-out, and located west of the Treasure House and Rack was initially purposed for storage uses associated with the retail shops. With the proposed repurposing of those spaces, the MAW requests flexibility for that storage space use to allow for future use for MAW administrative offices. No intensification of use, increase in staff, or change in allowed populations is proposed with this change. In addition, no added square footage or changes to the exiting configuration or footprint of this structure is proposed.

Proposed Outdoor Sound

(COA #1 (Project Description) & COA #55)

With the proposed Significant Life Events (SLE), the Music Academy would like to have outdoor amplified spoken word and unamplified/acoustic music in the following areas: Lind Patio, Kuehn Court, Kinneer Fountain, Bock Garden/Williams Garden, Holden

Encore Society Garden/Presidents Garden, Anne's Garden and Towbes Court. This change would increase the total allowances of use of the amplified spoken voice from twice a year to seventeen times per year to capture the SLE uses. The SLE may occur in seven outdoor areas and event durations consistent with the proposed self-management recommendations outlined below from the acoustical assessment. Amplified music would be allowed only indoors as per the current CUP guidelines.

Proposed MAW Acoustics Self-Management

Self-Management Components

- a) **At Zones 1, 3, 4, and 5, i.e., areas near the southern property lines:** not more than two total hours of acoustic music programming, and/or amplified spoken voice
- b) **At Zones 2/2.5, 7, and 9:** Not more than four total hours of acoustic music programming /or amplified spoken voice
- c) PA systems be pointed away from neighbors whenever and wherever possible;
- d) only to occur within the hours of 9am to 9pm;
- e) a MAW staff member to be designated as a point-of-contact for any potential neighbor concerns

Public Use of Studios for Other Artistic and Wellness Endeavors

(COA #1 (Project Description) & COA #47)

In addition to music practice and recordings for community members, the MAW requests that public use of the studio spaces for other artistic and wellness purposes (dance, yoga, meditation, visual and performing arts, etc.) be allowed in the revised CUP.

Please note: the current CUP contains the statement:

Existing audience attendance in the non-summer season has been reduced under this permit to provide assurance to the community that the Academy does not become a commercial endeavor.

The foregoing proposed changes to uses allowed at the MAW better support the institution and the local community without increasing annual attendance. Further by stabilizing and optimizing revenue stream, the MAW is able to reduce pressure on the philanthropic community and keep ticket prices lower for audiences.

Conditions that Need to be Updated

CTRP Conditions (CUP Condition #30 through #33)

The current CUP contains conditions of approval that require implementation of a Cut-Through Reduction Plan (CTRP) to discourage members of the public who are not visiting the MAW campus from "cutting through" the campus in their vehicles. Pursuant to the required review by MPC, a decision was made in 2009 to discontinue reporting as the MPC found the Interim CTRP condition was satisfied with Phase I Occupancy and the Phase I CTRP reporting. Therefore, this condition should be revised to reflect the gate closure program that was approved to replace the CTRP. It is expected that with implementation of a final gate closure program and closure of resale shops, cut-through traffic will be insignificant.

Building Names, References to Cate School Need to be Updated

Since 2004 there have been a number of changes to the names of on-campus buildings referenced in the CUP. Additionally, the CUP refers to Cate School as the location where MAW students reside off-site and since 2016 students have resided at Westmont College. To avoid confusion, the CUP should be updated to reflect these changes. Please see the enclosed Building Summary table for reference.

TECHNICAL STUDIES

Traffic, Parking and VMT Analysis

Associated Transportation Engineers (ATE) prepared the enclosed traffic, parking and VMT Analysis for the project, **Attachment B**. The report analyzes the County zoning ordinance parking requirements and project trip generation estimates for County review.

Project Trip Generation

The revised project is anticipated to generate 39 Average Daily Trips (ADT), 4 A.M. peak our trips (PHT) and 4 P.M. PHT during the summer months when the MAW is in session. The study area roadways currently operate at volumes acceptable to the County's carrying capacity and the proposed additions would not cause an exceedance of adopted capacities. The project would not generate impacts or be inconsistent with the City or County of Santa Barbara's transportation traffic operations policies. Further, the project would add less than significant traffic increases at the key intersections in the City of Santa Barbara (Hot Springs Rd./U.S. 101 and Olive Mill Rd./U.S. 101).

Parking

The MAW currently has 275 marked and 18 stacked parking spaces, for a total of 293 spaces. The proposed project would increase parking demand on campus. The baseline parking data indicates that existing peak demand levels range from 107 to 242 spaces during the peak summer concert and masterclass events resulting in 51 to 186 reserve spaces available which could accommodate the additional 50 parking space demand required by the proposed CUP Revision changes.

VMT Analysis

Based on the new Santa Barbara County Transportation analysis guidelines, ATE's report concludes the proposed project meets the applicable screening criteria and would have a less than significant impact. Based on the screening categories, additional VMT analysis is not required. Please see the enclosed ATE report dated 5/12/2021, for additional information.

Acoustics Analysis

45dB Acoustics prepared the enclosed acoustics analysis, **Attachment C**, for the seven outdoor areas proposed for significant life event use (with amplified spoken voice and non-amplified acoustic music), see Figure 1:

- Zone 1: Anne's Garden

- Zone 2/2/5: Holden Encore Society Garden/Presidents Garden
- Zone 3/4: Bock Garden/Williams Garden
- Zone 5: Kuehn Court Kinnear Fountain
- Zone 7: Towbes Court
- Zone 9: Lind Patio

The assessment considers the proposed noise sources, topography, the layout of the physical environment as well as fundamental vibration and noise considerations. Federal, State, and local regulations specific to sound were analyzed and the report concludes that the proposed outdoor acoustics will not exceed CNEL levels above 65 dB(A) beyond the site's property lines, and is therefore consistent with the parameters of the County's Environmental Thresholds Manual. The proposed outdoor acoustics are consistent with Santa Barbara County's Code of Ordinances (Section 40-2). It is recommended that the proposed sounds in association with all Zones comply with the hourly limitations (3 hours at the Kinnear fountain or in the Bock and Williams Gardens and 2 hours or less at Ann's Garden and Kuehn court with no use of horns or drums) to conform to CEQA guidelines. Please see the enclosed report dated 9/1/2021 for additional information.

Management of Acoustic Levels

The Music Academy proposes to follow the recommended self-management strategies outlined by 45dB Acoustics as to limit durations of sounds to 2 hours or less in Zone 1, 3, 4, & 5 and ensure acoustic music does not include horns or drums in locations 3 & 4 without monitoring. Acoustic music and amplified spoken voice would be prohibited past 9:00 p.m. Further, the MAW will designate and train a staff person to monitor events with acoustic music and/or amplified voice and make any necessary adjustments based on reasonable judgment and good neighbor practices.

The events in the Zones 1, 3, 4, & 5 will be self-monitored utilizing one of the methods outlined in the analysis, likely the "Audio Tools" app. and associated external microphone. PA systems will be directed towards events and away from neighbors whenever and wherever possible and a staff contact will be assigned as a designated point-of-contact.

CONCLUSION

The MAW has conducted neighborhood outreach, meetings with individual households and the adjacent homeowners' association in addition to hosting a neighborhood meeting in September 2021 to discuss the proposed CUP Revision. A number of suggestions were made (such as using smaller buses to transport students to and from Westmont and making sure signage related to reducing cut through traffic is unobstructed by vegetation) that are not directly related to the proposed changes and the MAW is currently acting upon these in good faith. Some neighbors also wanted to obtain copies of the CUP application revision documents and provided their email addresses so we could provide them with a link to the application package when it is finalized.

We look forward to working collaboratively with the County of Santa Barbara to accomplish these needed updates. Please feel free to contact Heidi Jones, or Suzanne

Elledge with any questions. We can be reached via email at Heidi@sepps.com and Suzanne@sepps.com.

Enclosures:

- A: *Redlined CUP Condition of Approval (90-CP-111 RV01)*
- B: *ATE Traffic, Parking and VMT Analysis dated 5/12/2021 & 7/5/2022*
- C: *45dB Acoustics Assessment dated 9/1/2021 & 7/5/2022*



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and Development
Department No.: 053
For Agenda Of: October 15, 2024
Placement: Administrative; Set Hearing on October 15, 2024, for November 5, 2024
Estimated Time: 1 hour
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Lisa Plowman, Planning and Development (805) 568-2086
Director
Contact Info: Travis Seawards, Deputy Director, Planning and Development (805) 568-2518
SUBJECT: Sanford Appeal, Case No. 23APL-00021, of the Montecito Planning Commission Approval of the Music Academy of the West Revised Conditional Use Permit, Case No. 21RVP-00000-00109, First Supervisorial District

County Counsel Concurrence

Auditor-Controller Concurrence

As to form: Yes

As to form: N/A

Other Concurrence:

As to form: N/A

Recommended Actions:

On October 15, 2024, set a hearing for November 5, 2024, to consider Case No. 23APL-00021, an appeal of the Montecito Planning Commission’s approval of the Music Academy of the West Revised Conditional Use Permit (Case No. 21RVP-00000-00109). The appeal was filed by John Sanford.

On November 5, 2024, staff recommends that your Board take the following actions to deny the appeal and approve the Project:

- a) Deny the appeal, Case No. 23APL-00021;
- b) Make the required findings for approval of the Project; Case No. 21RVP-00000-00109, including CEQA findings;
- c) Determine that the previously certified Final Environmental Impact Report (FEIR) (03-EIR-06) and Addendum are adequate and no subsequent Environmental Impact Report or

Negative Declaration is required pursuant to CEQA Guidelines Sections 15162, 15164, and 15168(c)(2); and

- d) Grant *de novo* approval of the Project, Case No. 21RVP-00000-00109, subject to the conditions of approval.

Summary Text:

On November 24, 2021, the Applicant, Music Academy of the West (MAW), submitted an application for a Revision (Case No. 21RVP-00000-00109) to Conditional Use Permit (CUP) (Case No. 90-CP-111 RV01), to update and revise operational conditions. No new structural development or increases in annual or daily attendance caps are requested. On April 5, 2023, the Montecito Planning Commission (MPC) approved the proposed project, finding it consistent with the policies and goals of the Comprehensive Plan and the Montecito Community Plan. A timely appeal of the Montecito Planning Commission's decision was filed on April 14, 2023. A supplemental appeal letter with additional appeal issues, dated June 8, 2023, was subsequently submitted by the appellant.

In the appeal application, included as Attachment 5 to this Board Letter, the Appellant raises the following issues:

- The Montecito Planning Commission erred in approving a revised CUP
- Project inconsistency with the Article II Coastal Zoning Ordinance (CZO), the Local Coastal Plan and the Montecito Community Plan
- Insufficient analysis under CEQA
- Findings can't be made for the Coastal Development Permit (CDP) and Revised CUP
- County staff failed to provide complete record
- Lack of a fair and impartial hearing

Staff reviewed the appeal issues and finds they are without merit. The proposed project is consistent with the Santa Barbara County Comprehensive Plan, including the Coastal Land Use Plan and the Montecito Community Plan, and the CZO. The information included in the administrative record, including this Board Letter, supports *de novo* approval of the proposed project.

Background:

The proposed project site is located within the 1-E-1 (Single Family Residential) Zone District in the Montecito Community Plan area and adjacent to the southbound lane of Highway 101. The MAW has been operating under various CUPs at the subject site since 1951. The previous CUP revision (90-CP-111 RV01) was approved in 2004 for various operational changes and a phased construction of the MAW Master Plan. A Final Environmental Impact Report (03-EIR-06) was prepared for the 2004 Revised CUP and approved by the Board of Supervisors. The final phase of the Master Plan was completed in 2017.

The request is for a CUP Revision and CDP to allow changes to the 2004 Revised CUP. The primary objectives of the project are to update and simplify the CUP document, revise several of the CUP conditions to better serve the MAW's current and foreseeable needs, and create operational flexibility while also maintaining the maximum restrictions set forth in the 2004 CUP. Further, it is the express intent of the MAW to balance the proposed CUP changes in a manner that results in no new environmental

impacts. Thus, where a change is sought to seating in one recital hall, a reduction of seats is proposed in another; where a new activity for public use is proposed, another existing public use is eliminated. Additionally, the following previous requests related to attendance caps have been withdrawn:

1. An increase any-given-time attendance from 330 to 410;
2. An increase the maximum participants at seminars/meetings from 175 to 350; and
3. Elimination of a summer attendance cap of 22,000 and non-summer cap of 25,000

The key project changes being requested at this time include:

1. Eliminating the on-site retail shops and reintroducing residential uses to the corresponding structures.
2. Increasing student enrollment from 150 to 175 students.
3. Re-introducing weddings and other “Significant Life Events” that had previously been eliminated as part of the prior approval, all of which would count towards the daily, any-given-time and annual attendance caps and towards the annual cap of 41 non-conservatory events.
4. Allowing greater use of amplified spoken word and non-amplified acoustic music outdoors while adhering to activity hours and sound level requirements at the property lines.

The project includes previously instituted measures to address potential concerns with noise, circulation, privacy, and general neighborhood compatibility, and also includes new measures to ensure the proposed changes do not cause new impacts to the surrounding community. These include: maintaining the daily cap of 900 visitors; maintaining the any-given-time cap of 330 visitors; maintaining the annual cap of 47,000 visitors; maintaining the summer cap of 22,000 visitors; maintaining the non-summer cap of 25,000 visitors; maintaining the maximum seminar/meeting participant cap of 175; eliminating retail shop uses; repurposing of the Rack and Treasure House buildings (a reduction in traffic and parking demands); and implementing new noise control measures during outdoor events to protect surrounding sensitive noise receptors.

Noise and Traffic studies (Attachment 7) were also prepared to evaluate the effects of the proposed operational changes, as summarized below.

Noise

The existing CUP allows up to two outdoor events per year with amplified sound in a single area of the campus. The Applicant desires to have weddings and other “Significant Life Events” (SLEs) with amplified speech and non-amplified music in more campus areas than previously approved, up to 15 additional times per year with up to 175 attendees (for a total of 17 times per year).

The proposed project will be compatible with the adjacent sensitive receptor neighborhoods and comparable to the noise conditions associated with the existing CUP approval. The acoustic analysis (45dB Associates, LLC, Attachment 7) considered the 2004 EIR and noise studies, as well as the proposed new outdoor amplified and non-amplified sound on noise levels at the property lines, and the resulting analysis recommends the implementation of self-management tools (e.g. limiting event durations and timeslots in specified locations, pointing PA systems away from neighbors, designating point-of-contact staff for potential neighbor concerns) in the Applicant’s project description for the revised CUP. With utilization of the self-management tools, the proposed project is not expected to generate noise levels in excess of the 65 dB CNEL threshold or result in an increase of more than three decibels over ambient

noise levels (an increase in noise levels of less than three decibels is generally considered imperceptible). Thus, the proposed project is consistent with the 2004 EIR analysis and the mitigation measures therein applied to the current project, and no additional mitigation is required.

Traffic and Circulation

The 2004 EIR identified potentially significant, but mitigable impacts associated with traffic and circulation. A Traffic, Parking and VMT Analysis (Associated Transportation Engineers, Attachment 7) was provided to evaluate the effects of the proposed project on traffic levels, and the consultant concluded there will be no significant increase in roadway volumes and/or intersection delay as a result of the proposed operational changes. Existing mitigation measures will continue to lessen potential traffic and circulation impacts to a less than significant level.

A. Proposed Project

The project description in Attachment 9 reflects the requested revisions to the 2004 CUP project description, with strikethroughs highlighting changed project features and conditions. As discussed in the summary above, the key changes include:

1. Eliminating the on-site retail shops and reintroducing residential uses (including guest artist accommodations) to the corresponding structures.
2. Increasing student enrollment from 150 to 175 students.
3. Re-introducing weddings and other “Significant Life Events” that had previously been eliminated as part of the prior approval, all of which would count towards the daily, any-given-time and annual attendance caps and towards the annual cap of 41 non-conservatory events that are currently allowed to occur in the non-summer season.
4. Allowing greater use of amplified spoken word and non-amplified acoustic music outdoors while adhering to existing activity hours and sound level requirements at the property lines.

B. Appeal Issue and Staff Response

The appeal application (Attachment 5) contains attachments that outline the appeal issues. The appeal issues and staff’s responses are provided below.

Appeal Issue No. 1: The Montecito Planning Commission (MPC) erred in approving a revised CUP

The Appellant asserts that the MPC should have denied the Revised CUP because the proposed project would be vastly different from the 2004 CUP project, would intensify the permitted uses beyond the operations allowed under the 2004 CUP, and would transform an educational facility into a commercial enterprise. The Appellant cites the advisory statement from the Board of Supervisors’ approval of 90-CP-111 RV01, as follows:

In Granting this permit, the Board of Supervisors advises future decision-makers that based on evidence in the record at this time, the operation and site development at the Music Academy have reached a maximum level able to be found consistent with the health, safety, and convenience of the neighborhood and the Board of Supervisors recommends that no further increase in use, density, or development be allowed.

The Appellant also cites Condition No. 1 on Page 1 of the 2004 Final Conditions of Approval, which states:

This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-L, with Planning Commission hearing stamp date of June 16, 2004 (plans dated May 2004 except plan PL-2 dated 1/30/04)), and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review... ”

Staff Response:

The proposed project is a request for a Revised CUP, consistent with the requirements of the CZO for changes to an existing CUP. The requested changes to the CUP comply with the requirements of the CZO and are consistent with all applicable policies of the Comprehensive Plan, including the Local Coastal Plan and the Montecito Community Plan. The MPC acted within their discretionary authority by reviewing and approving a Revision to an existing CUP.

The proposed changes are minimal and new uses will be offset by removing existing uses; daily, any-given-time, seasonal, and annual attendance limits will not change; and traffic and noise studies demonstrate no adverse impacts to the surrounding area will occur. Furthermore, consistent with the Board’s previous advisory statement on the project, as proposed and conditioned, the project does not result in an overall increase in the use of the site, density or development. Regardless, the Board of Supervisors’ statement on the 2004 Revised CUP was only advisory and the Board retains discretion to approve the project as proposed based on the substantial evidence in the record that the project is consistent with the Santa Barbara County Comprehensive Plan, including the Coastal Land Use Plan and the Montecito Community Plan, and the CZO, and would not result in any new or increased impacts to the neighborhood.

The MPC considered the CEQA Addendum and approved the changes, as required in Condition No. 1 of the CUP. There will be no increase in intensity of use. Uses such as seminars, meetings, and non-profit events were allowed under the 2004 CUP and were not specifically restricted to educational purposes. MAW proposes to revise the list of allowed non-educational uses to include weddings, among other events defined as SLEs. As discussed in the Summary section above, MAW is no longer proposing to increase attendance caps. The proposed student population increase is not characterized as a commercial use, and no additional environmental impacts were identified in the Addendum to the EIR.

Appeal Issue No. 2: Project Inconsistency with the Coastal Zoning Ordinance (CZO), the Local Coastal Plan (LCP) and the Montecito Community Plan (MCP)

The Appellant asserts that the decision of the MPC was inconsistent with the CZO because the proposed project violates the intent of the Single-Family Residential zoning to protect the residential characteristics of an area and to promote a suitable environment for family life. The Appellant makes the same assertion regarding inconsistency with the LCP, although no additional evidence or explanation was provided. The Appellant cites that the list of uses permitted with a Major CUP under CZO Sections 35-71 and 35-172 does not include an entertainment/recreation venue akin to the uses of the proposed project. Specifically, the Appellant asserts the proposed CUP revision will convert the primary use of the property from educational purposes to commercial purposes.

The Appellant goes on to state that the decision of the MPC was inconsistent with the MCP because the proposed project will conflict with the semi-rural residential quality of life that is described in the goals,

objectives and policies of the MCP. Specifically, the Appellant asserts that the proposed project will increase the intensity of educational and non-educational uses beyond the development capacity and availability of resources in the area and result in traffic and noise that is not compatible with the semi-rural residential character of the area. The Appellant referenced the MCP description of local roads as semi-rural with narrow widths winding designs, and extensive vegetation. The Appellant asserts that the MPC Staff Report, dated March 7, 2023, did not properly analyze MCP Circulation policies, including:

CIRC-M-1.7 The County shall continue to develop programs that encourage the use of alternative modes of transportation including, but not limited to, an updated bicycle route plan, park and ride facilities, and transportation demand ordinances.

CIRC-M-3.3 If at any time, a traffic count accepted by the County Public Works Department determines that a local road (i.e., a road not designated on the Circulation Element) has an ADT count which exceeds 5,530 ADT, a review of land use densities and intersecting roadways of the surrounding area shall be conducted for possible inconsistencies with Circulation and Land Use goals and policies. (If appropriate, a road classification may be assigned to such a road after a review and approval by the Board of Supervisors).

Staff Response:

The proposed project meets all requirements of the CZO, LCP, and MCP and, as detailed in Attachment 1, the findings for approval of the Revised CUP and CDP can be made. Pursuant to CZO Section 35-172.5.2.e, MAW has been established as an educational facility use allowed under major Conditional Use Permits at the current location since 1951. In addition, the proposed changes are minimal and new uses will be offset by removing existing uses; daily, any-given-time, seasonal, and annual attendance limits will not change; and traffic and noise studies demonstrate no adverse impacts to the surrounding area will occur. Furthermore, as proposed and conditioned, the project does not result in an overall increase in the use of the site, density or development.

The MPC found that the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area. The project site would remain primarily an educational facility, and the existing and proposed new non-educational activities can be approved through the CUP Revision. The proposed project will be compatible with the neighborhood's mixed lower density residential and commercial character because the changes will not exceed the existing maximum 47,000 annual, 22,000 summer, 25,000 non-summer, 900 daily, or 330 any-given-time public attendance caps; nor will it result in a further increase in the intensity of uses allowed. The proposed changes include shifting a portion (50 seats) of the maximum allowed seating capacity in one venue (Yzurdiaga Hall) to another (Hahn Hall), maintaining the maximum participants per seminars/meetings at 175, increasing the instructional student population from 150 to 175, reintroducing Significant Life Events (maximum of 175 attendees) and associated outdoor sound, repurposing the resale shops (Treasure House & The Rack) for mission-driven activities (residences and event support), allowing administrative office use of the resale shop storage building (no associated increase in staff/population), and allowing other MAW employees to occupy the caretaker residence.

MAW has added more robust Traffic Demand Management Plan components to incentivize use of carpooling and shuttle services, provided by MAW and/or event organizers for MAW employees, attendees, and event support staff. These components, which include discounted event rental rates, raffle prizes, event merchandise, and preferred parking, could serve to reduce potential traffic impacts associated

with MAW operations and events. In response to the Appellant's reference to the proposed project's inconsistency with CIRC-M-3.3, the ATE Traffic, Parking and VMT Analysis, dated July 5, 2022, (Attachment 7) noted that the annual attendance cap would not change. The Supplemental Traffic and Parking Analysis for Music Academy of the West Master Plan DEIR, dated October 16, 2003, (Attachment 7) noted that none of the local roads (including Fairway Road, Butterfly Road, and Hill Road) would exceed design capacities for the proposed project with existing conditions, nor would they exceed the referenced 5,530 Average Daily Trips (ADT). Therefore, the overall annual traffic at the campus would not cause Levels of Service to decrease below acceptable ratings of A or B. The ATE Analysis noted that the increase in student population and change in use of the Rack and Treasure House would generate 20 ADT, 5 AM Peak Hour Trips (PHT), and 5 PM PHT. Therefore, the proposed project would not cause an exceedance of the County's acceptable capacity policies which require a minimum LOS of C. In addition, the 2022 ADT Analysis discussed Vehicle Miles Traveled (VMT) metrics and determined that the proposed project trip generation would not exceed the County's established threshold (110 ADT) of significance.

Finally, no new structural development is proposed with this project. The applicant has provided substantial evidence that the proposed project will not have an increased impact on the community and will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood. Therefore, based on the analysis above, the project complies with the CZO, and is consistent with the Comprehensive Plan, including the MCP and the LCP, and the findings for approval of the Revised CUP and CDP can be made.

Appeal Issue No. 3: Environmental Impacts not sufficiently analyzed under CEQA

The Appellant cites CEQA Guidelines Section 15162(a)(1) and (2) and asserts that substantial changes are proposed in the project or occur with respect to the circumstances under which the project is undertaken and that a Subsequent, Supplemental, or new EIR is warranted. The Appellant asserts that significant modifications to the project description of the 2004 Revised CUP will change the predominant land use. The Appellant claims these changes will cause significant environmental impacts that were not discussed in the previous EIR. The Appellant asserts that additional analysis of traffic, air quality, GHG emissions, noise, and land use compatibility is required, as outlined below.

Transportation/Circulation Impacts

The Appellant asserts that the MPC relied on the 2022 ATE Traffic, Parking and VMT Analysis to support an EIR Addendum, but cumulative impacts identified in the 2003 project EIR and the 1993 Montecito Community Plan EIR were not accounted for in the project CEQA analysis. The Appellant also claims that there is insufficient evidence to support the MPC's determination that traffic counts are consistent with the 2003 EIR because MAW proposes to remove the seasonal caps and increase the caps for any-given-time or meetings/seminars. Additionally, the Appellant asserts that allowing weddings and other SLEs will increase trip generation for the project because these events will include up to 225 attendees plus additional support staff, deliveries and other activities. The Appellant claims that deletion of the Cut Through Reduction Plan (CTRP) (i.e. replacement of the formal CTRP with a Gate Closure Program) presents new and more severe traffic impacts and waives mitigation measures contained in the CTRP. Furthermore, the Appellant asserts that MAW undercounted the total number of vehicles entering the property (i.e. did not count staff, contractors, musicians, etc.) and that local neighborhood observations clearly indicate a major problem (traffic backup/spillover on Hill and Channel Roads) with cut through traffic that greatly impacts the neighborhood.

Land Use Impacts

The Appellant asserts that the project represents a change in intensity that has not been examined in detail in either the 2003 EIR or the EIR Addendum. The Appellant asserts that the CUP will allow MAW to increase its intensity and nature of use (e.g., new uses of non-music education related endeavors such as yoga, dance, and visual and performing arts and outdoor SLEs, as well as allowing the potential for an increase of total summer seasonal attendance above 22,000). The Appellant cites the reinstatement of weddings as contradictory to the 2003 FEIR statement that “one of the most controversial aspects of the previous permit was legitimizing use of the Academy grounds for weddings.” (Attachment 7, FEIR pg.123). The Appellant notes that weddings were previously removed from the list of permitted activities in the 2004 CUP due to complaints by neighbors.

Noise Impacts

The Appellant asserts that noise associated with the addition of amplified voice and acoustic music outdoors could be inconsistent with the CZO, LCP and MCP because the analysis of noise impacts provided in the 45dB Acoustics Letter, dated July 6, 2022, is insufficient and not based on substantial evidence (i.e. use of the CNEL/LDN standard for measuring the potential noise impacts of the proposed project was a poor fit). The Appellant asserts that sufficient analysis would include application of the Lmax standard because it is a better metric to measure the potential impacts of the proposed project, such as speech, yelling, cheering, and amplified music, and a more general category of “noise from large amounts of attendees on the MAW’s property”. The Appellant asserts that the 45dB Acoustics Letter appeared to omit analysis of the noise from semi-trucks associated with events (e.g. equipment transport to the site) and noise from generators associated with event equipment. The Appellant asserts that the proposed new activities (yoga, dance and visual and performing arts) and elimination of the seasonal attendance caps were not analyzed in the 2003 EIR, and could therefore pose potential significant noise impacts to the neighborhood.

GHG Impacts

The Appellant asserts that the Addendum does not quantify GHG emissions, is invalid under CEQA, and that GHG quantification and analysis is required by the Santa Barbara County Environmental Thresholds and Guidelines Manual.

Staff Response:

The Planning and Development Department, acting as the lead agency for CEQA analysis, determined that none of the conditions described in CEQA Section 15162 will occur as a result of the proposed changes to the project. Therefore, an Addendum to the previously certified EIR was prepared. This determination was based on substantial evidence provided in the Addendum (Attachment 4) and Findings (Attachment 1). On the basis of the whole record, the project changes described in the Addendum will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment nor present new information of substantial importance pursuant to State CEQA Guidelines Sections 15162 and 15164.

The Addendum addressed the following issues: land use compatibility, noise, and transportation/circulation (see additional analysis below for each issue). All other issue areas were determined to be unaffected by the proposed project. As compared to the 2004 Revised CUP, the proposed project consists only of operational changes and will not add any new structural development. These changes will not result in any changes with respect to the impacts of the project on aesthetics/visual

resources, archaeological resources, biological resources, grading/drainage, fire protection, solid waste generation, or water quality.

As detailed above, since the appeal was filed, the Applicant has revised the project description to remove previous requests related to increases in attendance caps. The Appellant's arguments concerning alleged potential environmental impacts from those increases are no longer relevant to the appeal.

Transportation/Circulation

The proposed project will not adversely impact traffic circulation. County staff reviewed the proposed project application and requested that the Applicant provide a traffic study that included analysis of the impacts of the proposed changes as compared to the prior EIR impact determinations. Staff determined that the prior mitigation measures were adequate and no new mitigation measures would be required. The ATE Traffic, Parking and VMT Analysis (Attachment 7) analyzed the proposed increase in students from 150 to 175, the proposed changes in use at the Rack, Treasure House, Administration Storage building, and practice studios, the proposed reintroduction of Significant Life Events (SLEs/cultural events), and other changes that have since been removed from the project description. The analysis concluded that none of the changes would generate additional traffic or parking impacts, and therefore would not increase overall traffic at the campus on an annual basis. The analysis also noted that the trip generation and parking demands assumed in the EIR were significantly higher than the levels that will be generated by the proposed project. Therefore, the impacts generated by the proposed project will be less than those identified in the EIR. In addition, the analysis considered Vehicle Miles Traveled (VMT), which is a new set of transportation analysis guidelines implemented under CEQA. The analysis concluded that the proposed project will have a less-than-significant impact, based on the VMT screening criteria in the County's adopted Environmental Thresholds and Guidelines Manual. The project would generate a net increase of 20 Average Daily Trips (ADT), which is well under the County's adopted CEQA threshold of 110 ADTs. Furthermore, MAW is no longer proposing the elimination of seasonal attendance caps, increasing any-given-time attendance caps, or increasing meeting/seminar caps.

As described in the EIR Addendum (Attachment 4), an Interim CTRP was presented to the MPC at the June 20, 2007, Informational Briefing on the CTRP. The Consultant (ATE) and MAW proposed to finalize the Interim CTRP and Gate Closure Program (i.e. Final CTRP) as an effective means to reduce the average amount of cut-through traffic because the Interim CTRP monitoring and Gate Closure Program had demonstrated a minimum cut-through traffic reduction of 52 percent during peak summer commute hours (3:30-6:30 p.m.). In order to ensure that the CTRP was effective for Phase 1 buildout of the Master Plan, the Board of Supervisors (at the October 26, 2004, approval hearing) determined that CTRP would need to fully offset traffic increases (identified in the project EIR/03-EIR-06) directly attributable to the project during peak summer commute hours. Specifically, the average cut-through volume was 221 trips per day in 2003, and a 52% reduction would require a reduction of 114 trips per day. The consultant's monitoring included identification of faculty, staff, and students in order to help the gate attendant differentiate them from potential cut-through traffic. The Appellant's assertion that MAW undercounted the total number of vehicles has no basis because staff, contractors, and musicians are not transient or otherwise considered cut-through traffic. In addition, the effectiveness of the Interim CTRP was evaluated by ATE using machine traffic counts conducted at the site driveways and license plate tracking studies conducted at the front and rear gates. This method enabled ATE to identify the actual cut-through traffic volume more accurately by determining which cars stopped at the campus for a period of time versus those cars which just drove through campus. Therefore, MPC found the monitoring data and analysis to be acceptable in

determining that the Interim CTRP and Gate Closure Program was successful in reducing traffic volumes to offset any new traffic potentially generated by the Music Academy Master Plan.

Although the Appellant asserts that current issues with traffic remain unaddressed and must be addressed in an EIR, no substantial evidence was provided. The data and analysis provided in the ATE traffic reports demonstrate that local road capacities have not been exceeded and the proposed project will not cause those capacities to be exceeded.

The Appellant's assertion that the project did not include cumulative impact analysis on traffic impacts is not accurate. Cumulative effects were analyzed in the EIR Addendum. The 2003 EIR included mitigations to reduce cumulative impacts associated with the physical development proposed under the Master Plan. The proposed project does not propose any new development, nor does it increase the existing public attendance caps. The proposed project will not increase overall traffic associated with public attendance at the campus because the any-given-time, seasonal, meeting/seminar/SLE and annual attendance caps will remain unchanged. Thus, the proposed changes are within the scope of the previously-certified EIR, and they will not create any new significant effects or a substantial increase in the severity of previously identified significant effects.

Land Use Compatibility

The Appellant's assertion that the Revised CUP will allow MAW to increase its intensity and nature of use with the addition of yoga, dance, and visual and performing arts in music practice and recording studios is no longer relevant because MAW no longer proposes to add activities in practice and recording studios. Although weddings were specifically excluded from permitted uses under the 2004 revision, other non-music activities (such as seminars and non-profit events) were allowed and subject to public attendance caps on annual, seasonal, any-given-time, and event bases. The proposed non-educational activities are not prohibited by the site's land use designation or residential zone. Various non-residential uses are permitted with a Conditional Use Permit in the Coastal Zone which might host "significant life events", including clubs, conference centers, churches, and educational facilities. MAW has proposed additional Traffic Demand Management Plan components, including incentives for employees and event attendees to carpool or use alternative transportation modes such as bicycles and shuttle buses. MAW will continue to be subject to compliance monitoring of traffic on an annual basis. MAW will voluntarily provide outdoor event noise monitoring through self-management tools.

The proposed project will not create adverse land use compatibility impacts. The MAW property has been used and permitted as a music conservatory since 1951. Prior to this use, the property was part of a country club. The nine-acre project site has a coastal land use designation of Educational Facility and is zoned Single-Family Residential, with a 1.0-acre minimum parcel size (1-E-1). The site is located in an area with a variety of land uses, including the Montecito Sanitary District, Southern Pacific Railroad, Santa Barbara Cemetery, Four Seasons Biltmore, Coral Casino Beach and Cabana Club, Butterfly Beach, and residences. The Montecito Sanitary District (MSD) facility is located adjacent to the northwest corner of the property and the railroad tracks and Highway 101 are located to the north. These surrounding nonresidential uses have been located in the neighborhood for many decades. In addition, nearby Butterfly Beach and scenic Channel Drive regularly draw considerable numbers of walkers, joggers, cyclists, and additional vehicular traffic to the area. Therefore, the project is not incompatible with the surrounding land uses.

Noise

The proposed project will not create adverse noise impacts. County staff reviewed the proposed project application and requested that the Applicant provide an acoustic study that included analysis of the impacts of the proposed changes as compared to the prior EIR impact determinations. Staff determined that prior mitigation measures were adequate and no new mitigation measures would be required. The Acoustic Analysis (Attachment 7) analyzed the proposed addition of SLEs with amplified spoken voice and additional outdoor locations. The analysis concluded that the proposed project is consistent with the prior EIR and the mitigation measures therein applied to the project. The analysis also concluded that additional mitigation is not required.

The Appellant incorrectly asserted that use of the Lmax standard was more appropriate than the CNEL standard use in the Acoustic Analysis. The 45dB Acoustics letter notes that there is no momentary or short-duration limit criteria within the County’s policies, Environmental Guidelines, nor in CEQA. Therefore, the Lmax standard cannot be applied within the context of existing regulations. The proposed self-management tools will address these sources because the noise activity will be actively monitored and adjusted during events. Similarly, the proposed self-monitoring tools will also address the more general description of “noise from large amounts of attendees on the MAW’s property” and the cumulative effect of adding noise to the existing environment during event monitoring.

Air Quality/GHG Emissions

The proposed project will not adversely impact air quality or GHG emissions. As discussed above, the proposed project does not include new construction or physical development. Therefore, no impacts will occur due to construction equipment, dust or odors associated with short-term construction. The FEIR analyzed long-term air quality impacts by identifying the peak daily operational emissions associated with motor vehicles under the 2004 Revised CUP. The projected daily operational emissions for the 2004 Revised CUP did not exceed the ozone precursor (NO_x and ROC) threshold of 25 pounds per day, as defined in the County’s adopted Environmental Thresholds and Guidelines Manual. The FEIR analysis was based on higher assumptions for attendance limits under the 2004 Revised CUP, including a limit of 480 people for any-given-time, 1,170 people per day, and 57,291 people per year. Both the approved 2004 Revised CUP and the currently proposed project have smaller attendance limits, as shown in Table 1. Therefore, the proposed project impact on long-term operational air quality and GHG emissions will remain less than significant.

Table 1 Attendance Limits

Limit	FEIR	2004 Revised CUP	Proposed Project
Any-given-time	480	330	330
Daily	1,170	900	900
Annual	57,291	47,000 (22,000 summer/ 25,000 non-summer)	47,000 (22,000 summer/ 25,000 non-summer)

Appeal Issue No. 4: Required Findings for CDP and CUP cannot be made

The Appellant asserts that the required Findings for a CDP and Revised CUP cannot be made because the proposed project is not consistent with the applicable components of the Comprehensive Plan and CZO. Specifically, the Appellant asserts the following:

- CUP Finding 2: Key mitigation provisions of the 2004 CUP were deleted and not carried over to the project.

- CUP Finding 3: No evidence was provided to support a claim that the attendance caps will prevent the project from resulting in a significant traffic increase due to removal of the summer attendance cap.
- CUP Findings 5-8: Increased summer attendance resulting from removal of the summer attendance cap, deletion of the formal CTRP, and addition of pre-existing and new commercial uses to the project.
- Montecito Community Plan Findings cannot be made because the increase in intensity of traffic as a result of lifting the summer attendance cap and the elimination of key provisions of the contemplated formal CTRP.

Staff Response

The proposed project meets all requirements of the CZO, LCP, and MCP and, as detailed in Attachment 1, and the findings for approval of the Revised CUP and CDP can be made. As discussed in Appeal Issue No. 2, pursuant to CZO Section 35-172.5.2.e, MAW has been legally established as an educational facility use allowed under major Conditional Use Permits at the current location since 1951. In addition, the proposed changes are minimal and new uses will be offset by removing existing uses; daily, any-given-time, seasonal, and annual attendance limits will not change; and traffic and noise studies demonstrate no adverse impacts to the surrounding area will occur. Furthermore, as proposed and conditioned, the project does not result in an overall increase in the site use, density or development.

As detailed above, since the appeal was filed, the Applicant has revised the project description to remove previous requests related to increases in attendance caps, including the removal of the existing the summer attendance cap. The Appellant's arguments concerning findings related to those increases are no longer relevant to the appeal.

Regarding CUP Finding 2, the Appellant did not cite any specific key provisions that were deleted from the CUP. With regard to CUP Findings 3, 5-8 and the Montecito Community Plan Findings, as discussed above, the project will maintain the existing seasonal caps, the formal CTRP was not eliminated, and uses such as seminars, non-profit events, and SLEs are common occurrences at educational facilities. The Final CTRP and Gate Closure Program has been an iterative effort to address cut-through traffic. As discussed in Staff's response to Appeal Issue No. 3, the Interim CTRP and Gate Closure Program fully offset traffic increases (identified in the project EIR/03-EIR-06) directly attributable to the project during peak summer commute hours. Therefore, the applicant has continued to adjust these measures and the proposed project includes the most recent iteration of the Final CTRP and Gate Closure Program.

Appeal Issue No. 5: CUP creates a Use not allowed by the CZO

The Appellant asserts that the proposed project turns MAW into a commercial enterprise for renting out its facilities for events, meetings and weddings in violation of the original CUP and that the project will be materially detrimental to the public welfare and to properties in the same zone and vicinity.

Staff Response

The proposed project complies with all requirements of the CZO. As discussed in Staff's response to Appeal Issue Nos. 3 and 4, uses such as seminars, non-profit events, and SLEs are an acceptable accessory use to an educational institution authorized by a Conditional Use Permit, and MAW has been allowed to operate as an educational institution in the area among various land uses for decades.

Appeal Issue No. 6: Availability of the public record

The Appellant asserts that the County did not make the full record available to the Appellant and the public for review and comment, and no hearing on the appeal should be scheduled until all documents relied upon by the MPC for its decision are provided to the Appellant well in advance of the appeal hearing date.

Staff Response

The public record for this project, including all application materials, was made available to the Appellant when requested, in compliance with the Public Records Act. No other requests to review the project application materials were received by P&D staff. The MPC staff report was available on the MPC website approximately one week prior to the hearing, in compliance with the MPC procedures manual.

Appeal Issue No. 7: Fair and Impartial Hearing

The Appellant asserts that the community at-large was denied the opportunity to engage in a fair and impartial hearing because there was no advance notice of the intention to modify the order of the agenda and move the hearing to the afternoon session. As a result of the agenda order change, the Appellant asserts the following:

- Interested parties were prevented from voicing their concerns in the hearing.
- Only a few of the concerned neighbors were permitted to provide comments during the hearing.
- Planning Commissioners were prevented from engaging with concerned neighbors.
- The Applicant was able to present the proposed project without rebuttal from concerned neighbors.
- Statements from Applicant team were incorrect and misleading (i.e. there were no new impacts, no additional traffic, and no history of neighbor complaints).
- The community's concerns over MAW's existing operations under the current 2004 Revised CUP and proposed project have been ignored, including:
 - Traffic mitigation and the Cut Through Reduction Plan from the 2004 Revised CUP
 - A traffic guard is not provided at the gate
 - A ticket machine is not provided to charge cut-through traffic
 - Inaccurate reporting of traffic counts
 - Alternative solutions to traffic mitigation
 - Land use compatibility

Staff Response

The hearing before the Board is *de novo*, and the Appellant will have a full and fair opportunity to present its position on this project for the Board's independent review. Regardless, the public hearing conducted by the MPC on March 15, 2023, complied with the Brown Act and the Montecito Planning Commission Procedures Manual, and the public was given multiple opportunities to address the MPC on the project¹.

The interested parties were not prevented from participating and voicing concerns on the project at the hearing. To the contrary, the MPC allowed members of the public multiple opportunities to address the MPC that exceeded minimum requirements. As noted at the bottom of the first page of the MPC Agenda for the Special Hearing of April 5, 2023, the MPC has the discretion to adjust the order of the hearing. Unless specified, there is no guarantee that an item will be heard at a particular time. The MAW project

¹ The MPC Procedures Manual is available at: <https://content.civicplus.com/api/assets/21e7a631-41fe-444f-bc8b-e5a767de823f> (last visited April 23, 2024) and available in hard copy at the Planning and Development Department offices located at 123 E. Anapamu Street, Santa Barbara, CA 93101.

was agendized to be heard as the fourth of five items, but due to a concern about losing a quorum on the fifth item, that fifth item was heard before the MAW project. As a result, the MAW project was heard in the afternoon. Prior to the MPC breaking for lunch, the Appellant and one other member of the public indicated that they were either unable or unwilling to return for the afternoon portion of the meeting. In response, the MPC allowed these individuals the opportunity to provide their testimony on the MAW project before the lunch break. This opportunity exceeded minimum requirements for public testimony, and the testimony was included in the record, which formed the basis of the MPC's independent review of the project.

The Appellant's claims regarding statements by MAW Staff, which the Appellant characterizes as "incorrect" and "misleading", relate to the Appellant's opposition to the project, not the hearing procedures. The MPC approved the proposed project based on their independent review of the hearing documents, staff and Applicant presentations, and public comment.

Furthermore, the Appellant provided no credible evidence for their assertion that the community's concerns regarding traffic mitigation and land use compatibility have been ignored. The CTRP was initially adopted to reduce traffic impacts associated with buildout of the Master Plan by controlling vehicle traffic through the MAW campus. An interim CTRP was designed and implemented prior to occupancy clearance for Phase I buildout of the MAW Master Plan. An information briefing was held at an MPC hearing on June 20, 2007, to review the effectiveness of the interim CTRP. The briefing included a letter from the traffic consultant with an analysis of the effectiveness of the CTRP. The analysis indicated that the interim CTRP had reduced the average amount of cut-through traffic by up to 77% by the year 2006. MAW proposed that the measure of success for the CTRP should be a 60% reduction in cut-through traffic (a voluntary reduction over the minimum 52 % reduction necessary to offset any potential future traffic increases that may occur as a result of the Master Plan). Therefore, the MPC determined that the interim CTRP and Gate Closure Program was acceptable and the monitoring program for the CTRP was discontinued after the program was determined to be effective by the end of the non-summer season of 2009 and the completion of the Phase I construction of the MAW Master Plan. The proposed project will replace the interim CTRP with a final CTRP, which incorporates an access card system with summer and non-summer program hours at the Fairway Road entrance gate. A traffic attendant will be present for any public events outside of open gate (summer and non-summer) hours. The attendant will record cut-through vehicles and issue verbal warnings to associated drivers. The Final CTRP will further the effectiveness of the interim CTRP and no additional traffic mitigation measures are necessary.

Finally, the Appellant provided no credible evidence that there will be land use incompatibility with the proposed project. As discussed in staff's response to Appeal Issue No. 1, MAW has been an established use under major Conditional Use Permits at the current location since 1951. In addition, the proposed changes are minimal and new uses will be offset by removing existing uses, daily, any-given-time, and annual attendance limits will not change, and traffic and noise studies demonstrate no adverse impacts to the surrounding area. No new structural development is proposed with this project. Therefore, the proposed project is not incompatible with the surrounding land uses.

In summary, staff finds that the appeal issues asserted are without merit and that the proposed project meets all applicable standards in the CZO, complies with all policies within the Comprehensive Plan, including the MCP and the Local Coastal Plan, and the findings for approval can be made.

Fiscal and Facilities Impacts:

Budgeted: Yes

Total costs for processing the appeal are approximately \$59,000 (200 hours of staff time). The costs for processing project appeals are partially offset by a fixed fee, however, no appeal fee was collected because this project is located within the Coastal Commission's Appeals Jurisdiction. Funding for this project is budgeted in the Planning and Development Department's Permitting Budget Program as shown on Page 317 of the County of Santa Barbara Fiscal Year (FY) 2024-25 Adopted Budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice in *The Montecito Journal* at least 10 days prior to the hearing on November 5, 2024. The Clerk of the Board shall fulfill mailed noticing requirements (labels attached). The Clerk of the Board shall forward the minute order of the hearing to the attention of Planning and Development Department: Hearing Support, David Villalobos.

Attachments: *

1. Findings
2. CUP with Conditions
3. Coastal Development Permit with Conditions
4. CEQA 15164 Letter
5. Appeal Application and Cover Sheet, dated April 14, 2023
6. Montecito Planning Commission Action Letter, dated April 7, 2023
7. Montecito Planning Commission Staff Report, dated March 7, 2023
8. Facilitation Memo, dated December 22, 2023
9. Project Description

Authored by:

Steve Conner, Planner, (805) 568-2081
Development Review Division, Planning and Development Department

EXHIBIT B

(November 1, 2024 Supplemental Appeal Letter)



County of Santa Barbara Planning and Development

Valentin Alexeeff, Director
Dianne Meester, Assistant Director

December 17, 2004

Suzanne Elledge
Suzanne Elledge Planning and Permitting Services
800 Santa Barbara Street
Santa Barbara, CA 93101

BOARD OF SUPERVISORS
HEARING OF OCTOBER 26, 2004

RE: Goldstein Appeal (04APL-00000-00019) of Music Academy of the West Revised Conditional Use Permit (90-CP-111 RV01)

Hearing to consider Goldstein Appeal (04APL-00000-00019) of the Montecito Planning Commission (MPC) approval of the Music Academy of the West Revised Conditional Use Permit (90-CP-111 RV01) (APNs 990-282-029, and -030) located south of Highway 101 between the Montecito Sanitary District Facilities and Butterfly Lane, at 1070 Fairway Road (also known as The Fairway), Montecito Area, First District.

Dear Ms. Elledge:

At the Board hearing of October 26, 2004, the Board of Supervisors took the following action:

Supervisor Schwartz moved, seconded by Supervisor Marshall, and carried by a vote of 5-0 to:

1. Confirm and adopt the required findings for the project consistent with the MPC's action on June 16, 2004, as revised in the 10/14/04 Board letter (Attachment 4: Findings) and including hand-out of page 72 of the project EIR¹ to reflect:
 - a) the amended condition language (in Attachment 4 to the 10/14/04 Board letter);
 - b) the change in the final County decision-maker (Board of Supervisors rather than the Montecito Planning Commission); and
 - c) the final action date (October 26, 2004 rather than June 16, 2004);

¹ Page 72 was discussed, distributed, and available at the Board hearing, as it may have been missing in some copies of the EIR.

2. Approve the Final Environmental Impact Report, 03-EIR-06 as updated by the EIR Revision Letter dated April 20, 2004 and CEQA Revision Letter dated June 7, 2004 included as Attachment B of staff memorandum dated June 7, 2004 and staff memorandum dated June 14, 2004, and adopt the mitigation monitoring program contained in the conditions of approval, as revised at the hearing of October 26, 2004, and including page 72 of the EIR;
3. Grant the requested modifications to the height limitation (for existing Abravanel Hall) and side yard setback (paving only) for the 1-E-1 zone district pursuant to Article II §35-172.12, specified in Attachment C of staff memorandum dated June 7, 2004;
4. Grant the requested modification to the number of required parking spaces required pursuant to Article II §35-109, Parking Regulations, specified in Attachment C of staff memorandum dated June 7, 2004 and staff memorandum dated June 14, 2004, and in the parking analyses in 03-EIR-06, the 4/20/04 EIR revision letter, and the 6/7/04 CEQA revision letter, as revised at the hearing of June 16, 2004; and
5. Approve Major Conditional Use Permit, 90-CP-111 RV01, subject to the conditions included as Attachment 3 of the Board letter dated October 14, 2004 and pursuant to the change in numbering of conditions of approval. 24 and 25 as discussed (and distributed to the Board) at the October 26, 2004 hearing.

Revisions to the project Findings and the Conditions of Approval were identified with red-lining in Attachments 3 and 4 of the October 14, 2004 Board letter. These changes and the additional changes identified by staff at the hearing, to include page 72 from 03-EIR-06 and the changes to numbering of conditions 24 and 25, have been incorporated into the Conditions of Approval and Findings attachments to this letter (Attachments 1 and 2).

The attached findings and conditions reflect the Board of Supervisors' actions of October 26, 2004.

The Board of Supervisors decision may be appealed by the applicant, an aggrieved person, as defined under Section 35-58. (appealable developments), or any two members of the California Coastal Commission (CCC) within 10 working days of the CCC's receipt of the Notice of Final Action. Appeals must be in writing to the appropriate CCC in district office. No appeal may be filed with the CCC until local appeals have been exhausted on the project permit. If an appeal is filed, it shall be filed and processed in accordance with all provisions of Section 35-182.4 of the Coastal Zoning Ordinance.

Sincerely,



Jackie Campbell, Deputy Director
Development Review Division

Goldstein Appeal of Music Academy of the West Revised CUP (04APL-00000-00019)
Board of Supervisors Hearing October 26, 2004

- Attachments:**
- 1. Board of Supervisors Approved Findings, including EIR page 72 (for reference)**
 - 2. Board of Supervisors Approved CUP Conditions of Approval**
 - 3. Approved Project Plans**

cc: Case File: 90-CP-111RV01
Montecito Planning Commission File
Lisa Martin, Planning Technician
Address File: 1070 Fairway Road, Montecito, CA 93108
Montecito Association, P.O. Box 5278, Montecito, CA 93150
Owner: Music Academy of the West, David Kuehn, President, 1070 Fairway Rd, Montecito, 93108
Architect: Steve Metsch, Phillips, Metsch, Sweeney, & Moore Architects, 2020 Alameda Padre Serra, Santa Barbara, CA 93103
Attorney: Peter Brown, Hatch & Parent, 21 East Carrillo Street, Santa Barbara, CA 93101
Engineer: Scott Schell, ATE, 100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110
Jana Zimmer, Zimmer & Marcus, LLP, 2640 Encinas Lane, Santa Barbara, CA 93105
Lew and Carolyn Goldstein, 87 Butterfly Lane, Montecito, CA 93108
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Park Department
Public Works
Environmental Health Services
APCD
Supervisor Schwartz, First District
Commissioner Bierig
Commissioner Meghreblian
Commissioner Phillips
Commissioner Thielscher
Commissioner Wells
Mary Ann Slutzky, Deputy County Counsel
Natasha Heifetz Campbell, Planner

JC:erb

G:\GROUP\Permitting\Case Files\Cp\1990s\90 cases\90cp111\90cp111RV01\BOS\10-26-04actltr.doc

000003

BOARD ACTION LETTER FOR MUSIC ACADEMY OF THE WEST
ATTACHMENT 1

FINDINGS

BOARD OF SUPERVISORS APPROVED FINDINGS

1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CEQA GUIDELINES SECTIONS 15090 AND 15091:

1.1 CONSIDERATION OF THE EIR

The Final Environmental Impact Report (EIR), 03-EIR-06, was presented to the Board of Supervisors and all voting members of the Board have reviewed and considered the EIR, 03-EIR-06, its appendices and the revision letters dated April 20, 2004 and June 7, 2004 prior to approving this proposal. In addition, all voting Supervisors have reviewed and considered testimony and additional information presented at or prior to public hearing[s] on December 11, 2003, April 21, 2004, June 16, 2004, and October 26, 2004. The EIR as revised by the revision letters dated April 20, 2004 and June 7, 2004, as revised by the Montecito Planning Commission on June 16, 2004, reflects the independent judgment of the Board of Supervisors and is adequate for this proposal¹.

1.2 FULL DISCLOSURE

1.2.1 The Board of Supervisors finds and certifies that the Final EIR as revised by the revision letters dated April 20, 2004 and June 7, 2004, as revised by the Montecito Planning Commission on June 16, 2004, constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Board further finds and certifies the Final EIR has been completed in compliance with CEQA.

1.2.2 Most of the mitigation measures from the project EIR, 03-EIR-06, have been incorporated as conditions of approval with no changes. However as identified in the revision letters dated April 20, 2004 and June 7, 2004, as revised by the Montecito Planning Commission on June 16, 2004, as well as the revised condition language approved by the Board on October 26, 2004, the language of some measures has been changed and some measures have been eliminated. These changes fall into one or more of the following categories:

- The changes are minor in nature and are intended to clarify the original mitigation measures;
- The measures are no longer applicable to the current project description;
- The modified mitigation measures are equivalent or more effective than the originally proposed language;
- The modified mitigation measures are more feasible, while still mitigating the associated impact(s);;
- The original language or mitigation measure is unnecessary to avoid project impacts;

¹ This includes page 72 of the EIR which was available and distributed at the Board hearing, as it may have been missing from some copies of the EIR.

- The changes better or further ensure a reduction in project impacts.

The changes/deletions do not cause additional significant environmental impacts nor do they change the conclusions of the EIR, although it is acknowledged that the impacts associated with the temporary change in views of the site from Butterfly Lane (aesthetics/land use) would be substantially reduced, even though the level of impact would not be changed.. Further, the changes would not trigger the need to re-circulate the EIR.

EIR mitigation measures which have been modified or eliminated are indicated below (by EIR section and mitigation measure numbers or by reference to applicable mitigation measures added in the April 20, 2004 EIR Revision Letter).

Aesthetics:

3. This measure has been supplemented in the project conditions to apply special consideration (for night-lighting) to the proposed northern parking area.
- 4a. The requirement addressing tree and other vegetation maintenance is modified to also be included in landscape/arborist maintenance contracts (in addition to being identified in the landscape plan).
- 4b. The requirement for vine planting on buildings is modified to exclude reference to the no longer proposed parking structure and language is added to take into account increased views to the interior (from the north) due to proposed regular trimming of the eucalyptus windrow.
- 4c. The requirement for more screening landscaping in the north is modified to exclude reference to the no longer proposed parking structure and language is added to address parking lot screening and night-lighting visibility.
4. The overall landscape plan requirements have been strengthened to maximize screening of the site from off-site, including the timing for installation of some perimeter plantings, and to maintain historic aspects of the landscaping.
5. This measure addressing the wrought iron railing on the parking structure is eliminated as the parking structure is no longer proposed.
6. The requirement to not allow structures' heights, as described in the project description, to be increased is modified to also address the sizes of structures.
7. Graffiti measure: The condition eliminates "in conjunction with condition #3 above", as this language is not relevant. Additional language is added to the monitoring component: "If new graffiti is observed, Permit Compliance shall direct Music Academy to repaint this wall section".
8. The requirement to remove the outdoor patio dining area is eliminated as the outdoor dining area is no longer part of the project proposal.

Air Quality:

1. Timing requirement for the final grading plan is modified/clarified to prior to approval of CDPs for grading (rather than prior to land use permit approval).
2. The timing requirement for dust control measures to be shown on grading and building plans is supplemented to include prior to P&D approval of related CDPs.
3. The requirement to use the Railroad right-of-way during grading activities has been modified as indicated below to account for the UPRR process and to specify that large trucks should use this route while it is available as well.

The applicant shall secure a Right-of-Way Agreement from the Union Pacific Railroad, if UPRR will grant such access for a 90-day period and, if available, an extension at a reasonable cost. **Plan Requirements and Timing:** Prior to approval of a Coastal Development Permit for grading, the applicant shall provide P&D with a copy of the Right-of-Way Agreement for access purposes, indicating ability to utilize the railroad right-of-way to export fill offsite for a minimum 90 day period. Large truck deliveries of building supplies shall also utilize this access while it is available.

Archaeology:

1. Minor change in timing: monitoring requires P&D to check plans for inclusion of this condition prior to approval (not issuance) of CDPs for grading.

Biology:

1. Timing for the Butterfly Enhancement Plan submittal (and P&D approval) is modified to specify prior to approval of CDPs for grading.
2. Tree protection plan: the plan has been revised to incorporate the three arborist recommendation letters (Bill Spiewak letters dated 1/30/04, 4/2/04, 5/18/04) and some of the specific recommendation language in these letters
- 2Ac. This measure has been modified to prohibit construction staging areas from being located the easement area.
- 2Ad. This measure has been modified to allow installation of impervious surfaces in tree root zone areas, where roots will already be cut for project development and would be unlikely to regenerate into these areas (e.g., the northern parking lot) as determined by the arborist.
- 2Ah. Regarding tree removal associated with an additional lane for returning cut-through traffic back to Fairway: This measure is updated to reflect elimination of this lane from the approved project. The new lane is only one option to be considered by the MPC as part of future compliance hearings, in the event that the MPC were to first find that the cut-thru reduction program (CTRP) as approved is not effective.

2Bc. This measure addressing time periods appropriate for tree removal is modified to specify that if monarch butterflies do return to the site, tree removal time periods shall be revised accordingly.

2Bd. Language is added for clarification: No grading (any earthwork activities) or development shall occur within the critical root zones of protected trees*.

The added footnote reads, "Protected trees are those not specifically proposed for removal on the approved tree disposition plan."

2Bd/e. The requirements to limit grading and development and to install fencing within critical root zones are modified to allow exception to these, consistent with the Board of Supervisors approved tree disposition plan.

2Br. Language has been added to require the need for arborist monitoring to specifically address the trees in proximity to the student services, instructional, and new practice studio buildings and trees near the northern parking area.

2 - **Plan Requirements:** This component of the condition has added language to specify prior to approval of CDPs for grading.

3. This measure addressing excavation work is modified to address specific situations, like excavation for the service entry, where it may be necessary to use equipment in proximity to trees. Language is also added to refer back to specific Tree Protection Plan requirements.

4. This mitigation measure is incorporated as two separate conditions of approval. The first addresses non-native, invasive plantings. The second condition requires the landscape plan to incorporate all of the various landscape related measures (designed to address aesthetics, historic resources, etc, as well as biological resources).

Fire Safety:

1. Incorporation of the rummage storage mitigation as project conditions includes additional language. This language is added to clarify that the allowances for storage pursuant to Montecito Fire Protection District concerns do not override other project conditions, which may require further limitations on rummage storage on-site (to address land use compatibility issues).

Historic Resources:

1. The Plan Requirements and Timing section has been supplemented with a requirement for a historic landscape expert to review plans, in addition to the previously required landscape architect, given the importance of the historic designed landscape in the estate's overall historic value. References to "prior to approval of CDPs" now includes specificity regarding CDPs for grading.

2. The reference to project plans has been supplemented to specify that the project plans to be reviewed include grading, landscape, building plans and any signs (e.g., commemorative plaques). In addition, language is added to require that the historical experts attend MBAR and HLAC meetings and monitor construction activities to ensure compliance with approved plans (with regard to the historic structures and landscape).
3. The timing for review and approval of a revised landscape plan now specifies prior to approval of CDPs for grading.
- 5d. The requirement to provide more sky-line eucalyptus replacement trees (to off-set proposed removal) is revised to allow either eucalyptus or other sky-line trees acceptable from a historic landscape perspective.
5. The timing component now specifies prior to approval of CDPs for grading.

EIR Land Use Mitigation Measures:

2. This measure, requiring elimination of the outdoor terrace dining area, is not included in the project conditions of approval as this project component is no longer proposed.
3. This measure, which addresses on-site storage of resale merchandise/rummage, is revised to reflect the current storage and maintenance/storage buildings (previous versions of these buildings were located elsewhere and were of different sizes). The MPC further revised this measure to eliminate restrictions on the duration of the storage of resale shop merchandise in the new storage/maintenance building and modified the language addressing May Madness rummage to allow May Madness rummage to be stored on-site without time limitation in areas specifically designated for storage on the building plans, as these components were not determined to be necessary to ensure the effectiveness of the mitigation measure in reducing land use impacts to less than significant levels.
4. This measure addresses where construction related vehicles, equipment, and supplies shall be located (on-site) and where waiting trucks shall wait on-site (outside the exit drive easement area).

The MPC included additional language allowing an exception for trucks with supplies for specific areas (e.g., new trees to be planted north of the instructional building location), to ensure feasibility of this measure. The MPC also added language requiring the contractor to control vehicle traffic through the site (as part of the CTRP) using traffic control personnel to control vehicle entry. This would reduce cut-through traffic in the neighborhood during the construction period.

5. The MPC modified the allowance for unrestricted (attendance) fundraisers to once per year, for one day, during the non-summer season as follows: "Music Academy fundraisers on campus shall be subject to the any-given-time, daily and seasonal attendance caps. The exception to this shall be limited to one, 1-day event per year,

held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).

6. This measure addresses use of indoor amplification and requirement that doors and windows be closed to reduce spill-over of noise onto adjacent properties when amplification is in use. Language was added to this measure (in the EIR Revision letter dated April 20, 2004) requiring construction design to account for closing of windows, by ensuring alternate air circulation in areas where windows may need to remain closed for extended periods, including the option of non-opening windows in areas of the building(s) where indoor amplification is expected. The MPC made no further changes to this measure.
7. This CTRP measure from the EIR is revised as a project condition of approval to exclude the requirement for a "reject vehicle" return lane (although this is still one of several options for the MPC consider and potentially require at future compliance hearings, in the event that the MPC then finds that the CTRP is not sufficiently effective). The CTRP is also revised to include more specificity for CTRP components and a requirement that the MPC review the program's effectiveness at their regular compliance hearings on the project as well as allow the MPC to modify the CTRP to improve effectiveness as part of their compliance hearings. The MPC added language to this measure to change the resale shop hours to 12-3:00 p.m. and added more specific language with regard to timing (CTRP details approved prior to CDP for first phase of grading, CTRP implemented prior to occupancy clearance). The changes would facilitate the operation and effectiveness of the CTRP in reducing vehicle trips in the neighborhood.
8. Hours of operation for the resale shops have been modified from those proposed in the original EIR mitigation. The MPC requirement for the hours to be changed from the existing 1-4:00 p.m., Monday – Saturday to 12-3:00 p.m., Monday-Saturday would better ensure neighborhood compatibility by allowing the Fairway entrance gates to be closed more often during the peak cut-through traffic period of 3:30-6:30 p.m. (thereby reducing traffic in the neighborhood). Language is also added to require MFPD review and approval of storage areas. The MPC modified the language that was added as part of the 4/20/04 EIR Revision Letter (Land Use mitigation measure #21) that would have required resale shop operations during the non-summer to be "by appointment only". Elimination of this restriction is more feasible for the operations and still enables implementation of an effective CTRP and still assists in mitigating traffic impacts to less than significant levels.
9. The mitigation requiring a compliance hearing after one year has been modified to require subsequent compliance hearings every two years for a ten year period, unless the MPC decides to modify this requirement at one of their compliance hearings (e.g., increased or decreased frequency, elimination of this requirement or continuation of this requirement beyond the identified 10 year period). Two other mitigation measures have also been combined into this condition. The MPC further modified this measure to require the first compliance hearing one year after operation of the first phase of Master Plan operations. In addition, the MPC made the following language changes: Project conditions may be modified or new

conditions added to ensure effective compliance. These changes clarify and do not alter the intent or requirements of the original language of this measure.

10. This monitoring condition has been revised to specify submittal of the methodology (for P&D approval) prior to approval of CDPs for structures. In addition, the MPC added language regarding ticket sale records from the ticketing company including the number of tickets per event for the public, students and faculty/staff, as well as a requirement that the monitoring reports be accompanied by a signed statement from the Director/President of the Music Academy stating that the Academy Board and staff have read, understand, and will ensure compliance with the CUP conditions.
11. This measure, which addresses complaints and a trigger for MPC review of compliance with CUP conditions, has been incorporated into the condition requiring regular compliance hearings.

Changes to Land Use Mitigation Measures included in the 4/20/04 EIR Revision Letter: The conditions of approval also incorporate new mitigation measures added after completion of the proposed final EIR document to further address land use impacts particularly compatibility/quality of life impacts, to the surrounding neighborhood (see EIR revision letter dated April 20, 2004). These measures include:

4/20/04 EIR Revision Letter Land Use Mitigation Measures 9 and 10: These measures required that during the summer, there shall be no more than 5 events held on Saturdays and no events held on Sundays. The measures were modified to specify no public events and a footnote was added stating that summer students and faculty practicing on-site (not performing), staff doing office or grounds work and other basic administrative activities would still be allowed.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 11: This measure established a limit on the number of picnic concerts (7) during the summer. This measure was modified to allow up to 10 picnic concerts, consistent with the historic levels and the intent of the original language, which was to maintain (not increase) historic levels.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 13: This measure required that all Music Academy events and activities begin no earlier than 9:00 am and end no later than 10:30 pm. Once an evening event has ended, guests must leave premises within 30 minutes. If 30 minutes becomes insufficient for guests to leave the premises, end times shall be moved to earlier in the evening sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 11:00. This measure has been revised as follows:

“All events and activities shall begin no earlier than 9:00 am and shall end no later than 10:00 pm seven days a week throughout the year. The exception to this shall be allowance for events on Thursdays and Fridays during the summer season, only, to end by 10:30 p.m. Once an evening event has ended, guests are expected to leave within approximately 30 minutes. If approximately 30 minutes becomes insufficient for guests to leave the premises, the MPC, as part of their compliance hearings, shall consider the requirement to move end times to earlier in the evening, sufficient to provide additional time for guests and related

vehicle traffic to vacate the site by 10:30 (11:00 for Thursday and Friday events in the summer season).”

The Plan Requirements, Timing, and Monitoring components have also been revised to include more specificity for effective compliance.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 14: This measure identifies allowances and limitations for the new dining and kitchen facilities. New language was added to specify that, “The kitchen shall not be designed as a commercial or industrial kitchen. Rather, it shall be designed for catering purposes only, with an assumption of, and requirement for, minimal food preparation on-site.”

4/20/04 EIR Revision Letter Land Use Mitigation Measure 15: This measure addresses required replacement of screening perimeter vegetation. Language has been added to this measure to require that screening shrubs (in addition to trees) be replaced if lost and that replacement plantings be with comparably sized plantings, up to 24-inch box size.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 16: This measure addressed recommended changes to the instructional building. 16a and 16b have already been accomplished in the revised project plans. The MPC modified the requirement for frosted or other window material on the north and east sides of the structure (for privacy concerns) to allow the MBAR to determine appropriate window materials or treatments prior to approval of CDPs for structures (16c).

4/20/04 EIR Revision Letter Land Use Mitigation Measure 17: This measure addressed recommended changes to the student services building. 17a has already been accomplished in the revised project plans. The MPC modified the requirement for frosted or other window material on the north and east sides of the structure (for privacy concerns) to allow the MBAR to determine appropriate window materials or treatments prior to approval of CDPs for structures (17b).

4/20/04 EIR Revision Letter Land Use Mitigation Measure 18: “Drapes or curtains shall be installed on the windows on the east and north facing sides of the proposed new instructional and student services buildings and the north side of the proposed new practice studio building in order to reduce visibility of lighting at night when the buildings are viewed from off-site. In addition, the drapes shall be installed with a timer, to automatically close during night-time hours.” The MPC modified this language to allow the type of window treatments/coverings to be determined by P&D and MBAR.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 21: Resale shops: see discussion of EIR Land Use Mitigation Measure #8 above.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 22: “Limiting use of the practice studio, hall and instructional spaces in the new practice studio, instructional building and student services buildings to musical practice and instruction. These spaces could not be used for performances. Exceptions to this would be allowance for up to 25 public attendees

(total in these buildings) to view instruction/performance to accommodate donor and Compeer program viewing of student instruction.”²

The MPC modified the language of this measure as follows:

“The rooms/spaces in the new practice studio/instructional/student services building complex shall be used for musical practice, instruction, auditions, rehearsals and meetings associated with music only. Rental of these spaces to others for these same activities would also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes. **Plan Requirements and Timing:** A note identifying these restrictions shall be included on the project building plans for this structure and the applicant shall submit future activity calendars to permit compliance staff along with other monitoring data to ensure compliance with this measure.”

While public attendance will still be limited by mandatory attendance caps on activities throughout the entire campus, the revised language will provide greater flexibility for the Music Academy operations during their busy summer season. The revised language still mitigates impacts to less than significant levels

4/20/04 EIR Revision Letter Land Use Mitigation Measure 23: “The 50 removable seats in the front of Abravanel Hall shall be for the exclusive use of the summer music students. If the students wish to sit with non-students (instructors, friends, family), they shall be seated in the regular fixed seating area, but in no case shall the removable seats be used by non-students. Only those removable student seats that will be occupied at a given performance shall be set-up, as it may be confusing and awkward to try to keep audience members out of un-used front and second row seats. (Perhaps students could bring out their own chairs).”³

The MPC altered the language of this measure to allow flexibility in who sits where during performances within Abravanel Hall during the summer. However, the revised language requires that only 300 of the total 350 seats (50 removable seats for summer only use and 300 fixed seats) can be sold to/used by the public, consistent with the intent of the prior language.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 25: “During the non-summer, musicians/other performers shall not be counted toward the attendance maximums if they are actually performing at a concert or other event. However, if the activity involved is really instruction or rehearsal with others observing, the performer and audience shall be counted toward the attendance maximums. The intent of this condition is to not allow extension of the summer music program, with an unlimited number of students, in the non-summer.”

² The MPC and Board made further modifications to this measure.

³ The MPC and Board made further modifications to this measure.

The MPC added language to clarify that the intent of this measure is to ensure compliance with the attendance caps.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 26: "All events open to the public shall be subject to the public attendee caps in the project description. Therefore, the May Madness weekend fundraiser, open to the public, shall be moved off-site (e.g., to Earl Warren Show grounds)."⁴ The MPC modified this measure to allow a May Madness type of event to be held on-site, as it would be limited to only one, one-day event per year, to be held during the less busy (traffic) non-summer season.

As indicated above, as part of project approval, the MPC modified or eliminated some of the above measures. The CUP conditions, as revised, would continue to mitigate the previously identified Class II potential land use compatibility/quality of life impacts to a less than significant level. Conditions (specifically, condition 2) also include an advisory statement that the CUP as conditioned would constitute the maximum intensity of use appropriate to avoid significant long-term neighborhood compatibility and quality of life impacts and to reduce short to mid-term impacts to the maximum extent feasible.

Noise:

2. The stationary construction equipment referenced "shall be located as far as possible from occupied residences and." The hanging "and" is deleted
4. The EIR measure addressing allowance for outdoor amplification limited the frequency to 4 times per year. The EIR Revision letter dated April 20, 2004 recommended that no outdoor amplification be allowed to address land use compatibility impacts. The MPC revised the language of these measures to allow for outdoor amplification subject to the following restrictions:
 - a) Location: the "cloistered outdoor courtyard".
 - b) Frequency: Two times per year.
 - c) Duration: No more than 2 hours per event.
 - d) Level: Shall not be audible outside MAW property boundaries.
 - e) Time of Day: Beginning no earlier than 9:00 a.m. and ending no later than 9:00 p.m.
 - f) Limited to the spoken voice.

The limited use of a hand-held microphone, to be inaudible outside the MAW property, limited to use for the spoken voice, in the cloistered courtyard, for no more than two hours, two times per year would not result in significant noise or land use compatibility/quality of life impacts, particularly because this amplified sound will be inaudible off-site.

5. This measure addressing noise complaints is incorporated into the broader condition requiring regular compliance hearings.

⁴ See other project conditions addressing permitted storage on-site for May Madness event.

Public Services - Solid Waste, Sewer, Water/Drainage (Geology incorporated with Water Drainage for conditions):

Solid Waste:

1. The timing for submittal of the Solid Waste Management Plan is revised to specify "prior to approval of CDPs for grading."
2. The timing component is revised to specify that "All applicable materials shall be recycled prior to occupancy clearance."

Water:

3. The timing component requires that the water-conserving measures be graphically depicted prior to approval of CDPs for structures.

Sewer:

2. This measure addressing coordination with MSD and the City regarding sewer lines is modified to specify the *northern parking area* (rather than the parking structure) as well as the *approved new maintenance/storage and storage buildings*. The sentence beginning with, "Structural engineering shall..." is deleted as there are no longer structures proposed in close proximity to the edge of the sewer easement.

Traffic:

1. This measure limits activity levels on-site commensurate with the ability of the on-site parking supply to accommodate project generated parking demand. The condition is revised from the EIR mitigation language to reflect the reduction in the any-given-time attendance cap and related peak parking demand. The first three paragraphs of the EIR mitigation measures are replaced with the following language: Parking demand generated by project activities shall be accommodated within the on-site parking supply (285 passenger vehicle spaces, 5 additional stacked parking spaces and two bus spaces). In addition, the condition is revised such that the requirement to provide survey data for peak attendance weeks shall not be limited to the first year of regular operations or for 10 consecutive days, but shall be done annually during periods with events associated with peak attendance (most popular day-time Masters classes, etc.) and when high attendance is expected at consecutive events to ensure there is sufficient parking on-site and that the interval between events is adequate to allow vehicles to exit spaces in time for in-coming vehicles to park.. The portion that requires a return to the MPC for consideration of parking is eliminated as this aspect of the project would be evaluated regularly by the MPC in their project compliance hearings.
2. The mitigation specifying requirements for an off-site parking lot is eliminated as all parking would now be provided on the project site.

4. Regarding the Los Patos intersection future improvements, the applicant would still be required to contribute to the improvements at this intersection. However, the language detailing timing constraints is eliminated as the impact would only occur in the cumulative setting. Because attendance and related vehicle trips for the approved project have been reduced since preparation of the EIR document, the financial contribution has also been reduced to reflect the project's reduction in the percentage of cumulative traffic that would be sent to this intersection. The City of Santa Barbara has confirmed that the revised vehicle trip estimates and percentage contribution to the intersection improvements are acceptable (Rob Dayton, City of Santa Barbara Public Works e-mail 6/14/04).
5. The requirement to contribute funding to the Hot Springs/Cabrillo Highway 101 ramps is modified, such that the need to contribute funds for this improvement is triggered with a lower (more conservative) attendance maximum of 250 public attendees, rather than the previous trigger of 370 attendees (baseline). Because attendance and related vehicle trips for the approved project have been reduced since preparation of the EIR document, the financial contribution has also been reduced to reflect the project's reduction in the percentage of total traffic that would be sent to this intersection. The City of Santa Barbara has confirmed that the revised vehicle trip estimates and percentage contribution to the intersection improvements are acceptable (Rob Dayton, City of Santa Barbara Public Works e-mail 6/14/04).
7. The reference to an off-site parking lot is eliminated as this is no longer proposed. The ability to return to the MPC to evaluate adequacy of on-site parking, etc., is described as an item for discussion at the MPCs compliance hearings on the project.
8. This measure requiring applicant funding of on-going County compliance efforts (post approval), is supplemented to require unannounced permit compliance staff attendance at events on-site. The purpose of these visits includes performing manual attendance counts for comparison with submitted attendance data. Submittal of funds is also supplemented to occur prior to approval of CDPs for each new phase of development (CDP for grading unless no grading is necessary for a specific phase being permitted).
9. This measure is incorporated into the condition of approval which addresses adequacy of parking attendants. Given the reduction in any-given time attendance, the requirement for busing/carpooling is triggered when 95, rather than 80 staff/performers are present for a maximum capacity non-summer event (as discussed in the April 20, 2004 EIR Revision letter).
10. This measure requiring adequate time between sequential events on-site has been revised to require more time between events and a higher attendance trigger for this requirement.
11. The ability to return to the MPC to evaluate parking or other traffic related issues is discussed in condition #74, which addresses parking, but is also incorporated into the broader condition requiring MPC compliance hearings on the project after one year of operation and thereafter every two years for a ten year period, unless the

MPC chooses to modify, extend or eliminate this schedule at one of these compliance hearings.

The language changes approved by the Board of Supervisors to conditions of approval nos. 1, 6, 14, 30, 42, 43, 51, and 55 at the October 26, 2004 hearing do not reduce the effectiveness of mitigation or alter the level of impact of any of the identified project environmental impacts.

1.3 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Planning Commission, Ms. Jackie Campbell of Planning and Development located at 123 E. Anapamu St., Santa Barbara, CA 93101.

1.4 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

The Final Environmental Impact Report and revision letters dated April 20, 2004 and June 7, 2004 on the Music Academy of the West Revised CUP project identify two temporary environmental impacts that cannot or may not be fully mitigated and are therefore considered unavoidable. The project has substantially lessened these impacts by the incorporation of changes or alterations into the project where feasible. reduced the impacts to a level of insignificance. To the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations included herein. The "Class I" impacts identified by the Final EIR ~~is~~are discussed below, along with the appropriate findings as per CEQA Section 15091:

- 1.4.1 Aesthetics; Land Use: The following aesthetic impact and land use impact are considered significant and unavoidable in the short to mid-term (until proposed landscaping reaches sufficient height/size to provide screening from off-site public viewing areas particularly from the north, 10-15years). From Butterfly Lane and its residences these impacts would be substantially lessened with regard to both the degree of impact and the duration of the impact, to primarily during construction, due to the revised project's lower elevation for the new student services building and resulting reduction in time needed for supplemental trees to reach screening heights, changes to the instructional building and associated service entry, retention of mature trees south of the exit drive previously proposed for removal, and planting of additional perimeter screening vegetation prior to initiation of Master Plan improvements. The interim aesthetic impact is associated with the change in views, and the interim land use impact is associated with the change in visual character, when the project is viewed from north of the project site (Hwy. 101 and further north) and to a lesser extent from the east⁵. For such views, the project's appearance will change from a predominantly landscaped estate to views of major construction (and later increased structural development), with

⁵ The change in views from the Butterfly Lane and its residences would be primarily during the construction period.

substantial removal of mature, screening trees, more visible night-lighting and, overall, a more institutional setting. Development and related construction activities would be most noticeable from the north and to a lesser extent and duration from the east, due to the location of proposed development. Night-lighting and any unintentional loss of eucalyptus trees in the northern windrow, from natural or project-related causes, would exacerbate this impact in the short-term as these trees are located in the Montecito Sanitary District (MSD) sewer easement and cannot be replanted due to MSD concerns regarding operation and maintenance of the district's main inflow and outflow pipelines.

The project has provided for retention of numerous mature screening trees previously proposed for removal and planting of screening shrubbery, which at maturity (and sooner as viewed from Butterfly Lane and from residences to the east) will provide substantial screening of the site from off-site. Over the long-term, it is expected that project structures and night-lighting would be substantially, but not totally, screened from off-site viewing areas by virtue of proposed new plantings and the long-term impact would be mitigated to a less than significant level. Mitigation to address these impacts would include the same mitigation identified to address Class II, potentially significant aesthetic and land use impacts that can be feasibly mitigated or avoided (discussed below). No other feasible measures are known which would further reduce the impact.

1.5 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY CONDITIONS OF APPROVAL

The Final EIR, 03-EIR-06 and the revision letters dated April 20, 2004 and June 7, 2004, identified several subject areas for which the project is considered to cause or contribute to significant, but mitigable environmental impacts. As to each impact area, the project has incorporated conditions of approval⁶ which will reduce the impact to a level of insignificance. Each of these impacts is discussed below along with the appropriate findings as per CEQA Section 15091:

1.5.1 Aesthetics:

Potentially significant aesthetic impacts that can be feasibly mitigated or avoided are associated with:

Extensive tree removal, which would allow new public views into the site during construction, and until screening plantings reach sufficient heights, would negatively alter public views of the site.

Substantial increase in overall development as well as new structures, which are either closer to the perimeter of the property or of much greater size, massing and scale than existing structures on-site, would change views of what appears currently as a landscaped estate to a more institutional setting.

Night-lighting of new development would potentially spill onto adjacent properties and increase visibility of new development from public viewing areas. Visibility of night-lighting itself would also increase over the existing setting when viewed from off-site.

Various project components would contribute to expansion of public views of non-residential uses in the neighborhood.

Mitigation

- a. Compliance with the Tree Protection Plan (Condition 14). The following shall be added to the Tree Protection Plan to reduce aesthetic impacts:

The TPP shall emphasize the protection (and retention, where feasible) of existing trees and shrubs that are critical to screening the property from off-site public viewing areas (e.g., particularly those trees that provide screening of the site when viewed from the north). In addition, the primary goal of tree maintenance activities (trimming, pruning) shall focus on maintaining the long-term health (and retention) of the trees. However, wherever possible, the maintenance activities shall also consider the goal of maintaining maximum screening provided by tree foliage.

⁶ Conditions identified below under mitigation are summarized. For the full language of the conditions, refer to the final CUP Conditions of Approval as modified by the Board of Supervisors on October 26, 2004.

- b. Night-lighting and its intensity shall be minimized to the extent feasible for security and safety purposes and night-lighting should be reduced following the close of activities on-site any given day.
- c. Use and approval of earth-tone colors (i.e., colors which blend with surrounding vegetation, soils, rocks, etc.) and muted colors for structural development, walls, signs, etc., unless the MBAR and P&D (with architectural historian input) conclude that alternative colors would be more compatible with the historic estate setting for specific structures.
- d. The landscape plan and tree disposition plan shall be revised to maximize the screening ability of site vegetation and to minimize the timeframe for new landscaping to provide such screening. At a minimum, the revised landscape and tree disposition plan shall include the following (see landscape plan and tree protection plan conditions in approved CUPP).
- e. Future structures shall not exceed the heights or sizes of individual structures identified in the project description and on the project plans.
- f. The graffiti on the remaining section of the northern wall shall be removed and the wall shall be painted in a color which blends in with the surrounding landscape.

In addition to measures specifically identified to address aesthetic impacts, the land use mitigation measures that address physical changes to the site, as well as the measures addressing the tree preservation plan, landscape plan and butterfly enhancement plan would also be required to address aesthetic impacts. These measures along with, but not limited to, those identified above have been found to mitigate these impacts to less than significant levels.

1.5.2 Archaeology:

Potentially significant archaeology impacts that could be feasibly mitigated or avoided are associated with the potential for significant, unknown buried cultural remains to be encountered within the project site during grading.

Mitigation

- a. In the event that archaeological remains are encountered during grading, work shall be stopped and the applicant shall fund evaluation of the resources encountered and shall implement recommended mitigation, consistent with County Archaeological Guidelines.

This mitigation measure has been found to mitigate this impact to less than significant levels.

1.5.3 Biological Resources:

Potentially significant biological impacts that can be feasibly mitigated or avoided are associated with the project would result in the removal of approximately ~~61~~ 60 specimen trees on-site, including, but not limited to, numerous eucalyptus trees which formerly supported roosting areas for monarch butterflies and 5 coast live oaks (4 of which would be transplanted on-site). No sensitive species of wildlife, including raptors or smaller bird species, have been identified on the project site. Re-establishment of the autumnal monarch roosting habitat in the northwest corner of the site is considered speculative due to a variety of factors (refer to the biological resources section of the EIR for expanded discussion of this issue).

Mitigation

- a. Implementation of an expanded tree protection and preservation plan, including replacement of trees removed with additional native trees.
- b. Implementation of a revised Butterfly Enhancement Plan for the area east of Miraflores on the slope above Butterfly Lane with a goal of re-establishing monarch butterfly habitat in an area under the control of the applicant (the northwest corner is subject to tree removal or restricted planting due to proximity to MSD and the MSD sewer easement along the northern property line).

Mitigation measures, including, but not limited to the measures stated above, have been found to mitigate this impact to insignificant levels, except for those impacts identified in section 1.4.1 above, which are substantially lessened by these measures.

1.5.4 Fire Protection:

Potentially significant fire safety impacts that can be feasibly mitigated or avoided with possible development and implementation of the Master Plan in a manner inconsistent with Montecito Fire Protection District (MFPD) requirements for on-site access, circulation, interior and exterior fire suppression, and storage of rummage/resale store merchandise.

Mitigation

- a. The applicant shall prepare a plan acceptable to the MFPD, which specifies the acceptable quantities, types, locations and duration of stored rummage and/or resale items.
- b. Access, circulation, design, and fire suppression water shall comply with all MFPD requirements. The MFPD shall review and approve final grading and building plans prior to CDPs.

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate this impact to less than significant levels.

1.5.5 *Geology*

Potentially significant geologic impacts that can be feasibly mitigated or avoided are associated with ground shaking from potential earthquakes (potential structural impacts). Project implementation and long-term operation could also result in increased erosion, sedimentation and runoff of other polluted surface water, as a result of grading and construction activities as well as runoff from increased impervious surfaces on-site, including parking areas, throughout the life of the project.

Mitigation

- a. The applicant shall prepare grading, drainage and erosion control plans for review and approval by P&D and the Flood Control District.
- b. Energy dissipaters shall be installed at the northern drainage improvements that empty into a swale, which would be used as a bio-filter.
- c. Buildings shall be designed consistent with Uniform Building Code Seismic Zone 4 requirements.
- d. Implementation of bio-filtration and other methods (water quality BMPs) on-site to minimize unfiltered runoff draining from the site to the ocean via storm drains with maintenance provisions for perpetuity.

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate these impacts to less than significant levels.

1.5.6 *Historic Resources:* Potentially significant historic impacts that can be feasibly mitigated or avoided are associated with historic structures and the historic designed landscape due to extensive tree removal, alteration of circulation and garden pathway features, modifications to Miraflores, and alterations to views of and within the site.

Mitigation

- a. Completion of the appropriate California Department of Parks and Recreation's Forms 523 for submission to the UCSB Department of Anthropology's Central Coast Information Center.
- b. Historic American Building Survey (HABS) documentation to show the spatial relationships between the buildings and existing landscape features.
- c. The Miraflores extension shall replicate the original construction techniques and the change must be documented and plans detailing this placed in the Music Academy archive.
- d. Working drawings, including landscape plans for the project shall be reviewed by a Santa Barbara County approved architectural historian and an expert in historic landscape design to insure compliance with mitigation measures addressing historic resources.

- e. The new student services building link to existing Miraflores shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. The Final Plans should be placed on file at UCSB.
- f. The applicant shall contract with an architectural historian (with input, as necessary from an expert in historic landscape design) to ensure that project plans (grading, landscape, structural development, any signs, etc.) are appropriately revised pursuant to project conditions that address historic resources and the architectural historian (and historic landscape expert) shall attend at all MBAR, and Historical Landmark Committee meetings.
- g. The new courtyard shall include replacement trees for those removed. In addition, the alignments of the historic axial path system shall be represented by embedding original materials.
- h. The existing pathway shall be retained across the new secondary access road (near Miraflores) and the plants and shrubs shall be retained on either side of the road. The surface of this emergency access road shall be planted if acceptable to MFPD.
- i. The landscape plan shall minimize impacts to the historic designed landscape, including adverse changes to spatial relationships, views between various site features, views from off-site, and to provide offsetting enhancement of altered historic landscape features.

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate historic impacts to less than significant levels.

1.5.7 Land Use Compatibility:

Potentially significant land use compatibility impacts that can be feasibly mitigated or avoided are associated with short-term construction impacts (including the transport of excess cut and fill soil to and from the site, previously identified as a Class I impact when this was estimated to involve 9,000 cubic yards of material requiring transport versus the revised project's need to transport approximately 420 cubic yards of fill material, a 95% reduction), change in views into the site and site development, increased traffic and parking demand during peak traffic periods (both standard and neighborhood peak traffic hours), the proposal to allow limited outdoor amplification, the proposal for increased attendance during the eight-week summer season, the potential allowance for two, one-day fundraisers instead of one⁷, two-day fundraiser, expanded resale activity from potential increased viewing and storage of resale items on-site and resale shop hours, the proposed construction and use of a new maintenance/storage building, the potential for substantially greater use of the larger and improved facilities throughout the site if the proposed attendance limitations were not enforced, as well as potential for the larger and improved kitchen and dining facilities to become a destination separate from Music Academy events similar to the situation experienced at Glen Annie Golf course. With regard to the short-term grading period land use impact associated with transport of fill material to and from the site

⁷ MPC modified this conclusion by determining that there could be only one, one-day fundraiser.

on neighborhood streets (if UPRR right-of-way access is unexpectedly not granted), the Board of Supervisors finds that this impact is hereby reduced to a potentially significant, but mitigable level (Class II), given the reduction in fill necessitating transport, from the original estimate of 9,000 cubic yards to approximately 420 cubic yards (a 95% reduction) with the approved project. The project changes and alterations have not otherwise

Mitigation

- a. The developer shall clear the project site of all excess construction debris prior to occupancy clearance for each construction phase and shall submit a construction traffic plan to the County and City for review and approval prior to issuance of CDPs.
- b. Requirement for perimeter screening in perpetuity, including requirement for replacement plant materials (whether trees, shrubs are lost either intentionally or due to natural causes).
- c. The instructional building shall be modified to reduce views from off-site of institutional development and to address privacy and potential nuisance concerns, including relocation of the service driveway/access to the northwest corner of the building, elimination of the northeast corner of the building to reduce visibility from off-site and to preserve 13 mature trees (and screening), requirement for MBAR to approve windows on north and east sides to address neighbor privacy concerns, and requirement that all balconies on instructional building be ornamental only. (Structural revision accomplished in approved project).
- d. The student services building shall be modified to reduce views from off-site views of institutional development and privacy concerns, including elimination of the top level of the northeast corner of the student services and requirement for MBAR to approve east facing windows to address neighbor privacy concerns. (Structural revision accomplished in approved project).
- e. Windows on the east and north sides of the instructional and student services buildings shall have window coverings installed with a timer to automatically close during night-time hours (or alternate window treatment), to reduce visibility of lighting at night.
- f. When practice rooms in the instructional building are used for activities likely to generate nuisance noise for neighbors (e.g., any type of amplification, brass band practice, etc.), any north or east facing windows in the room shall be closed and the air circulation system shall accommodate this requirement.
- g. The proposed storage building shall not result in any tree removal due to screening value.
- h. The Rack and Treasure House hours shall be 12:00-3:00 p.m., Monday-Saturday throughout the year to minimize periods when the entrance gates must remain open to reduce cut-through traffic trips, and facilitate CTRP.
- i. To minimize the potential for additional traffic generation and expansion of non-residential

use as well as to help offset other project effects on the neighborhood, resale/retail shop sales and viewing of merchandise shall be limited to merchandise located in Treasure House and The Rack only. Excess merchandise which cannot be accommodated in Treasure House or The Rack may also be stored in the new Storage building.

- j. The rooms/spaces in the new practice studio/instructional/student services building complex shall be used for musical practice, instruction and rehearsals only. Rental of these spaces to others for these same activities would also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes.
- k. In addition to the 300 fixed seats in Abravanel Hall, during the summer season only, 50 removable seats are allowed. No more than 300 seats shall be used for the public. Ticketing shall incorporate tickets for all in attendance at an event and shall include different types of tickets for students, faculty/staff and public attendees (public is anyone who is not a student, faculty or staff). There shall be no removable seats in Abravanel Hall during the non-summer season.
- l. To ensure adequacy of on-site parking, summer music students shall access the site using buses provided to and from Cate School. The exception to this shall be transferable permits for up to ten student vehicles/day. No additional student vehicles shall be parked on neighborhood streets to evade this restriction. Walking or bicycling to the site would also be acceptable.
- m. During the non-summer, musicians/other performers shall not be counted toward the attendance maximums if they are actually performing at a concert or other event. If the activity involved is really instruction or rehearsal with others observing, the performer and observers (audience) shall be counted toward the attendance maximums. The intent of this condition is to ensure compliance with the attendance caps and to not allow extension of the summer music program, with an unlimited number of students, in the non-summer.
- n. Music Academy fundraisers on campus shall be subject to the any given time, daily and seasonal attendance caps. The exception to this shall be limited to one, 1-day event per year, held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).
- o. Consistent with historic levels (and traffic assumptions), there shall be no more than five public Saturday events during the summer⁸.
- p. Consistent with historic levels (and traffic assumptions), there shall be no public Sunday events during the summer.⁹

⁸ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends.

⁹ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends.

- q. Picnic concerts shall be limited to no more than 10 during the summer.
- r. Rentals for seminars and meetings shall continue to be limited to 175 participants (rather than the applicant proposed 330) to avoid increased activity levels associated with increased rental activities (especially non-music related), including provision of expanded food service.
- s. All Music Academy events and activities shall begin no earlier than 9:00 am and shall end no later than 10:00 pm throughout the year. The exception to this shall be allowance for events on Thursdays and Fridays during the summer season only to end by 10:30 p.m. Once an evening event has ended, guests shall leave premises within 30 minutes. If 30 minutes becomes insufficient for guests to leave the premises, end times shall be moved to earlier in the evening sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 10:30 (11:00 for Thursday and Friday events in the summer season)..
- t. The cut-through traffic reduction program (CTRP) condition has also been revised and is based on the fee payment at the exit option, with the option for return lane or other method if proposed plan is not determined to be effective.
- u. The primary use of the kitchen and dining facilities shall be to provide lunch and dinner to summer music students, faculty, and staff. The secondary use of these facilities shall be for the use of non-summer staff to heat up (microwave) and refrigerate their lunches and for use by caterer for rental activities in non-summer. Therefore, the kitchen and dining facilities shall be limited as follows:
 - a) Not available to resale shops customers.
 - b) Not open as a snack bar or restaurant for the public or for public on-site for musical instruction, other lessons, rehearsals.
 - c) Not to be used to provide food for picnic concerts, except to supply coffee cart type fare.
 - d) Not to be used as a cafeteria for food preparation, except as typical office employee lounge.
 - e) Food preparation and service shall be limited to caterers (no permanent kitchen staff) and shall minimize deliveries.
 - f) Except for caterer supplies for specific meals, food stuffs shall be limited to those typical of an office employee lounge.

- v. Construction routes shall be limited to those shown on the proposed construction route plan. The applicant shall secure a Right-of-Way Agreement from the Union Pacific Railroad, if UPRR will grant such access for a 90-day period and, if available, an extension at a reasonable cost. The applicant shall provide all adjacent property owners with a construction activity schedule and construction routes 10 days in advance of construction activities.

In addition to measures specifically identified to address land use impacts, mitigation measures to address aesthetics, air quality, biological resources, historic resources, and traffic and noise would also be required to address land use impacts. Mitigation measures including, but not limited to, the measures stated above have been found to mitigate land use (land use compatibility/quality of life) impacts to less than significant levels except for those impacts identified in section 1.4.1 above, which impacts have been substantially lessened by these measures.

1.5.8 Noise:

Potentially significant noise impacts that can be feasibly mitigated or avoided are associated with from short-term construction noise, use of outdoor amplification, and potential exposure to excessive interior noise levels in new structures.

Mitigation

- a. The applicant shall minimize noise impacts during construction period by limiting hours of loud activities and minimizing noise from stationary construction equipment.
- b. All use of amplified sound on-site in indoor locations shall occur with closed windows during periods when amplification is being used. Amplified sound in outdoor locations shall be limited to the following:
 - Location: the “cloistered outdoor courtyard”.
 - Frequency: Two times per year.
 - Duration: No more than 2 hours per event.
 - Level: Shall not be audible outside MAW property boundaries.
 - Time of Day: Beginning no earlier than 9:00 a.m. and ending no later than 9:00 p.m.
 - Limited to the spoken voice.
- e. Buildings shall be designed to attenuate noise in interior areas to less than 45 dBA.

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate noise impacts to less than significant levels.

Public Services (Solid Waste, Sewer, Water)

1.5.9 Public Services - Solid Waste:

Potentially significant solid waste impacts that can be feasibly mitigated or avoided are associated with waste generation of approximately 53 tons/year. The project would contribute cumulatively to generation of increased solid waste going to area landfills.

Solid Waste Mitigation

- a. Implementation of an expanded solid waste reduction plan.

Mitigation measures including, but not limited to, the measure stated above have been found to mitigate solid waste impacts to less than significant levels.

1.5.10 Public Services - Sewer:

Potentially significant solid waste impacts that can be feasibly mitigated or avoided are associated with existence of existing sewer infrastructure associated with the location of the main MSD inflow and outflow pipelines and City of Santa Barbara (Coast Village Road serviced) inflow sewer line within a 30 foot easement within and paralleling the northern property line, with resulting potential for community wide interruption of sewer service and/or sewage spills in the event that project development impacts operation or maintenance and repair of the underlying pipelines. In addition, the location and design of proposed structures and landscaping, and past encroachment of development and grading could affect the pipelines and sewer service.

Sewer Mitigation

- a. Prior to submitting plans to P&D for review, the applicant shall receive confirmation from MSD and the City of Santa Barbara (sign-off on plans) that the proposed location and design of structures and plantings is acceptable, to avoid impacts to their respective pipelines. In addition to design specifications, this may include other measures such as in-pipeline video documentation before and following completion of construction to ensure that no unanticipated damage occurred to the pipelines as a result of construction activities. Structural engineering shall also ensure that future maintenance or repair activities on the pipelines would not impact the integrity of the new structures (e.g., such activities may involve a deep, wide trench in proximity to the edge of these structures.

Mitigation measures including, but not limited to, the measure stated above have been found to mitigate sewer impacts to less than significant levels.

1.5.11 Public Services - Water:

Potentially significant water quality impacts that can be feasibly mitigated or avoided are associated with increased impervious surfaces on-site and the potential for degraded water quality from runoff of construction related rinse water or unfiltered storm water runoff.

Water Mitigation

- a. Measures identified in the Geology section.
- b. Construction related wash-off areas shall be designated to ensure polluted waters do not runoff into storm drains and the ocean.

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate water quality impacts to less than significant levels.

1.5.12 Transportation

Potentially significant transportation impacts that can be feasibly mitigated or avoided are associated with potential parking demand, project specific impacts at the Cabrillo Boulevard/Highway interchange, and cumulative impacts at Cabrillo/Highway 101 interchange and the Cabrillo/Los Patos/Channel Cabrillo Boulevard intersection, and specific short-term construction impacts at the Los Patos/Cabrillo/Channel intersection and the Hot Springs/Cabrillo/Highway 101 ramps intersection.

Mitigation

- a. In order to ensure that project generated parking demand can be accommodated on-site, once the Master Plan is operational, the applicant shall monitor event parking during large events (300 plus attendees) to determine whether parking is indeed adequate to accommodate on-site parking for the proposed any given time maximum public attendance. Project conditions, which affect parking, may be modified based on the results of these surveys at the required compliance report hearings with the Montecito Planning Commission.
- c. Until such time as the improvements to the Cabrillo/Los Patos-Channel intersection and the Cabrillo/U.S. 101 interchange/ramps are completed, the following measure shall be implemented: The MAW shall schedule Master Classes with more than 250 students to start and end outside of the 4:00-6:00 p.m. peak commute period (such as a 4:00 P.M. start and a 6:00 P.M. end or a 1:00 start and a 2:50 end).
- d. The applicant shall contribute \$17,400.00 (the project's proportional share of a \$200,000.00 round-about, assuming the project would contribute 8.7% or 18 PHT out of 208 cumulative PHT to the intersection) to design and implement the necessary improvements at the Los Patos/Cabrillo Boulevard/Channel Drive intersection.

- e. The applicant shall contribute funds representing the project's proportional share of the approved improvement at Hot Springs/Cabrillo/Highway 101 ramps. This contribution shall only be required if the applicant no longer wishes to limit attendance to baseline levels for events that would generate vehicle trips from 4:00-6:00 pm .
- g. The applicant shall prepare and submit a construction traffic plan to the County and the City of Santa Barbara prior to approval of a CDP for grading.
- h. The MAW shall deploy an adequate number of parking attendants for the larger events on-site as well as at any off-site lot, as necessary, to ensure that identified parking is maximized (and parking on neighborhood streets is avoided or minimized).
- i. The applicant shall deposit funds to cover on-going staff review and compliance efforts.
- j. If more than 95 staff and performers are present for a maximum capacity non-summer event, staff or performers above this number shall be carpooled or bused to the Academy campus.
- k. At least 40 minutes shall be scheduled between the start and end times of larger events on-site (those involving combined consecutive event attendance of 550 or more public attendees, such as 300 at the first afternoon Master Class and 250 at the second Master Class).

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate transportation impacts to less than significant levels.

1.5.13 Quality of Life

Quality of life issues are specifically addressed in the land use section of the EIR, including, but not limited to, the effects of project related noise, traffic, and change in the visual character of the area. The land use section addresses these issues with regard to a neighbor/neighborhood perspective, rather than limiting discussion to whether related noise, traffic or aesthetic thresholds are exceeded. Mitigation to address these land use compatibility/quality of life issues are also included in the land use section of the EIR and the EIR Revision Letter dated April 20, 2004 as revised by the CEQA Revision Letter dated June 7, 2004 (and incorporated into project conditions of approval).

1.6 FINDING THAT MITIGATION OF CERTAIN IMPACTS IS WITHIN THE RESPONSIBILITY AND JURISDICTION OF ANOTHER PUBLIC AGENCY

Full mitigation of impacts to the Cabrillo/Hot Springs/Highway 101 ramps intersection and the Cabrillo/Los Patos intersection are within the responsibility and City of Santa Barbara's permitting jurisdiction. Staff has coordinated with planners at the City's Community Development and Public Works Departments in assessing mitigation strategies for these intersections. The project has been conditioned to ensure that significant project specific and cumulative impacts to these intersections do not occur and to provide appropriate payment for the project's proportionate share of ultimate intersection improvements.

1.7 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES ARE NOT FEASIBLE

The Final EIR, 03-EIR-06, prepared for the project evaluated the alternatives listed below as methods of reducing or eliminating potentially significant environmental impacts.

No Project Alternative;
No Project alternative, No Project with Off-Site Parking Lot;
Proposed Master Plan with Only Surface Parking On-site/Off-Site Parking Lot;
Residential On-Site (12 Units)/Relocation of Music Conservatory to Off-Site;
Residential On-Site (90 Units- Extend Adjacent DR-10 Zoning)/Relocation of Music Conservatory to Off-Site;
Residential On-Site (Assisted Living Facility)/Relocation of Music Conservatory to Off-Site;
Project Redesign I;
Project Redesign II Plus Relocate Large Events (300+ Attendees) Off-Site;
Other Off-Site Alternatives.

The April 20, 2004 EIR Revision Letter also evaluated 15 access alternatives.

After the first Montecito Planning Commission hearing, the applicant modified the project, and the project has been conditioned, to generally conform to many elements of the Project Redesign I and II alternatives. These modifications and alternatives include elimination of the parking structure (thereby allowing possible access to/from the Montecito Sanitary District property if this became feasible in the future;) reduction in the number of fixed seats in the recital hall to 300 total seats for the public (the allowance for an additional 50 removable seats, during the summer only, would provide seating capacity for 350 people in the summer, with no more than 300 of the total seats occupied by/sold to the public); further reductions in any one time, daily, and seasonal public attendance limitations; relocation of the maintenance and storage functions on campus; incorporation of the dining area into the student services building and reduction of its size; limitations for on-site storage of items for the Rack and Treasure House; and incorporation of cut-through traffic reduction plan improvements.

The Planning Commission finds that each alternative specified below is infeasible and less desirable than the proposed project, and therefore is rejected, for the following reasons:

- 1.7.1 No Project. This alternative would achieve none of the project objectives and would forego all of the project's benefits which are itemized in the Statement of Overriding Considerations. For these reasons, the no project alternative is rejected.
- 1.7.2 No Project Plus Off-Site Parking Lot. The applicant has withdrawn its application with the City of Santa Barbara for an off-site parking lot on Channel Drive, and its lease with the Santa Barbara Cemetery Association has been terminated; therefore, this site is no longer under the control of the applicant. As with the no project alternative, this alternative would achieve none of the project objectives and would forego all of the project's benefits which are itemized in the Statement of Overriding Considerations. The addition of the off-site parking lot to the no project alternative does not serve to reduce

overall impacts below those associated with the no project alternative. Accordingly, this alternative is rejected.

1.7.3 Master Plan Plus Permanent Off-Site Parking Lot Across From Santa Barbara Cemetery.

The applicant has withdrawn its application with the City of Santa Barbara for an off-site parking lot on Channel Drive, and its lease with the Santa Barbara Cemetery Association has been terminated; as a result, this site is no longer under the control of the applicant, and no permanent off-site location sufficient to provide parking for the project is available to and/or under the control of the applicant. For these reasons, this alternative is rejected.

1.7.4 Residential On-Site (12 Units)/Relocation of Music Conservatory Off-Site (Residential A).

Depending on the potential site chosen, general plan and/or zoning amendments could be required to implement the alternative. Although this alternative creates the greatest reduction in environmental impacts, it is speculative that the alternative could be feasibly accomplished. No alternative site for relocation of the Conservatory activities and facilities is under the control of the applicant. Thus, the alternative would not meet the objectives of the project and would forego all of the project's benefits, which are set forth in the Statement of Overriding Considerations. For these reasons, the Planning Commission finds this alternative infeasible and less desirable than the project and rejects it.

1.7.5 Residential On-Site (90 Units)/Relocation of Music Conservatory Off-Site (Residential B)

Depending on the potential site, general plan and/or zoning amendments could be required to implement the alternative. This alternative would not produce fewer environmental impacts than the proposed project, while at the same time meeting none of the project's objectives and providing none of the project's benefits. No alternative site for relocation of the Conservatory activities and facilities is under the control of the applicant. As with alternative 1.7.4 above, accomplishment of the alternative is speculative because of the applicant's lack of control of a properly-designated property for relocation of the Conservatory activities. The Planning Commission finds that this alternative is infeasible and therefore rejects it.

1.7.6 Residential On-Site (Assisted Living Facility)/Relocation of Conservatory Uses Off-Site.

Depending on the potential site, general plan and/or zoning amendments could be required to implement the alternative. This alternative would not produce fewer environmental impacts than the proposed project, while meeting none of the project's objectives and providing none of the project's benefits. No alternative site for relocation of the Conservatory activities and facilities is under the control of the applicant. As with alternative 1.7.5 above, accomplishment of the alternative is speculative because of the applicant's lack of control of a properly-designated property for relocation of the Conservatory activities. The Planning Commission finds that this alternative is infeasible and rejects it.

1.7.7 Project Redesign I. This alternative is identified as achieving the greatest reduction in project environmental impacts in the EIR (Section 8.8 Environmentally Superior Alternative). Many of the alternative's elements have been incorporated into the approved project including:

Alteration of the parking (structure) component to allow perimeter landscaping along the north;

Circulation design which allows for the potential future option of access using Monte Cristo or MSD access;

The size and seating capacity of Abravanel Hall have been reduced (below the level identified in this alternative);

Any-given-time attendance limits have been reduced to reflect reduction in seating capacity;

The instructional building and service drive have been revised to avoid mature trees, including oaks near the former northeast corner of the building;

The outdoor patio eating area has been relocated, not to the cloistered courtyard, but away from the property perimeter; and

A CTRP incorporating kiosk personnel (although not at the actual entrance) is included in the project description and conditions;

However, several elements of this alternative are infeasible. The parking structure has been eliminated from the project, the Planning Commission having determined that such a structure would not be appropriate on the project site. Further, the Montecito Sanitary District has expressly rejected the creation of an access/egress drive on District property for use by Academy patrons. Location of dining within the cloistered patio as an outdoor activity does not provide a dedicated all-weather dining space, and would interfere with efficient operation of conservatory activities. Location of a kiosk at the site's Fairway entrance gate, and access to the Rack and Treasure House exclusively from Butterfly Lane, are not necessary for cut-through traffic reduction, and would interfere with efficient circulation within the project site. For these reasons, the Planning Commission finds that this alternative is infeasible and less desirable than the project as currently proposed and conditioned, and therefore is rejected.

1.7.8 Project Redesign (Off-Site Location for Events Involving 300 or More Attendees). As pointed out above, many of this alternative's elements, including elimination of the parking structure and modification rather than replacement of the recital hall, have been incorporated into the proposed project. The proposed project provides for seating for 330 members of the public and 50 seats during the summer only for students, faculty and staff; the alternative's limitation of total seating to 300 persons (including students, faculty and staff) would compromise the quality and efficiency of the Academy's Conservatory activities. Many activities would have to be held off-site, thereby interfering with the instructional program through time lost in transportation and weakening of the campus setting required for instructional excellence. Replacement of instructional space by maintenance and storage facilities would also impair educational activities by reducing the area available for practice and instruction. For these reasons, the Planning Commission finds that this alternative is infeasible and less desirable than the project, and therefore is rejected.

1.7.9 Other Off-Site Locations. None of the sites selected for this alternative is a feasible site for relocation of the Academy's year-round operation. Cate School is available only during the summer, and lacks adequate instructional facilities for the entire Academy program. Location of year-round Academy operations there would create greater

environmental impacts than the proposed project. The St. Francis Hospital site is not configured for Conservatory instruction, would require extensive remodeling, and is already proposed for residential use in conjunction with the Cottage Hospital renovation project. The Granada building is currently the subject of a Performing Arts Center (auditorium) proposal; the building would require extensive remodeling and is not configured appropriately to serve as a music conservatory. None of these sites is under the control of the applicant; the relocation of the Academy's operations of these sites is speculative, and would achieve neither the project's objectives nor its benefits. For these reasons, the Planning Commission finds that this alternative is infeasible and less desirable than the project, and therefore is rejected.

1.8 STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR, for the Music Academy of the West Revised Conditional Use Permit, the EIR Revision Letter dated April 20, 2004 and CEQA Revision letter dated June 7, 2004 identify project impacts to aesthetics and land use (visual change)¹⁰ as temporary significant environmental impacts which are considered unavoidable. The Board of Supervisors has determined that the present project is consistent with the Montecito Community Plan. Having balanced the benefits of the project against its potential significant and unavoidable effects, the Board of Supervisors hereby determines that the project's potential unavoidable impacts are acceptable in light of the project's benefits, and that approval of the project is warranted, notwithstanding that all identified impacts are not fully mitigated. (CEQA Sections 5043, 15092 and 15093). Each benefit set forth below constitutes an overriding consideration warranting approval of the project independent of the other benefits:

- 1.8.1: The project would result in a reduction in total annual attendance and related vehicle trips and reduction in total non-summer season (44-week non-summer season) vehicle trips¹¹.
- 1.8.2: The project would provide expanded opportunity for the interested public to attend summer music program musical events and overall increased and improved opportunity for community access to the arts.
- 1.8.3: The project would provide expanded opportunity for access to improved musical facilities and performance venues for students and professional musicians.
- 1.8.4: The project would result in elimination of weddings on the project site, which have been the subject of complaints by neighbors.
- 1.8.5: The project would enhance the overall quality of instruction for young musicians, including those musicians attending the internationally known summer music program. This program is tuition free for participating students.
- 1.8.6: The project would result in construction of new and improved recital hall on-site, benefiting both performers and guests.

¹⁰ To the extent aesthetic/land use impacts associated with temporary change in views from Butterfly Lane and its residences would be significant, these impacts have been substantially reduced due to project revisions including reduction in height of the new student services building, changes to the instructional building, retention of numerous mature screening trees (on exit drive) previously proposed for removal, and installation of supplemental perimeter landscaping prior to initiation of Master Plan improvements

¹¹ There would still be periodic peak traffic periods with greater vehicle trips throughout the year (start and end times for high attendance events), given the proposal for increased physical capacity and any given time attendance.

- 1.8.7 The project would create a short-term increase in construction related employment opportunities from drivers of heavy equipment to design professionals.
- 1.8.9 The project will reduce annual public attendance on the site from historically-achieved levels.
- 1.8.10 The project will enhance the historic gardens on the Music Academy property, which are regularly used by neighboring residents.
- 1.8.11 The project will implement a Cut-Through Reduction Program on the site, which will eliminate significant amounts of traffic that cuts through the Music Academy site, with the capacity to reduce traffic levels in the neighborhood.

1.9 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6. requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 CONDITIONAL USE PERMIT FINDINGS

Pursuant to Section 35-172.8, a Conditional Use Permit application shall only be approved if all of the findings below are made. Therefore the Board of Supervisors adopts the following findings for approval of the Conditional Use Permit:

2.1.1 That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.

The 9-acre project site is adequate in size and shape to accommodate the proposed project components. The site is located within the urban area; the surrounding area contains a mix of residential, commercial, and public facilities. Required grading for the project will not impact any significant landforms, and a enhanced plantings are proposed to encourage re-use of the site by Monarch Butterflies which historically roosted on-site and along much of Butterfly Lane. Project building coverage is consistent with that of surrounding residential properties.

Incorporation and implementation of the conditions of approval, particularly those conditions addressing grading, drainage, transportation, aesthetics, and land use compatibility, would ensure that the size, shape, location and physical characteristics of the project site can accommodate the expanded music conservatory and secondary uses and development proposed.

2.1.2 That adverse environmental impacts are mitigated to the maximum extent feasible.

The EIR and revision letters prepared for the project indicate that the project would result in a temporary significant unavoidable (Class I) impacts in the areas of aesthetics/visual resources and land use¹² The project has substantially lessened these significant unavoidable adverse impacts by the incorporation of changes or alterations into the project, where feasible. A detailed statement of these impacts and of the project's mitigation measures is contained in the project's CEQA Findings found in § 1.0 of these Findings and incorporated herein by this reference. To the extent the remaining impacts in these issue areas are significant and unavoidable, the Board of Supervisors has deemed such impacts to be acceptable when weighed against the overriding benefits created by the project, as stated in the Statement of Overriding Considerations provided herein.

The EIR and revision letters further indicate that the project creates significant but mitigable impacts in a number of issue areas. These areas include aesthetics, archaeology, biological resources, fire protection, geology, historic resources, land use compatibility (including previously classified Class I impact from transport of fill on neighborhood streets if UPRR right-of-way is possible – reduced from previous 9,000 cubic yards to approximately 420 cubic yards), noise, public services, and transportation. As to each issue area, mitigation measures incorporated by the project conditions of approval will reduce the project's impact to a level of less than significance. A detailed statement of these impacts and of the project's mitigation measures is contained in the project CEQA Findings contained in § 1.0 of these findings and incorporated herein by this reference.

Conditions of approval derived from required mitigation measures in the EIR are designed to address potentially significant adverse environmental impacts. Additional conditions of approval have been added to address specific policy issues as well as to address adverse, but less than significant environmental impacts to the maximum extent feasible.

2.1.3 That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

The EIR and two revision letters determined that the project's impacts on transportation can be mitigated to a level of insignificance. Project-generated traffic will not exceed County thresholds of significance for County roadways, which will continue to operate at acceptable levels of service with project-added traffic. The same conclusions are true as to area intersections; as to the Hot Springs Road/Cabrillo Boulevard/Hwy.101 intersection, conditions of approval, including but not limited to limitations on attendance during the peak hour, would ensure that area streets and highways are adequate and properly designed to accommodate any additional project traffic on the street system. Cumulative impacts on City of Santa Barbara streets can be fully mitigated by the

¹² To the extent aesthetic/land use impacts associated with temporary change in views from Butterfly Lane and its residences would be significant, these impacts have been substantially reduced due to project revisions including reduction in height of the new student services building, changes to the instructional building, retention of numerous mature screening trees (on exit drive) previously proposed for removal, and installation of supplemental perimeter landscaping prior to initiation of Master Plan improvements.

project's payment of its proportionate share of the cost of regional improvements for affected intersections. The project complies with all relevant Montecito Community Plan transportation policies.

Implementation of conditions of approval relating to traffic, parking design, access design and limiting attendance during the peak hour would ensure that the area streets and highways are adequate and properly designed to accommodate any additional project traffic on the street system.

2.1.4 *That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.*

Existing public services would adequately serve the expanded project, subject to requirements in the condition letters provided by Montecito Sanitary District and Montecito Fire Protection District.

2.1.5 *That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.*

Development pursuant to the conditional use permit will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area. The existing CUP, 90-CP-11cz, was approved in 1992 and was found to be compatible with surrounding single-family residential development at that time. Under the Music Academy's current permit, musical activities are essentially unrestricted. The proposed project imposes attendance caps on Music Academy musical activities that will substantially restrict future growth of such activities. In addition, annual attendance at the Music Academy will be reduced from historically-achieved levels under the new permit. Furthermore, implementation of the proposed Cut-Through Reduction Program can eliminate substantial numbers of cut-through trips that are presently occurring in the neighborhood and that are likely to significantly increase in the future without implementation of the Cut-Through Reduction Program. The scale and building coverage of the project is consistent with that of surrounding properties, and estate perimeter landscaping will be maintained or supplemented. Project changes including reduction in the size and height of the student services building, revisions to the instructional building and related service entry, retention of mature screening trees along the exit drive (previously proposed for removal) and planting of supplemental perimeter landscaping prior to initiation of Master Plan improvements minimize the duration of visual change of the property from off-site.

A music conservatory has been permitted as a conditionally permitted use pursuant to a number of Conditional Use Permits that have been issued for the site since 1951. The existing CUP, 90-CP-111cz, was approved in 1992 and was found to be compatible with the predominantly single family neighborhood at that time. The proposed project would increase structural development on-site to a level which could accommodate significantly greater activity levels throughout the year. However, the applicant has proposed attendance limitations which would increase activity levels only 8 weeks out of the year, during their summer season, and would decrease activity levels during the rest of the year

as well as on an annual basis. The project area has historically included a number of non-residential uses besides the Music Academy. These include the Biltmore Hotel, Coral Casino, ARCO Conference Center, Montecito Sanitary District and Santa Barbara Cemetery.

Implementation and compliance with conditions of approval that address neighborhood compatibility (conditions that address aesthetics, noise, land use, traffic and water quality as well as the project specific conditions, and the project description, including the critical attendance caps) would ensure that the project would not be detrimental to the neighborhood or be incompatible with the surrounding area. The conditions include both limitations on existing activities as well as limitations on the proposed physical development and future operations.

Advisory statement from Board of Supervisors regarding neighborhood compatibility and Board of Supervisors intent in approving 90-CP-111 RV01: In granting this permit, the Board of Supervisors advises future decision-makers that based on the evidence in the record at this time, the operation and site development at the Music Academy have reached a maximum level able to be found consistent with the health, welfare, safety, and convenience of the neighborhood and the Board of Supervisors recommends that no further increase in use, density, or development be allowed.

2.1.6 That the project is in conformance with the applicable provisions and policies of this Article II and the Coastal Land Use Plan.

As discussed in the issue, policy, and zoning ordinance consistency sections of the staff report and memoranda to the MPC dated November 25, 2003, March 31, 2004, April 20, 2004, and June 7, 2004 update (incorporated herein by reference), the project as conditioned would be consistent with the Coastal Land Use Plan and Article II.

2.1.7 That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.

The project is not located in a designated rural area.

2.1.8 That the project will not conflict with any easements required for public access through, or public use of the property.

There are no easements for public use or public access through the property. However, the Music Academy has historically allowed pedestrian access through heir property from the pedestrian gate at the terminus of Monte Cristo and the Music Academy does not propose to alter this access.

2.1.9 That the proposed use is not inconsistent with the intent of the zone district.

A music conservatory has been permitted as a conditionally permitted use pursuant to a number of Conditional Use Permits that have been issued for the site since 1951. The existing CUP, 90-CP-111cz, was approved in 1992 and was found to be compatible with the predominantly single family neighborhood at that time. The proposed project would increase structural development on-site to a level which could accommodate significantly greater activity levels throughout the year. However, the applicant has proposed attendance limitations which would increase activity levels only 8 weeks out of the year, during their summer season, and would decrease activity levels during the rest of the year as well as on an annual basis. The project area has historically included a number of non-residential uses besides the Music Academy. These include the Biltmore Hotel, Coral Casino, ARCO Conference Center, Montecito Sanitary District and Santa Barbara Cemetery. Project conditions include both limitations on existing activities as well as limitations on the proposed physical development and future operations. With incorporation of project conditions addressing aesthetics, land use, air quality, geology, fire safety, noise, biological resources, historic resources, traffic, the "project-specific" conditions, and the project description condition (#1, including the critical attendance caps), the project would be consistent with the intent of the 1-E-1 zone district.

The Music Academy has operated on the project site since 1951. The property was granted a Montecito Community Plan designation of educational/institutional in 1992. The conditions of approval imposed under the CUP, including but not limited to those addressing aesthetics/ visual resources, land use compatibility, air quality, geology, fire safety, noise, biological resources, historic resources, and transportation, all project-specific conditions, and the project description, including attendance caps, protect the residential characteristics of those residential properties in the surrounding area. The maintenance and upgrading of the project's historic gardens, which are freely used by neighborhood residents, and the specific enhancements to the Music Academy's nationally- and internationally-recognized instructional program that the CUP accomplishes promote a suitable environment for family life.

G:\GROUP\PERMITTING\CASE FILES\CP\1990s\90 CASES\90CP111\90CP111rv01\BOS\BOSFINDINGS PER 102604 ACTION HRG.DOC

Music Academy EIRs distributed to the Board may be missing page 72

new instructional building would be partially visible. The revised project plans have retained additional trees between Treasure House and The Rack as well as in the area between these resale shops and the new practice studio building. The proposed retention of additional trees in this area would maintain some of the existing screening in front of the proposed new practice studio building as well as along the eastern portions of Abravanel Hall.

Replacement trees, shrubs, groundcovers and vines are proposed to be planted throughout the property (Master Landscape Plan Figure 5). In the short and mid-term (5-15 years¹, until the pittosporum hedge reaches sufficient height to substantially screen structures) reduced screening from the northern eucalyptus windrow, when combined with other proposed tree removal on-site, would increase visibility further into the property. Portions of the site would be visible from public roads, particularly from the north. During the construction period, tree removal, grading, construction activities and (currently hidden) existing structures would be visible. Following completion of construction, additional new structural development would also temporarily be visible. This would be considered a potentially significant short to mid-term impact.

Existing and proposed new night-lighting would be more visible than under the current setting, in both the new parking structure and in the upper portions of the new practice studio, instructional building, and potentially Abravanel Hall (subject to whether additional lighting is incorporated into the renovated structure, particularly in the upper portions of the structure, where reduced screening from tree loss and pruning could increase visibility from off-site). Structures near the center of the project site are at the highest elevations on the property. Therefore, night-lighting in the upper portions of these buildings would be the most noticeable.

Views from Butterfly Lane, south of Highway 101 may be similarly affected by additional development, but to a lesser degree. Small portions of existing structures are currently visible from Butterfly Lane. The proposed student services and instructional buildings and the new outdoor dining area and retaining walls, along with tree removal, would somewhat increase structural development visible from Butterfly Lane. New structural development would be minimally visible from passing cars, but would be more visible to pedestrians along Butterfly Lane (e.g., pedestrians using the pedestrian tunnel under Highway 101 to and from Butterfly Beach). Lighting associated with the student services and instructional building would also draw more attention to these structures at night when viewed from Butterfly Lane, particularly until new landscaping is mature. Depending on the design, intensity and location of lighting, this impact would be potentially significant.

The applicant is requesting a modification to the 25-foot height limit in Article II, the Coastal Zoning Ordinance, for both the renovated recital hall and the new instructional building. The existing height of Abravanel Hall (34.8 feet using County methodology for measuring height) would not be altered as part of the renovation of this structure, although it would continue to exceed the 25 foot height limit for the zone district. The new instructional building is proposed to be 29 feet in height. Neither the existing or the renovated recital hall exceed the overall height above sea level of Miraflores. Following proposed renovation, Abravanel Hall would be approximately the same size as the largest existing structure on-site, Miraflores. (Currently Abravanel Hall is the

¹ Proposed shrubs would be expected to reach mature heights within 5-10 years. Proposed replacement trees would be expected to reach mature heights in 10-15 years.

BOARD ACTION LETTER FOR MUSIC ACADEMY OF THE WEST
ATTACHMENT 2

CUP CONDITIONS OF APPROVAL

Board of Supervisors Approval Date: October 26, 2004

SANTA BARBARA COUNTY CONDITIONAL USE PERMIT
ARTICLE III, CHAPTER 35
CASE NO. 90-CP-111 RV01

I. A Conditional Use Permit is Hereby Granted:

TO: The Music Academy of the West

APN: 9-282-029, -030

PROJECT ADDRESS: 1070 Fairway Rd

ZONE: 1-E-1

AREA: Montecito

SUPERVISORIAL DISTRICT: First

FOR: Music Conservatory

Advisory statement from the Board of Supervisors with regard to neighborhood compatibility and its intent in approving 90-CP-111 RV01: In granting this permit, the Board of Supervisors advises future decision-makers that based on the evidence in the record at this time, the operation and site development at the Music Academy have reached a maximum level able to be found consistent with the health, welfare, safety, and convenience of the neighborhood and the Board of Supervisors recommends that no further increase in use, density, or development be allowed.

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

1. This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-L, with Planning Commission hearing stamp date of June 16, 2004 (plans dated May 2004 except plan PL-2 dated 1/30/04), and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The Music Academy of the West (MAW) Revised CUP, 90-CP-111 RV01, (also referred to as the MAW "Master Plan" or "Renaissance Plan") includes both physical and operational components. A summary of these components is listed immediately below, with specific details described later in this section. This CUP (90-CP-111 RV) represents a revision to the previous Music Academy of the West CUP (90-CP-111cz) and supersedes the prior CUP.

Summary of Physical Changes:

- Remove 61 mature trees and plant a minimum of 203 replacement trees; four (4) oak trees are proposed to be (removed and) transplanted;
- Modify existing landscape components including the entrance allee, garden pathways and courtyards;
- Earthwork necessary to accommodate new structures, circulation and parking. Earthwork would involve 11,089 cubic yards cut, 10,670 cubic yards fill. Approximately 419 cubic yards of excess fill would need to be exported off of the site;
- Construct a secondary (emergency only) access from Fairway to the motor court in front of Miraflores;
- Widen, regrade and otherwise modify internal access roads and parking areas¹;
- Alter campus-wide development with a net increase of 50,630 square feet of structural development and a net increase in overall building footprints of 15,900 square feet;
- Provide 290 surface parking spaces;
- Add 2,790 SF through reconstruction of Abravanel Hall (the primary recital hall). Abravanel Hall will have a total of 300 fixed seats plus 50 temporary seats in the summer season only. No more than 300 of the total 350 seats shall be sold to/used by the public (defined as anyone not a student, faculty or staff);
- Demolish Harger Studio and storage building north of Harger Studio and Wood 1 as well as Wood 2 Practice Studios (including the employee apartment);
- Construct a new Instructional Building in the general location of existing Wood 2 practice studio building and not extending north of existing Wood 2;
- Construct a new Practice Studio Building including a residential unit between Abravanel Hall and the new Instructional Building in the general location of existing Wood 1;
- Construct a new Student Services Building that would link Miraflores (the historic main residence) and the new Instructional Building;
- Construct a new maintenance & storage building in the northwest corner of the site; and
- Construct a new storage building between Treasure House and The Rack.

¹No grading to occur within the easternmost section of the internal roadway, which is a paved easement not owned by the MAW.

Summary of Operational Changes:

- Relocate primary instruction for the (up to) 50 vocal and accompanying students to the on-site campus. These, along with the up to 100 instrumental students historically receiving instruction exclusively on-site, will bring total enrollment allowed to no more than 150 students. The number of vocal and instrumental students is to be determined by the MAW, but cannot exceed 150 total students.
- Students would continue to reside off-site but all (up to 150) students would receive lunch and dinner at the proposed new and improved catering kitchen and indoor dining facilities at the Music Academy. (The existing terrace on the east side of Miraflores would remain as well);
- Limit public attendance for all activities² as follows: Any- given- time (330), Daily (900), eight-week Summer Season (22,000) and 44-week Non-Summer Season (25,000) for an Annual Public Attendance Maximum of 47,000. The limitations would not apply to staff, faculty, other employees, summer music students, other performers, or people attending or performing administrative functions (e.g., volunteers);
- Activities related to a music conservatory shall be subject to the proposed attendance caps and other restrictions (conservatory uses/activities would no longer be unrestricted as under 90-CP-111cz);
- Weddings shall not be an allowed use on-site;
- Educational programs in the arts shall be subject to (and included within) the proposal for campus-wide any- given- time, daily, and non-summer season public attendance limitations;
- Meetings/seminars and non-profit benefits, *taken together*, shall total no more than 41 events annually to occur during the non-summer season only. Any given time attendance for meetings and seminars shall be limited to 175 participants and otherwise subject to the daily and non-summer attendance limits. Non-profit benefits shall be subject to the any given time, daily and non-summer season public attendance caps;
- Provide all project generated parking on-site;
- Provision of 285 parking spaces plus an additional 5 spaces using stacked parking (per the approved modification to the standard Zoning Ordinance requirement for 332 spaces for this use);
- Allow for parking lot paving in the north end of the property within the sideyard setback from the western property line;
- Allow for modification to the Zoning Ordinance height limitation of 25 feet for the renovated Abravanel Hall (existing Hall is currently 34.8 feet, no change to height is proposed);
- The hours of operation for Treasure House and The Rack shall be Monday-Saturday, 12:00-3:00 p.m. During the non-summer period the same hours shall apply;

² The exception to this would be one, 1-day fundraiser per year, held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).

- Implement a *Cut-Through Reduction Plan (CTRP)* to discourage vehicles coming to the MAW for no reason other than to gain access to the east of the site (Butterfly Lane and beyond) using the MAW internal road as a circulation “short-cut.” The plan as proposed by the applicant would require cut-through traffic to pay a substantial fee (\$10.00 minimum) to exit the campus;
- In the short-term implement a more simple cut-through program prior to implementing the more elaborate long-term program.
- Provide summer student bus remote control access for entry at gates on Butterfly Lane and implement a cell phone system allowing large delivery truck (and other non-summer student buses) entry at Butterfly Lane (some trucks would continue to enter on Fairway).

Following is a more detailed discussion of the proposed Master Plan Revised Conditional Use Permit project description:

Landscaping

The Landscape Master Plan includes landscape enhancements throughout the property, such as new screening elements along The Fairway, and new slope planting north and east of Miraflores. The design goals of the landscape plan are to: 1) honor the historic landscape by restoring critical design elements to the allee and by using historically accurate plantings and skyline trees, 2) effectively enhance vegetation and trees along the perimeter of the site to screen MAW building improvements from the street and neighboring properties, so that the site appears substantially unchanged to the immediate neighbors (with retention of many existing trees and following establishment of new landscaping) and 3) to supplement and enhance landscaping in the southeast corner of the site, in an attempt to attract monarch butterflies back to this historic roosting area, behind the main house (Miraflores). These landscape improvements would result in landscape coverage of approximately 197,040 SF (~ 4.75 acres) of the 9 acre project site. Of this total, approximately 12,000 SF (~ .28 acres) would be lawn and non-drought tolerant landscaping with the balance, approximately 185,040 SF (~ 4.47 acres), made up of a combination of mature landscaping and trees, as well as new drought tolerant plantings.

With incorporation of project conditions, 61 trees will be removed (including two oak tree), a minimum of 203 new trees will be planted, and 4 oak trees will be transplanted elsewhere on-site. Planting of 106 new oaks (5-gallon, 15 gallon and 24-inch box) is included in the project landscape plan.

Building Revisions/Physical Changes

SITE PLAN REVISIONS						
BUILDINGS	EXISTING FOOTPRINT (SF)	PROPOSED FOOTPRINT (SF)	EXISTING FLOOR AREA (SF)	PROPOSED FLOOR AREA (SF)	NET CHANGE FOOTPRINT (SF)	NET CHANGE FLOOR AREA(SF)
CAMPUS TOTAL	34,730	49,270	44,370	95,920	+15,900	+50,630
ABRAVANEL HALL-- Additions	7,290	10,080	11,340	14,130	+2,790	+2,790
COMBINED NEW PRACTICE STUDIO BLDG/INSTRUCTIONAL CENTER, (INCLUDING ~1,900 SF RESIDENTIAL UNIT) - replaces Wood 1 and Wood 2 practice studio (and ex. apartment) bldgs	6,440	13,670	7,900	39,480	7,230	31,580
STUDENT SERVICES	N/A	3,980 *	N/A	14,530 *	+3,980*	+14,530*
THE RACK	1,200	Same	1,600	Same	No Change	No Change
TREASURE HOUSE	940	Same	940	Same	No Change	No Change
NEW MAINTENANCE/STORAGE	N/A	1,610	N/A	1,470	+1,610	+1,470
RESIDENCE (near Treasure)	1,270	Same	1,270	Same	No Change	No Change
NEW STORAGE	N/A	1,080	N/A	950	+1,080	+950
MIRAFLORES (former residence)	11,250	Same	14,980	Same	No Change	No Change
CLAEYSSENS STUDIOS	4,650	Same	4,650	Same	No Change	No Change
HARGER BRASS STUDIO & MAINTENANCE ADDITION	1,690	N/A	1,690	N/A	-1,690	-1,690

			EXISTING AREA (SF)	PROPOSED AREA (SF)	NET CHANGE FOOTPRINT (SF)	NET CHANGE AREA (SF)
LANDSCAPE	N/A	N/A	259,280	197,040		-62,240
PAVING))	N/A	N/A	80,380 SF	115,670		+35,280
			EXISTING	PROPOSED		
PARKING	N/A	N/A	214 ³ SPACES	285 SPACES (+5 w/stacked parking)		+76

Rehearsal/Recital Hall (Reconstruction of Abravanel Hall)

Abravanel Hall (the main recital hall) would be reconstructed, featuring raked, fixed seating with a maximum permanent seating capacity of 300 plus allowance for an additional 50 removable seats during the summer season only. No more than 300 of the total 350 seats shall be sold to/used by the public⁴. The hall would have improved acoustics, optimized for chamber music and would remain the indoor venue with the largest seating capacity. The MAW will continue to schedule events off-site that will be attended by more members of the public than the maximum allowed in the replacement hall.

Based on the County's methodology for calculating building height; the existing building is 34.8 feet. Because there is a 25-foot height limitation in this zone district, pursuant to Section 35-172.12 of the Coastal Zoning ordinance, this revised CUP includes approval of a modification to allow the reconstructed hall to remain at its current height, as the proposed changes to the hall will not alter the existing exterior roof height in any way. The finished floor elevation of the lower lobby for both the existing and reconstructed recital hall will be at approximately the same elevation.

Parking

A new expanded parking area is included in the northwest corner of the property. A total of 285 parking spaces plus 5 additional spaces using stacked parking (see Civil Plan) are included, most will be located in the northwest portion of the property.

Wood Practice Studio Replacement Building (Instructional Building)

Wood 2 practice studio building will be removed and replaced with a new instructional building which will provide expanded and improved practice studio spaces for individual students and a range of ensembles, including vocal students' preparation for opera performance. The height of the new building will be 25-feet. The new Instructional building would be lower in height (above sea level) than *Miraflores*, to which it will be linked (via the proposed student services building). (The floor plans, including specific uses and spaces specified for the new Instructional, Practice Studio and Student Services Buildings, may be rearranged within these three buildings as part of the final building plans, to reflect the physical revisions to these buildings during the MPC hearings on the project.)

³ The 214 spaces include the 31 temporary parking spaces approved in the northwest corner. Use of the temporary gravel parking area is proposed to continue until the new parking is developed.

⁴ The public is anyone who is not a student, faculty, or staff, including, but not limited to MAW donors, students' friends and family, etc.

Student Services (Link building between the new Instructional Building and Miraflores)

Linking the proposed Wood Replacement/Instructional Building with the main house (Miraflores) is a building dedicated primarily to administrative offices supporting student services. The student services building will include a basement storage area, a catering kitchen (not an industrial or commercial type of kitchen) and a faculty and student dining area. The Music Academy will continue to have all meals catered under the proposed plan (caterers typically prepare food off-site, but some limited on-site food preparation is permitted). Catered meals will be provided to Music Academy students, faculty and staff as well as to those groups attending some of the permitted activities on-site (meetings/seminars, non-profit benefits, and MAW administrative functions such as Council dinners etc.) When these aforementioned activities are not occurring, the kitchen uses and foodstuffs will be limited to a typical office lounge (popcorn, heating or keeping cold food brought from home, etc.) The dining room will not be open to the general public and the improved MAW facilities will not serve as a restaurant or snack bar to the general public. (Caterers will be used to provide and serve food on-site. The MAW will not hire a chef or other kitchen employees to staff the kitchen/dining facilities). For specific allowances /restrictions for the kitchen/dining facilities, refer to condition of approval 40.

In joining together the Instructional Building, *Miraflores*, the Student Services Building, and the new Practice Studio Building, a new "interior" courtyard is created in the heart of the campus. Outdoor MAW gatherings could occur here in an insulated and well-screened area. (The floor plans, including specific uses and spaces specified for the new Instructional, Practice Studio and Student Services Buildings, may be rearranged within these three buildings as part of the final building plans, to reflect the physical revisions to these buildings during the MPC hearings on the project.)

New Practice Studio Building

A new, larger practice studio building is included in the area where the existing Wood 1 practice studio building is located. This structure will contain approximately 20 teaching studios, ensemble rooms and individual practice rooms. A residential unit to replace the one being removed from Wood 2 will also be located in this structure. (The floor plans, including specific uses and spaces specified for the new Instructional, Practice Studio and Student Services Buildings, may be rearranged within these three buildings as part of the final building plans, to reflect the physical revisions to these buildings during the MPC hearings on the project.)

New Storage & Maintenance Buildings

A 1,610 SF structure is proposed in the northwest portion of the site and will be used for campus maintenance and storage. The building will have a maximum height of 18.6-feet. A storage building of 1,380 with a height of 13-feet is proposed between the Rack and Treasure House at the toe of the slope on which these buildings are located.

Operational Changes

The physical changes described above are intended to improve the quality of the existing instructional, practice and performance facilities on the MAW campus and to accommodate instruction for all 150 summer students at the project site. The revised CUP maintains the same total number of students in the summer program, but will relocate primary instruction for the vocal and vocal accompanying students from Cate to the MAW campus.

1. Revise the project description condition (#1), to reflect the revised CUP approval;
2. Eliminate weddings as a permitted use onsite;
3. Allow meetings/seminars and non-profit events, taken together, to total no more than 41 events and limit these to the non-summer season. Public attendance at these events shall be subject to and included within the campus-wide attendance caps: any given time (330), daily (900) and non-summer season (25,000) limitations, with the exception that meetings/seminars shall be restricted to no more than 175 participants/event (consistent with historic levels); and
4. Upon completion of on-site parking improvements (290 spaces), project related parking demand shall be accommodated on the project site (not in overflow lots or on-street).

Attendance Limitations

In addition to Abravanel Hall, the other existing indoor venues that can accommodate group gatherings are two large rooms in *Miraflores* that will remain (Lehmann Hall and Stewart Hall) and one in the Wood studio building (Singher Studio), which will be removed with the demolition of the Wood practice studio building. Singher Studio will be replaced by two larger rooms in the proposed Instructional Building. During the summer, one of these new rooms is proposed to normally be reserved for use by the vocal students for the blocking of operas (rehearsing where to stand on the stage) and vocal instruction and orchestra practice will take place in the other room. During the non-summer period, these rooms can be used for instruction, practice, rehearsals, auditions and meetings associated with music.

The maximum allowable capacities of the proposed venues are identified in table below.

Venue	Floor Area (SF)	Maximum Allowable Seating Capacity
Abravanel Hall	14,130	350 MAX (300 fixed public seats +50 removable seats - no more than 300 seats for public use/sale)
Lehmann Hall	1,761	195
Stewart Hall	972	92
Instructional Bldg Lower Level	1,800	171
Instructional Bldg Upper Level	2,700	257
New Practice Studio Building Rooms	N/A	N/A
Master Plan Maximum Indoor Seating Capacity with Public Attendance Caps (330-Any-Given-Time Public Attendees) (with 50 removable seats in Abravanel Hall for summer use only)		330 max public attendees) (Summer & Non-Summer)

Attendance shall be limited through restrictions on the maximum number of members of the public who can be on the Academy campus. Faculty, staff, summer music program students, performers and non-staff attendees at administrative activities on-site (including volunteers) will not be counted toward the proposed maximum attendance limits. Fundraisers shall be subject to the any given time, daily and seasonal attendance caps and are not considered administrative functions. The exception to this is the one day fundraiser to be held during the non-summer period, which is not subject to any of the attendance caps.

The specific public attendance limitations proposed are as follows:

1. Any given time (330) - this will apply to either individual or conjunctive use of multiple venues on-site (indoor and outdoor).
2. Daily 900; and
3. Annual (47,000) based on the following seasonal attendance caps:
 - a) Summer (22,000)
 - b) Non-Summer (25,000) season

Table 1 Music Academy Attendance Figures ^(a)			
Music Academy Attendance			
Maximum Attendance	Existing Baseline	Proposed Project	Net Change
Any-given-time	382	330	-52 ^(b)
Daily	None	900	N/A ^(c)
Summer (8-weeks)	15,828 ^(d)	22,000	+6,172
Non-Summer (44 weeks) ^(e)	53,766	25,000	-28,766
Annual	71,447	47,000	-24,447

(a) Figures do not include faculty, staff, students, other performers or employees or people attending administrative functions.

(b) To avoid parking and other conflicts, special administrative functions (board meetings, dinners, etc.) shall not occur concurrently with high attendance events. Therefore, administrative activities are not expected to increase occupancy of the site over and above the proposed any-one time attendance maximum. Also, special administrative functions are not be subject to the daily, seasonal and annual attendance limits either under baseline conditions or the proposed project scenarios (Fundraisers shall not count as administrative functions).

(c) Seasonal attendance caps limit the number of days where the daily maximum could be reached.

(d) The new summer public attendance caps will result in a 39% increase in public audience members (est. 15.5% increase in traffic) for the summer period.

(e) When more than 95 performers and staff are present for a maximum capacity non-summer event, staff or performers above this number shall be bused to the MAW campus.

These limitations shall apply to all activities and events conducted on campus and shall apply 7 days a week. Any exceptions to these limitations are identified below.

The Music Academy shall not seek an upward revision of the maximum attendance caps for a period of at least ten (10) years from the date of occupancy of the student services, instructional, or practice studio buildings.

Non-Summer Season

The proposed non-summer attendance limit shall include participants at both conservatory activities (musical classes, rehearsals, recitals, recording and concerts, classes and meetings sponsored by the Music Academy related to education in music, meetings related to music not sponsored by the Music Academy), MAW fundraisers, and rental activities (meetings, seminars, and non-profit benefits). The rental activities/special events (seminars, meetings, non-profit benefits and educational programs in the arts⁵) shall only occur during the non-summer season.

Existing audience attendance in the non-summer season has been reduced under this permit to provide assurance to the community that the Academy does not become a commercial endeavor. Activities subject to the attendance limitations shall include all music conservatory activities associated with the Music Academy, community groups, and other members of the public (e.g., concerts, meetings related to music, rehearsals, workshops and instruction, public use of practice studios, recording sessions, etc.) and all special events/rental activities (conferences, meetings, seminars, non-profit benefits, educational programs in the arts). Special events/rental activities shall be permitted as follows:

1. Seminars/meetings and non-profit benefits, *taken together*, shall be restricted to a total of 41 events, subject to, and included within, the campus-wide attendance restrictions. The exception to this will be that the seminars and meetings will be further restricted to the historic maximum of no more than 175 participants per activity/event.
2. Educational programs in the arts are be subject to the attendance caps, with all non-summer students, faculty, and/or instructors (other than those performing at a concert) counted toward the maximum attendance limitations.
3. Weddings shall not be a permitted use⁶.

Music Academy administrative activities will remain unchanged under the new permit and are specifically not included within these attendance limits. However, the Academy shall schedule any special administrative activities⁷, such that they shall not occur at the same time as large events on-site. The intent of this is to avoid the combination of event and administrative attendance at levels that would challenge traffic circulation and on-site parking demand or that will create other logistical problems.

⁵ Educational programs in the arts are defined as “programs or classes in the performing arts that are not sponsored or directed by the Music Academy.”

⁶ The Other non-conservatory uses allowed on-site shall be limited to meetings, seminars, non-profit benefits, educational programs in the arts, MAW administrative functions, maintenance activities, fundraisers subject to attendance caps (except one day per year not subject to the caps) and the resale shops (as conditioned). Inclusion of an accessory musical component in an activity other than the above allowed uses shall not convert a non-permitted use to a permitted use simply because music has been included (e.g., rental for a reception which has musicians for entertainment).

⁷ Defined as administrative activities, such as board meetings, auxiliary member meetings, etc., which involve more people than regular staff activities.

Summer Season (8 weeks, mid-June to mid-August) Site Attendance Maximums

The attendance maximums for the summer season shall not include up to 89 staff/faculty (including all conservatory, administrative, maintenance, service and other staff), up to 150 students/performers, or attendees at administrative activities on-site such as MAW board meetings, auxiliary meetings, council dinners, etc. As with the non-summer period, Music Academy administrative activities shall remain unchanged under the new permit and shall not be included within the proposed attendance limits. However any special administrative activities⁸, involving greater numbers of people, shall not occur at the same time as large events on-site. Fundraisers, subject to the any given time, daily and seasonal attendance caps may occur during the summer. However, the one day per year fundraiser, which is not subject to the attendance caps as well as rentals, special events, and non-profit benefits shall not occur during the 8-week summer season.

Attendance at the Music Academy's Summer Festival shall be limited to a total of 22,000 persons.

The Music Academy shall provide a copy of its Summer School and Festival program to the owners of 87 Butterfly Lane upon their request, as well as notification of all special events exceeding 250 participants.

Summer Instructional Program

Reconstruction of Abravanel Recital Hall: A renovated recital hall is proposed to enhance the educational experience of the students as well as improve the facilities for MAW patrons and the public. *Off-Campus Master Classes:* The MAW will continue to schedule selected Master Classes off campus, as necessary (e.g., to accommodate a concert with more public attendance than is permitted on-site and/or in specific venues on-site).

Summer School: Instructional activities for the Summer School consist of individual and group instruction, individual and group rehearsals and practice sessions, orchestra rehearsals (no orchestra performances), and other school activities. The 150-maximum number of students in the overall summer music program shall not change under the revised CUP. However, up to 50⁹ vocal and vocal accompanying students, that have received primary instruction at Cate School, shall receive all instruction at the Music Academy upon completion of new facilities onsite. Following project implementation, all 150 students will receive both lunch and dinner (catered meals, not prepared on-site) at the Music Academy campus. The number of vocal and instrumental students is to be determined by the MAW, but cannot exceed 150 total students.

Other Music Academy Operations

Fundraising Events Open to the General Public (no attendance cap): One, 1-day fundraiser (e.g., May Madness) will not be subject to the attendance caps. This event is to take place during the non-summer period. Other fundraising activities will be subject to the attendance caps.

Resale Shop Hours: The hours for the resale shops will be Monday-Saturday, 12:00-3:00 p.m...

On-Site Residences: Both the caretaker's residence and an employee apartment (replacing the existing apartment being removed in Wood 2) will be retained on site.

⁸ Defined as administrative activities, such as board meetings, auxiliary member meetings, etc., which involve more people than regular staff activities.

⁹ These 50 students would continue to be part of (not in addition to) the 150 maximum students in the summer program.

Modifications to the Coastal Zoning Ordinance Standards

As discussed earlier in this section, the revised CUP includes modifications to the following standards in Article II:

1. Modification to the 25-foot height limit (Section 35-172.12) for the proposed renovation of Abravanel Recital Hall, which will remain at its existing height (34.8 feet).
2. Modification to the number of parking spaces required by Division 6 Parking Regulations (Section 35-109). The MAW will provide a total of 285 parking spaces (plus 5 more using stacked parking) on-site. The Zoning Ordinance will normally require provision of 332 spaces.
3. Modification to the side yard setback for the 1-E-1 zone district, to allow parking lot paving within two feet of the western property line.

Project Phasing

The phasing of proposed Master Plan improvements is to be contingent upon several factors, with adequate funding a primary consideration. The Master Plan has been conceived as one continuous project and ideally will be finished as such. If it is necessary to break the proposed development into phases (due to funding or operational issues), the MAW will still complete the Miraflores remodel, the Phase 2 components identified below, and grading for Phase 3 during the first phases of construction.

Anticipated Phase 1a

- Miraflores Restoration/Remodel

Anticipated Phase 1b

- New Parking Areas
- New Storage
- New Maintenance & Storage
- Main entrance driveway
- Motor Court
- Remove Wood 1 and 2
- New Student Services Building
- New Instructional Center
- Realign the internal roadway
- Remove Harger Studio
- Install perimeter and interior screening landscaping
- Grading for the New Practice Studio Building

Anticipated Phase 2

- Construction of New Practice Studio Building w/apartment

Anticipate Phase 3

- Reconstruction of Abravanel Hall
-

Grading

The preliminary grading and drainage plan (Figure 7) estimates earth work quantities as follows:

Grading/Phasing Calculations

Phase	Cut	Fill	Export/ (Possible Import)	Total Construction Period	Duration for Grading Component
1a	None	None	None	10 months	None
1b	10,907	10,625	282 (cut)	20 months	6-8 weeks
2				10 months	None
3	182	45	137 (cut)	10 months	2 weeks
1-4 Totals	11,089	10,670	419 (export cut)	42 months	9-13 weeks

* Pursuant to the project grading plan, these quantities are approximate in place volumes calculated from the existing ground (per topographic contours or spot elevations on the grading plan) to the proposed finish grade or sub-grade (per the design surface elevations on the grading plan). The quantities have not been factored to include allowances for bulking, clearing and grubbing, subsidence, shrinkage, over excavation and recompaction, underground utility and substructure spoils and construction methods. (Based on other County projects, staff believes it is appropriate to assume that actual quantities may be up to 30% greater than shown, particularly with regard to exportation of excess fill material).

If the funding is available, the total construction period is expected to be shortened, as additional equipment and crews will be able to work simultaneously in the various areas of the site (Steve Metsch, project architect). The staging area for all construction vehicles will be along the northern property boundary near the UPRR right-of-way. Excess fill is proposed to be exported off-site using the adjacent railroad right-of-way to access Channel Drive near Cabrillo Boulevard, subject to issuance of a right-of-way agreement with Union Pacific. Any use of this route for exportation of excess fill or other construction vehicle traffic will reduce construction traffic on the immediate neighborhood streets.

Utilities and Services

The site is currently served by the Montecito Water District, Montecito Sanitary District, the Montecito Fire Protection District, and the Santa Barbara County Sheriff. The additional facilities identified as part of this application will also be served by these Districts.

Short-term Cut-Through Traffic Reduction Program (CTRP)

The MAW will take traffic roadway counts in the beginning of their summer 2004 music program. In approximately the third week in July 2004, the MAW will implement a simple, initial CTRP. This will involve temporary traffic controls, such as person present at the exit explaining and handing-out information about not using the MAW private drive as a cut-through route, closing gates when activities are not occurring on-site, etc.).

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

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

Within three years after granting this permit, construction and/or the use shall commence. (Three years is measured from expiration of a 10 day appeal period, or 10 working days after the California Coastal Commission (CCC) receipt of Board of Supervisor's final action, if appealed to the Board of Supervisors. If appealed to the CCC, the date shall be measured from CCC final action.

2. Any activity, event, use, or development of the site that is not expressly allowed under this permit or expressly exempt from CDPs under the Zoning Ordinance shall be and is prohibited and that all provisions of the permit shall be strictly construed. Subsequent to occupancy clearance, modifications to the CUP (other than those that would be exempt from permits) shall be subject to MPC review and approval.

Conditions Derived from EIR Mitigation Measures

Aesthetics

3. Compliance with the Tree Protection Plan (Condition 13). The following shall be added to the Tree Protection Plan to reduce aesthetic impacts:
 - a. The TPP shall emphasize the protection (and retention, where feasible) of existing trees and shrubs that are critical to screening the property from off-site (e.g., particularly those trees that provide screening of the site when viewed from the north and east). In addition, the primary goal of tree maintenance activities (trimming, pruning) shall focus on maintaining the long-term health (and retention) of the trees. However, wherever possible, the maintenance activities shall also consider the goal of maintaining maximum screening provided by tree foliage. Trimming or thinning of trees that provide screening as viewed from off-site shall be limited to activities necessary to protect the health of the trees, in response to mandatory fuel management standards directed by Montecito Fire Protection District, due to serious safety concerns, and/or due to serious threats to structures (e.g., significant, unstable limb expected to damage roof of structure, etc.).

Plan Requirements and Timing: The applicant shall revise the Tree Protection Plan to include this requirement and submit this for P&D review and approval prior to approval of CDPs. Applicant shall maintain copies of arborist documentation of arborist recommendation for tree thinning/limbing for screening trees. P&D shall check the plan for compliance with this measure.

MONITORING: Permit Compliance shall site inspect during construction activities to ensure compliance.

4. Night-lighting and its intensity shall be minimized to the extent feasible for security and safety purposes and night-lighting should be reduced following the close of activities on-site any given day. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. The height of night-lighting shall also be minimized to reduce its visibility from off-site. This would apply to both the height of light fixtures as well as minimizing the location of night lighting in the upper portions structures, particularly those at the highest elevations on-site (e.g., recital hall, instructional building). Applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m., except when activities end at or later than 10:00 p.m. For these exceptions, lighting shall be dimmed to the maximum extent feasible and at the earliest possible time after 10:00 p.m. At a minimum,

the lighting plan shall show all proposed lighting on or along structures, roads, walkways, and garden and patio areas. Special consideration shall be given to lighting of perimeter development and pathways, driveway entrances and exits and all existing and proposed indoor and outdoor lighting on the sides of structures facing the property perimeter (e.g., the north and east sides of the student services building and new instructional building and the north sides of the new practice studio building and renovated Abravanel Hall) as well as the northern parking area to minimize visibility from off-site.. **Plan**

Requirements and Timing: The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the MBAR prior to approval of CDPs for grading.

MONITORING: P&D and MBAR shall review a Lighting Plan for compliance with this measure prior to approval of a CDPs for structures or prior to CDPs for grading (if trenching for lighting is required). Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

5. Use and approval of earth-tone colors (i.e., colors which blend with surrounding vegetation, soils, rocks, etc.) and muted colors for structural development, walls, signs, etc., unless the MBAR and P&D (with architectural historian input) conclude that alternative colors would be more compatible with the historic estate setting for specific structures. **Plan**
Requirements and Timing: The color of the new storage and maintenance buildings shall specifically be considered to minimize the visibility of these structures from the north. Colors for all structures shall be reviewed and approved by the MBAR and P&D for compliance with this measure prior to approval of CDPs for structures. The applicant shall present color boards for the specific structures at the architectural meetings and to P&D. Buildings shall be painted prior to occupancy clearance.

MONITORING: Permit Compliance shall site inspect for conformance to submitted color boards during construction activities and prior to occupancy clearance.

6. The landscape plan and tree disposition plan shall be revised to maximize the screening ability of site vegetation and to minimize the timeframe for new landscaping to provide such screening. At a minimum, the revised landscape and tree disposition plan shall include the following:
 - a. The plans shall include existing mature trees, perimeter shrubs and historic gardens that are proposed to remain as well as new plantings identified in the landscape plan. The Music Academy shall include in its landscape plan the installation and maintenance of irrigation for the hedge along the northerly boundary of the Music Academy property which abuts 87 Butterfly Lane, which installation shall occur concurrently with the planting and irrigation of trees along the northerly perimeter of the site abutting 87 Butterfly Lane pursuant to Condition No. 14. Normal maintenance activities are expected, however, tree maintenance trimming should not exceed that explicitly recommended for tree health by the arborist and vegetation modification for fire fuel management purposes should not exceed that explicitly required by the MFPD¹⁰, as these activities also reduce vegetative screening of the site. This should be noted on the landscape plan as well as in contracts for any landscape maintenance, tree service work, or related work on-site.

¹⁰ MFPD will limit fuel modification north of the instructional building to removal of decadent (dead) vegetation and to limbs of live foliage extending within 10 feet of the building (per 5/11/04 Jim Langhorne site visit and 5/27/04 MFPD letter).

- b. An attractive, hardy, drought resistant vine should be planted to screen all portions of the proposed storage and maintenance buildings, which would be visible from Hwy 101. This vine treatment shall also be considered for portions of all new structures in the Master Plan that would be visible from off-site (subject to MBAR review and approval), at least until other proposed landscaping reaches sufficient height to provide screening for these buildings (and taking into account proposed regular pruning and trimming of the eucalyptus windrow along the northern property line).
- c. Screening landscaping shall be incorporated along the northern property line and the northern portion of the western property line and additional parking lot trees shall be added (with the goal in the parking lot area of accomplishing 50% canopy cover in 10-12 years) to provide screening from the north, to minimize the effects of night lighting in the parking area, as well as to break up the expanse of parking area as viewed from the historic property interior.
- d. Clinging vines and/or vertical planting shall be provided on trash enclosure walls and any other masonry walls where appropriate, as determined by MBAR and P&D, to soften the visual effects of the structures and to discourage the occurrence of graffiti.
- e. A six foot wall or fence shall be installed along the eastern property line, between the northeast corner and the exit driveway, to provide visual screening and so avoid land use conflicts (e.g., vehicle headlights in the new parking area shining onto the residential properties to the east).
- f. The largest feasible size of replacement plantings (for trees, shrubs: 15 gallon minimum, but also using 24-inch+ box sizes) and/or fast growing plants from the landscape plan palette shall be incorporated into the landscape plan where screening or immediate visual effect are at issue. This may include, but would not be limited to, inclusion of vines on structures that would be visible from off-site and specific (new) tree locations where the short-term screening¹¹ is more critical than long-term growth due to other existing and proposed plantings in the immediate area (e.g. loss of windrow eucalyptus and need for immediate replacement for screening).
- g. The final landscape plan shall augment landscaping near the proposed emergency access on Fairway to minimize views into the site.
- h. Vines shall be planted on the roof of Abravanel Hall in a manner which allows them to "spill" over the top of this structure (or alternatively, vines may be designed to grow up Abravanel Hall from plantings on the northern face balcony). The goal of placing vines on the north face of Abravanel Hall would be to provide screening of the structure from the north, until new plantings north of the new parking area are mature. The vines would serve to break up the massing and to provide partial screening of this structure as viewed from off-site.
- i. The final landscape plan shall include additional trees or shrubs between the western property line from Fairway Road to the northern extent of the El Montecito Verde condominiums and the entrance drive.

¹¹ Sometimes installation of larger trees addresses short-term screening, but installation of smaller plantings may result in faster establishment and overall growth.

- j. Additional trees (and potentially shrubs) consistent with the historic designed landscape (possibly acacia, oaks, pittosporum) shall be planted between the reflection pool garden and any new access road to the west of this garden to ensure its screened setting is maintained.
- k. Protection of the existing trees and planting of additional trees and shrubs north of the instructional building and east of the student services building shall be emphasized to provide maximum screening of these new structures from off-site. Planting of additional screening vegetation on the slope above the exit drive and on the slope west of Butterfly Lane shall begin no later than the fall of 2004., in coordination with the project landscape architect and an arborist, butterfly expert and architectural historian with landscape expertise. These experts shall be consulted to review proposed plantings consistent with project conditions that address new plantings on-site (e.g. tree protection plan, landscape plan, butterfly enhancement plan, perimeter landscaping requirements, and requirements that address the historic nature of the site landscaping). The applicant shall document these plantings and shall identify the plantings on the proposed final landscape plan (when applying for project CDPs). (This planting would occur prior to the MAW applying for CDPs for Master Plan implementation and a separate CDP would not be required for installation of these plantings).

Plan Requirements/Timing: Prior to approval of CDPs for grading, the applicant/owner shall enter into an agreement with the County to install required landscaping and water-conserving irrigation systems and maintain required landscaping for the life of the project. The applicant shall also submit four copies of a final landscape and water-conserving irrigation plan to P&D for review and approval. Prior to occupancy clearance, landscape and irrigation shall be installed.

MONITORING: Prior to occupancy clearance, Permit Compliance staff shall photo document installation. Permit Compliance staff shall check maintenance as needed. Release of any performance security requires Permit Compliance signature.

- 7. Future structures shall not exceed the heights (including maximum height above sea level as indicated by story poles erected prior to the MPC hearing of 5/19/04) or the overall sizes of structures identified in the project description and on the project plans. Post discretionary approval changes to proposed building heights which do not exceed, but rather reduce the heights or sizes identified in the project description and on the project plans would also be acceptable. **Plan requirement:** This measure shall be included on building plans. **Timing:** Plans shall be submitted prior to approval of Coastal Development Permits for structures.

MONITORING: Height of building(s) shall be checked by Building and Safety during frame/inspection approval.

- 8. The graffiti on the remaining section of the northern wall shall be removed and the wall shall be painted in a color which blends in with the surrounding landscape. This wall shall be repainted within 72 hours, as necessary, if there is new graffiti in the future. If feasible, this wall section shall also be planted with a vine to reduce re-occurrence of graffiti or the wall may be permanently removed subject to compliance with tree protection measures and replaced with a vine covered fence, railing, or wall. **Plan Requirement/Timing:** The applicant shall submit proposed wall color for review and approval by MBAR and P&D and shall subsequently submit photo-documentation to show that this measure has been implemented prior to approval of CDPs for structures.

MONITORING: P&D shall site inspect. If new graffiti is observed, Permit Compliance shall direct Music Academy to repaint this wall section

Air Quality

9. If any portion of the project site is graded and left undeveloped for over 30 days, 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 the Air Pollution Control District and/or P&D.

If grading activities are discontinued for over six weeks, applicant shall contact both Permit Compliance staff and the Grading Inspector to site inspect revegetation/soil binding. **Plan Requirements:** These requirements shall be noted on the grading plan. **Timing:** The final grading plan shall be submitted to P&D for review and approval prior to approval of CDPs for grading.

MONITORING: Permit Compliance staff and Grading Inspector shall perform periodic site inspections.

10. Dust generated by the development activities shall be retained onsite and kept to a minimum by following the dust control measures listed below. Reclaimed water should be used whenever possible.
- 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. (Wetting of soil shall be sufficient to minimize dust only and should not be to an extent that soil is washed off the site or into storm drains).
 - 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 the wind speed 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.
 - d) Trucks transporting soil, sand, cut or fill materials and/or construction debris to or from the site shall be tarped from the point of origin.
 - e) The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to P&D and the Air Pollution Control District prior to land use clearance.

Plan Requirements: All requirements shall be shown on grading and building plans prior to approval of CDPs for grading. **Timing:** This condition shall be adhered to throughout all grading and construction periods.

MONITORING: P&D shall ensure measures are on plans. Permit Compliance, Grading, and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site. Permit Compliance and APCD inspectors shall respond to nuisance complaints.

11. The applicant shall secure a Right-of-Way Agreement from the Union Pacific Railroad, if UPRR will grant such access for a 90-day period and, if available, an extension at a reasonable cost. **Plan Requirements and Timing:** Prior to approval of a Coastal Development Permit for grading, the applicant shall provide P&D with a copy of the Right-of-Way Agreement for access purposes, indicating ability to utilize the railroad right-of-way to export fill offsite (for a minimum 90 day period). Large truck deliveries of building supplies shall also utilize this access while it is available.

MONITORING: P&D shall ensure the Agreement has been secured.

Archaeology

12. All contractors and construction personnel shall be alerted to the potential for disturbing unknown archaeological artifacts and remains during grading. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans.

MONITORING: P&D shall check plans prior to issuance of Coastal Development Permits for grading and shall spot check in the field.

Biological Resources

13. A Butterfly Habitat Restoration and Enhancement Plan shall be prepared by a P&D approved monarch butterfly specialist in coordination with the preparer of the landscape plan. This plan shall be included as a separate component of the final landscape plan. The goal shall be to plant a circle of tall trees that enclose an open space, generally on the south and east sides of Miraflores. The maximum area shall be restored and enhanced on this slope (the restoration area shall not be limited by the designated area on the preliminary landscape plan).
 - a) The plan shall be coordinated with the Montecito Fire Protection District (MFPD) to ensure that fire safety vegetation clearance is accounted for and designed into the proposed planting program. The specific plantings shall also be discussed with MFPD as proper placement (in relation to structures) may minimize the need for extensive pruning and other maintenance activities. In order to ensure coordination, the applicant shall provide written documentation from Montecito Fire Protection District stating specific requirements for tree trimming in this area following a meeting with the Music Academy and a specialist on monarch butterflies, acceptable to the County. To ensure that habitat enhancement is maximized in this area, vegetation clearance for fire safety shall not exceed the requirements identified by MFPD;
 - b) Approximately 10 eucalyptus trees or other trees including oaks, sycamores, ironwood bay trees or other trees deemed acceptable by the monarch specialist and P&D shall be planted in front of the existing eucalyptus row, behind (south and east of) Miraflores to provide adequate density;

- c) The slope plantings shall be planted in a manner that will contribute to the creation of a protected circle;
- d) Additional eucalyptus or a combination of sycamores, tall coast live oak trees or other tall trees identified in b) above shall be incorporated to increase the density of trees in this area;
- e) Trimming of trees and shrubs near Miraflores to allow ocean views shall be prohibited, given this area's designation as a butterfly enhancement area. Trimming in this area would run counter to this goal. Trimming shall only be allowed to address mandatory Fire District requirements and/or to address imminent health threats to the trees (as identified by an arborist report). In the unlikely event that trees must be substantially trimmed or removed to address imminent health threats (e.g., concern that the tree likely to fall on the structure), replacement trees shall be planted;
- f) The enhancement area shall be planted in a manner which provides for a perimeter of dense, tall trees;
- g) Some of the new trees in the enhancement area (5-10% of total trees in this area, or as determined appropriate by P&D biologist) shall be larger, 24-inch box trees that have been shaped for height to accelerate immediate replacement of foraging and nesting habitat on-site for smaller bird species and roosting habitat for monarch butterflies. It is understood that the majority of trees planted would be from smaller containers, which provide benefits over the long-term. The restoration plan shall specify the type and size of trees to be planted, taking into account the proposed planting location and species;
- h) Where space permits, the landscape plan shall be modified (and expanded in area) to include more clusters or groves of native plantings to enhance their habitat value. This is particularly applicable on the slope areas south and east of Miraflores, where there may be room to cluster more oaks adjacent to existing oaks. In addition, native under-story plants (e.g., groundcovers and low-growing shrubs) could be used to increase habitat complexity and diversity (i.e. value to wildlife) and to help compensate for the fact that space will not allow a replacement ratio of 3:1 for non-native trees. It is possible to accommodate this goal as well as maintaining a butterfly enhancement area that includes tall trees on the perimeter and a sort of opening in the center, a typical component of monarch aggregation sites. The density, species, and long-term maintenance in this area should ensure this area would not become overgrown, consistent with the goal of re-establishing habitat for monarch butterflies in this area;
- i) A P&D qualified arborist or biologist shall oversee such installation;
- j) The applicant shall meet with the Park Department to determine the feasibility of providing off-site plantings (e.g., at Lookout Park) to address cumulative loss of monarch butterfly habitat. This could potentially involve planting of both trees and milkweed; and
- k) Long-term maintenance requirements shall be specified to include on-going, periodic monitoring and weeding out of detrimental invasive species in the butterfly enhancement area.

Plan Requirements and Timing: The applicant shall submit the revised Landscape Plan, including the Butterfly Habitat Restoration and Enhancement Plan component for P&D and MBAR review and approval prior to approval of CDP for grading.

MONITORING: Permit Compliance shall site inspect to ensure implementation of plan as approved.

14. A tree protection and replacement program, prepared by a P&D-approved arborist/biologist shall be implemented. The program shall incorporate all protection and mitigation measures identified in the Bill Spiewak reports dated January 30, 2003, September 7, 2003, April 2, 2004 and May 18, 2004. These measures include, but are not limited to requirement for root pruning and irrigation in the winter of 2004 for trees with grading to occur within the critical root zone, such as some trees north of the new instructional building, Miraflores, Abravanel Hall, the new parking areas and south of The Rack). Tree removal shall be minimized wherever possible. The plan shall further include, but not be limited to, the following components:

A. Program elements to be graphically depicted on final grading and building plans:

- a) The location and extent of dripline for all trees and the type and location of any fencing. Trees located beyond 50 feet of proposed construction and staging activities may be shown with overall canopy and then size, type and number of trees simply listed for the canopy area). The critical root zones of trees located within 50 feet of construction activities shall be determined by an arborist and indicated on plans. The existing tree disposition plan shall be updated accordingly.
- b) Construction envelopes shall be designated (fenced or otherwise clearly demarked in the field) to clarify the boundaries of the development area and to avoid damage to protected trees¹² and other vegetation on-site. All ground disturbances including grading for buildings, access-ways, easements, subsurface grading, sewage disposal and well placement shall be prohibited outside construction envelopes.
- c) Equipment storage and staging areas shall be designated on approved grading and building plans, preferably within existing paved areas of the site (but outside of the easement along the exit drive) to avoid damage to protected trees. Special consideration shall be given to proposed construction access for trucks using the UPRR right of way with regard to protection of the eucalyptus trees.
- d) Paving shall be pervious material wherever possible (e.g., gravel, brick without mortar) where access roads or driveways would be extended to encroach within the critical root zones of protected trees, except where roots will already be cut for project development and would be unlikely to grow back into these areas (e.g., the northern parking lot) as determined by the arborist.
- e) Permanent tree wells or retaining walls to protect trees in proximity to grading work, new fill material, or changes in drainage shall be specified on approved plans and shall be installed prior to approval of Coastal Development Permits for project grading/construction activities. A P&D qualified arborist or biologist shall oversee such installation.
- f) Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding. These plans shall be subject to review and approval by P&D or a P&D qualified biologist/arborist.
- g) All utilities shall be placed in construction envelopes or within or directly adjacent to roadways and driveways or in a designated utility corridor in order to minimize impacts to trees.

¹² "Protected" trees are defined as those not identified for removal or transplanting.

- h) All access improvements (e.g., along the allee, northern parking area, new service turn-out, etc.) shall minimize tree removal to the maximum extent possible. If a new return lane to Fairway is ever added pursuant to direction at MPC compliance hearings (to address CTRP), this lane would have specifically limited use (for returning vehicles unrelated to the Music Academy back onto the public road) and, therefore, would not be subject to standard roadway design standards. Therefore any future lane construction shall be designed to absolutely minimize any tree removal.

B. Program elements to be printed as conditions on final grading and building plans:

- a). All replacement trees shall be identified as to species, size and location on the final landscape plan. Any performance securities required for installation and maintenance of the replacement trees identified in the proposed landscape plan will be released by P&D after its inspection and approval of such installation. 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). The plantings shall be protected as necessary (e.g., gopher fencing) during the maintenance period.
- b). It is acknowledged that the standard tree replacement ratios of 10:1 for native trees and 3:1 for non-native trees cannot be accommodated on-site given the extensive tree removal proposed on-site. However, the landscape plan shall maximize the number of replacement trees to be replanted on-site as well as the size of the replacement trees (only where immediate visual screening is an issue). Non-native trees removed can also be replaced with natives, except in area(s) proposed for restoration for monarch habitat or where specific non-native species have been identified as replacement trees to address specific aesthetic or historic impacts (as identified in the aesthetic and historic resource sections' mitigation measures). If unanticipated damage or loss of trees results from construction activities, these trees shall be replaced at the standard ratios identified above.
- c). Tree removal shall be timed to avoid the period of peak breeding activity for birds. Therefore tree removal shall be limited to late July through early February. This condition shall be re-visited in the unexpected event that monarch butterflies return to roosting on-site. If this occurs, the site would need to be carefully monitored to determine the extent to which trees on-site are providing habitat for birds and monarch butterflies and tree removal timing revised accordingly.
- d). No grading (any earthwork activities) or development shall occur within the critical root zones of protected¹³ trees that occur in the construction area, except as identified in the Board of Supervisors approved plans. Where grading, trenching, or other earthwork activities would occur within the critical root zone (as established by a qualified arborist and indicated on the grading plans), the arborist shall be present during earthwork to determine the best way to accomplish necessary grading, while protecting the health of the tree to the maximum extent feasible. Where it is possible to minimize damage to trees identified for removal, protection and retention of these trees shall also be attempted.
- e). All protected trees within 25 feet of proposed ground disturbances shall be temporarily fenced with chain-link or other material satisfactory to P&D throughout all grading and construction activities. The fencing shall be installed outside the critical root zone of each protected tree unless infeasible consistent with the approved grading plan (e.g., tree numbers 42 and 43 located north and west of existing Wood 2)

¹³ Protected trees are those not specifically proposed for removal on the approved tree disposition plan.

and shall be staked every six feet. Where fencing cannot be accommodated outside of the critical root zone, alternate maximum protection shall be provided pursuant to arborist recommendation, including but not limited to fencing with or without stakes closer to the tree, placement of straw bales between the construction area and trees to be protected, etc.

- f). No construction equipment shall be parked or stored within any protected tree critical root zone. No construction equipment shall be operated within six feet of any protected tree critical root zone, except as allowed pursuant to the approved final grading plan and tree protection plan (e.g., grading would occur within the critical root zone of several trees such as the Moreton Bay Fig and a swamp mahogany near the new service entry to the instructional building as identified on the project plans). The tree protection plan shall identify which trees would fall within this exception.
- g). No fill soil, rocks, or construction materials shall be stored or placed within the critical root zone of all protected trees unless such fill is identified on the final grading plan. Any approved fill shall be minimized to the maximum extent feasible in these areas. The tree protection plan shall identify which trees would fall within this exception.
- h). No artificial surface, pervious or impervious, shall be placed within the critical root zone of any protected tree, except as allowed pursuant to the approved final grading plan (e.g., grading and building construction would occur within the critical root zone of several trees such as the Moreton Bay Fig tree as identified on the project plans). Where this would occur, arborist recommendations shall be incorporated to minimize degradation to affected trees. The tree protection plan shall identify which trees would fall within this exception.
- i). Any roots encountered that are one inch in diameter or greater shall be cleanly cut. This shall be done under the direction of a P&D approved arborist/biologist.
- j). Any trenching required within the critical root zone or sensitive root zone of any specimen tree shall be done by hand, except as allowed in d) above.
- k). No permanent irrigation shall occur within the critical root zone of any existing oak tree, unless irrigation has historically occurred in this area.
- l). Any construction activity required within three feet of a protected tree's critical root zone shall be done with rubber wheeled equipment or hand tools, (the latter for oaks), except as allowed in d) above.
- m). Only designated trees shall be removed.
- n). Any trees which are unintentionally or accidentally removed and/or damaged (more than 25% of root zone disturbed) during construction activities shall be replaced and maintained for the life of the project. Posting of a performance security may also be required as well as hiring of an outside consultant biologist to assess the damage and recommend mitigation. The required mitigation shall be done immediately under the direction of P&D prior to any further work occurring on site.
- o). Maintenance of proposed replacement trees and shrubs shall be accomplished through water-conserving irrigation techniques.

- p). The four oak trees scheduled for transplanting on the tree disposition plan shall be boxed and replanted as proposed on-site. These trees shall be maintained and monitored until clearly established or replaced.
- q). All trees located within 25 feet of proposed buildings shall be protected from stucco or paint during construction.
- r). A P&D approved arborist shall be onsite throughout all grading and construction activities which may impact trees proposed for protection that are located near the northern property line, near the new secondary access road, north of the new instructional and practice studio buildings, east of the student services building and in other locations where protected trees would be located within 25 feet of the edge of heavy equipment. With regard to field changes affecting trees north of the instructional building and east of the student services building, the arborist shall provide recommendations on all such field changes, which recommendations will be adhered to by the Building Inspector. The arborist shall notify the owners of 87 Butterfly Lane to report his recommendations once he has made the same. The arborist shall also provide a copy of the Building Inspector's determination regarding field changes to said owners.
- s). The contract with the construction contractor shall include specific provisions for payment of substantial penalties for failure to protect trees on-site consistent with related project conditions (sample of the included contract language shall be submitted to P&D).

Plan Requirements: Prior to approval of Coastal Development Permit for grading, the applicant shall submit a copy of the tree protection plan to P&D for review and approval. All aspects of the plan shall be implemented as approved. Prior to approval of Coastal Development Permit for grading, the applicant shall successfully file and receipt evidence of posting a performance security which is acceptable to P&D. **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 evaluate all tree protection and replacement measures. Release of performance security requires Permit Compliance staff signature.

- 15. Excavation work within or adjacent to protected trees shall be avoided to the maximum extent feasible. Where excavation must be performed within sensitive areas (as determined by P&D), it shall be performed with hand tools only unless determined infeasible and alternate method approved by arborist pursuant to condition 12Bd above. If the use of hand tools is deemed infeasible by P&D, excavation work may be authorized by P&D to be completed in another manner (e.g., with rubber-tired construction equipment weighing five tons or less. If significant large rocks are present, or if spoil placement will impact surrounding trees, then a small tracked excavator (i.e., 215 or smaller track hoe) may be used as determined by P&D staff (e.g., to accommodate grading for the new service entry -not a vehicle driveway- into the instructional building). Trenching routes for installation or extension of new utilities shall be reviewed and approved by P&D and shall be shown on project grading plans prior to approval of CDPs for grading. **Plan requirements and Timing:** The above measure shall be noted on all grading and construction plans prior to approval of related CDPs.

MONITORING: P&D shall ensure compliance on site during construction.

16. The final landscape plan shall be reviewed to ensure that the new plantings around the Miraflores outdoor terrace would not include non-native invasive species (except eucalyptus), particularly species that could compromise the success of the monarch butterfly enhancement area. Long-term monitoring to address removal of detrimental, non-native species shall also be addressed in the final landscape plan. **Plan Requirements and Timing:** The applicant shall submit the final landscape plan consistent with this measure. P&D shall review and approve this component prior to approval of CDP for grading.

MONITORING: P&D shall ensure compliance on site during construction and follow-up compliance evaluations.

17. The final landscape plan shall include a component which identifies the various project conditions that address the project landscaping from the tree protection plan to the butterfly enhancement plan to measures specific to maintaining the integrity of the historic designed landscape. This shall be referenced and used to guide on-going maintenance activities on the project grounds and to facilitate compliance with project conditions that are designed to protect the aesthetic, historic and biological values of the site's natural vegetation and historic designed landscape plantings. **Plan Requirements and Timing:** This component shall be submitted as part of the final landscape plan. P&D shall review and approve this component prior to approval of CDP for grading.

MONITORING: P&D shall ensure compliance on site during construction

Fire Protection

18. The applicant shall work with MFPD to define in greater detail acceptable quantities and types of rummage and/or resale items which can be stored on-site as well as specific locations for storage. However, in no case shall this be interpreted to override limitations imposed by other project condition(s) regarding where rummage/resale items may be stored. **Plan Requirements and Timing:** A plan which describes the agreement with MFPD (in text and graphic depiction on plans), with regard to on-site storage of rummage and resale items shall be submitted prior to approval of CDPs for structural development. The Fire Department shall sign-off on plans prior to approval of CDPs for structural development.

MONITORING: Permit compliance shall field check proposed storage areas in coordination with MFPD following occupancy to ensure compliance with the above-referenced agreement.

19. The applicant shall work with MFPD to ensure access and design of the Master Plan complies with MFPD requirements. **Plan Requirements and Timing:** Prior to approval of a CDP for grading or development, the plans shall be reviewed and approved by the MFPD to ensure the project circulation design, fire suppression water, and sprinklers are consistent with Fire District requirements.

MONITORING: Permit compliance and building inspectors shall field check to ensure compliance during the construction phase.

Historic Resources

20. The following recommendations in the Final Phase 1-2 Historic Resources Study submitted by Lex Palmer (January 7, 2000; Update Letter April 6, 2000) shall be incorporated into the project design:
- a) Completion of the appropriate California Department of Parks and Recreation Forms 523 (Primary, Location, and Building, Structure, and Object) for submission to the UCSB Department of Anthropology's Central Coast Information Center for all historic structures;
 - b) Historic American Building Survey (HABS) documentation consisting of HABS Level II drawings and photographs shall be performed on the Music Academy property to show the spatial relationships between the buildings and existing landscape features; preparation of HABS Level 1 documentation of Miraflores consisting of measured drawings and large format photographs, history and description of the building, courtyard, and surrounding landscaping;
 - c) The Miraflores extension shall replicate the original construction techniques, all original configurations, and shall utilize the original window and door hardware. The change must be documented and plans detailing this placed in the Music Academy archive;
 - d) Preliminary and Final Working drawings, including landscape plans for the project shall be reviewed by a Santa Barbara County approved architectural historian and an expert in historic landscape design to insure compliance with mitigation measures addressing historic resources.
 - e) The character-defining elements of the Miraflores west elevation are the plain wall surfaces, low-massing, fenestration, doorways, and building hardware such as downspouts, door latches and locks. The new construction associated with the student services building link to existing Miraflores shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. The introduction of a visual gap in the wall created by a plaster reveal 2-4 inches deep on the exterior and interior junction of the new student services building hallway and Miraflores north elevation achieves this goal. The interior reveal shall be accentuated by the use of different floor tile or a metal seam in the floor. The Final Plans should be placed on file with Kurt Heifrich, Curator of the Architectural Drawing Collection, University Art Museum, University of California Santa Barbara, CA 93106 893-5354

Plan Requirements and Timing: All construction techniques and other recommended measures related to historic resources (e.g., landscape plan) shall be incorporated into design of the project and detailed on building plans. The final grading, landscape, and building plans shall be reviewed and approved by P&D, a P&D approved architectural historian, an expert in historic landscaping design and the MBAR prior to approval of CDPs for grading or construction. The Historic Resources Reports and Addenda shall be made available to each of the afore-mentioned parties prior to their review of the final plans. The final plans shall also be brought to the County Landmarks Committee for their comments prior to approval of CDPs for grading. Prior to approval of CDPs for grading, the applicant shall submit to P&D written confirmation that all applicable forms and documentation of historic structures have been prepared and submitted consistent with these measures. Special emphasis, including photo-documentation of all elevations, shall

be given to Miraflores, as this historic structure would be physically altered as a result of project implementation.

MONITORING: Building Inspectors shall ensure that all elements have been installed according to the approved plans. If another Historic Resources survey (showing that appropriate materials have been utilized) is determined by P&D to be required, P&D will ensure recommended materials and architectural elements have been incorporated prior to occupancy clearance.

21. The applicant shall contract with an architectural historian (with input, as necessary from an expert in historic landscape design) who shall review and consult with P&D to ensure project plans (grading, landscape, structural development, any signs or commemorative plaques, etc.) are appropriately revised pursuant to project conditions that address historic resources. The contracted specialists shall also be required to attend at all MBAR, and Historical Landmark Committee meetings and to monitor construction and consult with P&D as necessary during construction to ensure development's consistency with approved plans. **Plan Requirements and Timing:** The applicant shall submit the proposed contract to P&D for review and approval with applications for CDPs. The architectural historian shall be available to answer questions raised by P&D, MBAR, and the Landmark Committee and shall sign-off on all final plans prior to approval of CDPs.

MONITORING: The architectural historian and historic landscape expert shall periodically monitor site development and shall sign off that development has been implemented consistent with the conditions of approval and approved plans, prior to occupancy clearance for the historical structures. Building Inspectors and Permit Compliance shall inspect to ensure that grading and other improvements are consistent with approved plans.

22. The new courtyard shall be modified to include replacement trees for those removed. In addition, the alignments of the historic axial path system should be represented by embedding original materials (e.g., random cut stone, cast concrete textured to give the impression that they are stone, brick). New hardscape materials shall follow the historic design wherever possible, with the exception that the spaces between concrete pavers may be a gravel-textured concrete instead of the original gravel matrix (to better conform to ADA standards). **Plan Requirements and Timing:** The applicant shall submit a revised landscape for P&D and BAR review and approval, prior to approval of CDPs for grading. The revised plan shall include the above changes.

MONITORING: Building Inspectors and Permit Compliance shall inspect to ensure compliance with the approved landscape and grading plans. The hardscape materials in the new courtyard shall be installed and planting of replacement trees in this area shall be initiated prior to occupancy clearance for the student services building.

23. The existing pathway shall be retained across the new secondary access road (near Miraflores) and the plants and shrubs shall be retained on either side of the road. The surface of this emergency-only access road shall be planted if a surface that can be planted is acceptable to Montecito Fire Protection District. A botanical specialist should monitor cut and compaction activities associated with installation of this emergency access road to avoid/minimize damage to trees. **Plan Requirements and Timing:** Prior to approval of the CDP for grading, the tree disposition, grading and landscape plans shall be revised to address the above changes.

MONITORING: Permit Compliance shall site inspect to ensure construction of the secondary access road, as approved.

24. The landscape plan shall be revised to reduce impacts to the historic designed landscape, including adverse changes to spatial relationships, views between various site features, views from off-site, and to provide offsetting enhancement of altered historic landscape features.

- a) Existing vegetation shall be retained or, if replacement plantings are necessary, new vegetation of a similar character shall be planted that would screen the new construction from the pool/terrace area.
- b) The Reflecting Pool Garden shall retain its original design.
- c) More sky-line eucalyptus trees (or other skyline trees that are acceptable from a historic landscape perspective) shall be included in the landscape plan.
- d) The pittosporum hedge along the allee shall be revised to be continuous, (e.g., not open for views into the new "Encore Society Garden.")
- e) Perennial flowers should not be planted as a linear feature along the (allee) hedge.
- f) The hardscape and landscape design of the central courtyard shall reflect Thiene's design approach (geometric and axial alignment of features).
- g) A few rose bushes typical of the period, shall be reintroduced into the garden to partially restore the garden originally conceived by Thiene as a rose garden.
- h) A plaque to both Reginald Johnson and Paul Thiene shall be located on the original. Miraflores building and a plaque to Yoch shall be placed in the Don Quixote courtyard (with 1992 redesign noted). An alternative would be a plaque to all three on the entry gate walls on The Fairway. The language and design of the plaques shall be reviewed and approved by an architectural historian acceptable to P&D.
- i) Skyline trees of a similar character and height should be planted (maximum number feasible) to replace the approximately 20 eucalyptus trees planned for removal.
- j) The Encore Society Garden, shall be screened from the allee and the Reflecting Pool Garden and path leading to it.
- k) The newly rendered topiary accents in the Octagon Forecourt shall be removed.
- l) A qualified historic landscape architect shall review the final plans for the landscape design and monitor the work as it proceeds in order to assure that Thiene's original landscape design is adhered to as closely as possible.

Plan Requirements and Timing: Prior to approval of the CDP for grading, the plans shall be revised to address the above changes. The plan shall be approved by the MBAR, and P&D in consultation with the contracted historic landscape architect prior to approval of CDPs for grading.

MONITORING: Permit Compliance shall site inspect to ensure installation of landscaping consistent with approved plans.

Land Use Compatibility

25. The developer shall clear the project site of all excess construction debris. If the improvements are developed in phases, the debris shall be removed at the completion of each phase, at a minimum. **Plan Requirement:** This requirement shall be noted on final building plans prior to approval of CDPs for structures.. **Timing:** Debris clearance shall occur prior to occupancy clearance for each phase of development.

MONITORING: P&D shall site inspect prior to occupancy clearance.

26. On-site resale/retail sales and viewing of merchandise shall be limited to merchandise located in Treasure House and The Rack only. Under no circumstances shall resale items be available for viewing or sale if they are located in another location on-site. Resale merchandise may be stored at the Rack, Treasure House and any excess merchandise which cannot be accommodated in Treasure House or The Rack may also be stored in the new Storage building between Treasure House and The Rack and in the new Storage/Maintenance building. May Madness rummage may be stored without time limitation in areas specifically designated for storage on the building plans.

Plan Requirements and Timing: Project plans shall specify the restrictions and exceptions for storage of rummage and resale as indicated above. The plans shall be reviewed and approved by P&D and MFPR prior to approval of CDPs for structures.

MONITORING: Permit Compliance shall monitor periodically for compliance.

27. All construction related vehicles (including construction worker vehicles), equipment, and supplies shall be located within the project site. In addition, waiting trucks (supply delivery trucks, vehicles transporting fill, etc.,) shall wait on-site (and outside the portion of the exit drive which is actually off-site and within an access easement to the MAW¹⁴), rather than on neighborhood streets. The contractor shall control vehicle traffic through the site (as part of the CTRP) using traffic control personnel at both the entrance and exit gates. In the event that the project gate(s) are closed during construction, contractor shall otherwise control vehicle entry.

Plan Requirements and Timing: The project grading and construction plans shall graphically specify the locations (on-site) for all construction related vehicle parking, staging/equipment storage areas, and waiting areas for supply trucks and vehicles transporting excess fill material. This information shall be indicated on the plans and shall be reviewed and approved by P&D prior to approval of CDPs for grading., to ensure the staging and parking areas do not impact the site's biological or historic resources. In addition, contractor shall ensure that access through the site is controlled to minimize cut-through traffic.

MONITORING: Permit Compliance shall monitor periodically for compliance.

28. Music Academy fundraisers on campus shall be subject to the any given time, daily and seasonal attendance caps. The exception to this shall be limited to one, 1-day event per year, held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).
29. Indoor amplification shall be located where doors and windows can (and shall) be closed to

¹⁴ The exception shall be that trucks with supplies for specific areas (e.g., new trees to be planted north of the instructional building location) shall be allowed to park and unload/load supplies here.

reduce spill-over of noise onto adjacent properties. Construction design shall take this into account by ensuring alternate air circulation in areas where windows may need to remain closed for extended periods. To avoid potential nuisance complaints, non-opening windows may be incorporated into areas of the building(s) where indoor amplification is expected

Plan Requirements and Timing: Air circulation method(s) shall be identified on the project plans for portions of the building(s) which may include indoor amplification prior to approval of CDPs for applicable structures.

MONITORING: Building & Safety shall check for appropriate inclusion on plans and proper construction methods in the field to accomplish this condition.

30. The applicant shall submit a Cut-through Traffic Reduction Program (CTRP) to minimize land use compatibility impacts associated with any increased traffic in the surrounding residential neighborhood prior to approval of CDPs for the first phase of grading. The plan shall be implemented prior to occupancy clearance (with the exception of occupying the Miraflores remodel). The plan shall be designed consistent with, but not limited to, the description in the ATE traffic study dated 9/17/03. Some of the components from the ATE study are detailed below and some additional requirements have been added. The components identified below may be modified if it is determined that such modifications would still result in an effective CTRP.
- a) Provide a “ticket-spitter” before arriving at the fork in the entrance drive, where the driver would receive a ticket and provide signage that indicates that validation of the ticket will be required or a minimum \$10.00 fee will be charged upon exiting the site.
 - b) An access card, pass or sensor installed on the windshield to open the gate (rather than punching in a code) shall be issued to Music Academy staff, faculty, for up to 10 student vehicles and others who are regularly on-site when the gates are normally closed. There shall be a protocol for either confirming the card holder at the kiosk (through information on the card) or for regularly checking to see which cards have been used and how often (to ensure access cards have not been duplicated or otherwise used improperly). In addition, such access card, pass or sensor shall be valid for no more than 12 months from the date of issue.
 - c) Whenever the entrance gates are open, a kiosk on the exit segment shall be manned to collect validated tickets or the exit fee (for non-validated tickets). If cut-through vehicles are found to be cutting through at other times (by following other cars in through the gate or because access cards are being inappropriately reproduced), the kiosk shall be manned during these times of known cut-through traffic. A computer system shall be used to track cut-through vehicle data for the CTRP.
 - d) Others who frequent the site intermittently, but who do not have access cards, would access the site by using an intercom system at the entrance, (like the existing system), to contact administrative personnel, the caretaker, etc. to allow entry.
 - e) If the CTRP is not found to be successful in substantially reducing cut-through traffic, the MPC shall consider the need for and specific modifications to improve the program’s effectiveness (as necessary) at their regular compliance hearing(s). The MPC shall determine the need to implement modifications to the program, including, but not limited to the options identified below:
 - i) Increasing the times and times of day when the kiosk is manned;
 - ii) Increasing the fee to \$20.00 or more for cut-through vehicles;

- iii) Adding a manned presence (second kiosk) at the entrance near the ticket splitter;
- iv) A narrow, chip-sealed CTRP return lane shall be installed between the existing entrance road and the reflection pool garden. A kiosk shall be placed prior to the fork in the entrance road. There shall be a mechanical arm or gate on the access road continuing north past the kiosk to allow kiosk personnel to stop cut-through vehicles and turn them back to Fairway using the return lane. There shall also be two mechanical arms or gates, controlled by kiosk personnel, installed at both ends of the return lane to: 1) keep vehicles parked in the allee from using the return lane as an exit back to Fairway and 2) keep vehicles from trying to enter this lane from Fairway when the entrance gates are closed.
- v) One of the other access options;
- vi) Any other measure determined to be appropriate, including the modification of permitted attendance levels. The MPC shall determine the need for and type of modifications to the program at their compliance hearing(s).
- f) The plan shall include a recommended protocol for determining the effectiveness of the CTRP;
- g) The plan shall include the times when the entrance gates will remain open and closed and shall maximize the periods when the gates remain closed to facilitate a reduction in cut-through traffic.
- h) A protocol shall be proposed for continuously changing tickets and validation stamps to ensure the system is not abused.
- i) The resale shops shall be open Monday-Saturday from 12:00-3:00 p.m., allowing the gates to be closed during the peak cut-through traffic period unless they would otherwise be open to accommodate other MAW activities (e.g., summer Master Classes).
- j) As weekend activities would be limited during the summer (no Sunday public events and only five public Saturday public events), the gates shall typically be closed (except the five Saturdays) on the summer weekends. If the gates are open on Saturday afternoons to accommodate the resale shops, the kiosk shall be manned throughout this time period;
- k) The plan shall incorporate use of driveway counts to assist in better determining cut-through traffic periods and to improve the on-going CTRP).

Plan Requirements and Timing: The Program shall be submitted to Public Works and P&D for review and approval prior to approval of the first CDP for grading (as kiosk and return design may affect driveway details). The plan shall be implemented prior to occupancy clearance (with the exception of occupying the Miraflores remodel). Prior to approving the CDP for the first phase of project grading, P&D shall bring the CTRP to the MPC for an informational briefing and receive MPC comments on the program. This briefing shall also include a report on the applicant's interim CTRP and its effectiveness.

MONITORING: Permit Compliance shall monitor periodically for compliance.

31. Prior to increasing attendance under the permit, the CTRP shall be in effect and all proposed parking shall be completed and available.
32. The hours of operation of Treasure House and The Rack shall be Monday - Saturday from 12:00-3:00 p.m. This change to the resale shop operations is required to facilitate the effectiveness of a cut-through traffic reduction program and thereby offset increased traffic and related land use impacts on the neighborhood. (This condition in no way requires that the resale shops must remain on-site). **Plan Requirements and Timing:** These changes to resale shop operations shall be noted on relevant Music Academy hard copy and website informational materials and at the entrance to the resale shops. Examples of the changed hours on materials shall be submitted to P&D prior to issuance of CDPs for structures.

MONITORING: Permit Compliance shall monitor periodically for compliance

33. Within one year after the first phase of Master Plan operations have been operational, the project shall return to the Montecito Planning Commission for a report on compliance with, and effectiveness of, all project conditions, with a special focus on compliance with attendance caps, the cut-through traffic reduction program and other traffic related conditions (e.g., parking, construction or delivery traffic, etc.). This hearing shall take place sooner if a sufficient number of complaints received prior to this time period necessitate an earlier hearing (at the discretion of the Director of P&D). If the CUP is implemented over a number of years, more than one hearing may be appropriate as determined by P&D. Following this hearing, the project shall return to the Montecito Planning Commission for compliance updates every two years for a minimum ten year period. At the last required compliance hearing, the Montecito Planning Commission shall determine whether or how often to continue having compliance hearings on the CUP or whether an alternative method for evaluating on-going compliance would be appropriate. The MPC may also alter the schedule for compliance hearings as part of their compliance hearings. Project conditions may be modified or new conditions added to ensure effective compliance. **Plan Requirements and Timing:** The applicant shall be required to fund staff time and any specific evaluations necessary to bring the project forward for the Montecito Planning Commission (or Director of P&D) consideration. Refusal to fund work necessary to return to the Montecito Planning Commission would be considered a violation of the CUP. (Previous conditions 35, 40 and 64 have been incorporated into this condition).

MONITORING: Permit Compliance shall ensure that the project receives required review by the MPC as directed by this condition.

34. The MAW shall be required to provide monitoring reports twice annually.
 - a) Monitoring shall cover individual event attendance (ticket sale records from ticketing company including the number of tickets per event for public, students, and faculty/staff), daily attendance, and seasonal attendance. Attendees shall include all regular guests as well as any students, faculty, staff, or other employees who are not performing or working at the event and attendance for these different sub-groups shall be provided.
 - b) The monitoring shall include a specific break down of seminars, conferences, non-profit events, educational programs in the arts and conservatory activities.
 - c) The monitoring shall include the results of the periodic monitoring of parking required to determine adequacy of on-site parking in meeting project demand.

- d) Accompanying the annual monitoring reports shall be a signed statement from the President of the Music Academy of the West stating that a copy the Conditional Use Permit has been distributed to and reviewed with the Music Academy Board and staff in order to ensure compliance with the conditions.

Plan Requirements and Timing: The applicant shall submit a methodology for monitoring per the above requirements to P&D for review prior to approval of CDP for construction.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) during events to perform manual counts on-site () during both the summer and non-summer periods. Manual counts for events shall be compared with the event attendance data submitted in the project monitoring reports. The data will not be exact as Permit Compliance will not be able to differentiate who is a public vs. non-public member. However, the data will still be useful for comparison purposes as the monitoring data will break out the number of public attendees. . .

35. Consistent with historic levels, there shall be no more than five public Saturday events during the summer¹⁵. **Plan Requirements and Timing:** Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the year's summer calendar.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) to determine compliance with this measure.

36. Consistent with historic levels, there shall be no Sunday public events during the summer¹⁶. **Plan Requirements and Timing:** Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the summer calendar.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) to determine compliance with this measure.

37. Picnic concerts shall be limited to no more than ten per summer. **Plan Requirements and Timing:** Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the summer calendar.

MONITORING: Permit Compliance shall review summer schedule information (e.g., on the MAW website or local newspapers) to confirm scheduled picnic concerts.

38. Rentals for seminars and meetings shall continue to be limited to 175 participants with a maximum end time of 10:00 p.m. **Plan Requirements and Timing:** The MAW shall include notice of this requirement in all rental contracts for events and other activities on-site along with a meaningful financial penalty for transgressions. This requirement shall also be posted on-site during applicable evening events to facilitate compliance. Examples of the contract language and the language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development.

¹⁵ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends. Summer students and faculty practicing on-site (not performances), staff doing office or grounds work and other basic administrative activities would still be allowed.

¹⁶ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends. Summer students and faculty practicing on-site (not performances), staff doing office or grounds work and other basic administrative activities would still be allowed.

MONITORING: Permit Compliance shall note compliance with this measure during periodic, unannounced visits to the site to field check event attendance (the largest events are often evening events).

39. All events and activities shall begin no earlier than 9:00 am and shall end no later than 10:00 pm throughout the year. The exception to this shall be allowance for events on Thursdays and Fridays during the summer season only to end by 10:30 p.m. Once an evening event has ended, guests are expected to leave within approximately 30 minutes. If approximately 30 minutes becomes insufficient for guests to leave the premises, the MPC, as part of their compliance hearings, shall consider the requirement to move end times to earlier in the evening, sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 10:30 (11:00 for Thursday and Friday events in the summer season).

Plan Requirements and Timing: The MAW shall include notice of this requirement in all rental contracts for events and other activities on-site along with a meaningful financial penalty for transgressions. This requirement shall also be posted on-site during applicable evening events to facilitate compliance. Examples of the contract language and the language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development.

MONITORING: Permit Compliance shall note compliance with this measure during periodic, unannounced visits to the site to field check event attendance (the largest events are often evening events).

40. The primary use of the catering kitchen and dining facilities shall be to provide lunch and dinner to summer music students, faculty, and staff. The secondary use of these facilities shall be for the use of non-summer staff to heat up (microwave) and refrigerate their lunches and for use by caterer for rental activities in non-summer. Therefore, the kitchen and dining facilities shall be limited as follows:
- a) The facilities shall not be available to resale shops customers.
 - b) The facilities shall not be open as a snack bar or restaurant for the public or for public on-site for non-event activities or non-catered events/activities, such as musical instruction or other lessons, or rehearsals.
 - c) The facilities shall not be used to provide food for picnic concerts, except to supply a "coffee cart" with drinks, cookies, etc. typical of fare available during a concert intermission.
 - d) The kitchen shall not be used as a cafeteria for food preparation, except for activities typical of an office employee lounge (e.g., coffee maker, microwave and refrigerator to heat up/keep cool meals and snacks brought by employees).
 - e) Food preparation and service for events and the summer program students shall be limited to caterers (no permanent chef or other kitchen staff). Food service for events and summer student meals shall be designed to minimize necessary deliveries.
 - f) Except for food used by a caterer for an event or summer student/staff meals, food stuffs shall be limited to those typical of an office employee lounge (coffee, popcorn, etc.) as well employee access to refrigerator and microwave.
 - g) The kitchen shall not be designed as a commercial or industrial kitchen. Rather, it shall be designed for catering purposes only, with an assumption and requirement for minimal food preparation on-site.

Plan Requirements and Timing: These restrictions regarding the kitchen and dining area uses shall be posted to avoid confusion and to facilitate compliance with this measure. Sample language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development

MONITORING: Permit Compliance shall evaluate compliance with this measure during periodic, unannounced visits to the site.

41. Following project implementation, and for the life of the project, if trees or screening shrubs along Butterfly Lane or other perimeter areas of the site are lost (either intentionally or due to natural causes), the trees and shrubs shall be replaced (with comparably sized plantings, up to 24-inch box), within one month, to minimize loss of screening provided by such tree loss. The applicant shall make every effort to replace lost screening vegetation with large plantings that reduce the amount of time necessary to provide screening. Following installation, to the maximum extent feasible, when the property is viewed from off-site, it should retain the appearance of a landscaped residential estate. This measure shall be incorporated into the Tree Protection Plan. **Plan Requirements and Timing:** This requirement shall be incorporated into the project landscape plan, including inclusion of notes to this effect on the landscape plan itself. The plan shall be reviewed and approved by P&D, the MBAR and architectural historian (under contract to P&D) prior to approval of CDPs.

MONITORING: Permit Compliance shall evaluate compliance with this measure during periodic visits to the site.

42. The instructional building shall incorporate the following:
- a) Window treatment on the north side of the instructional building shall be determined by the MBAR to ensure privacy of neighbors. Window treatment shall be designed so that it is not possible to see from the building into the yard area of the property at 87 Butterfly Lane, which design the Music Academy shall present to MBAR with a request for approval. County shall mail notice to owners of 87 Butterfly Lane ten (10) calendar days prior to the MBAR hearing.
 - b) The balconies on the north side of the instructional building shall be ornamental only.

Plan Requirements and Timing: These changes (and confirmation of MBAR consideration and approval of these components) shall be shown on the project building plans for review and approval by P&D prior to approval of CDPs for these structures.

MONITORING: Permit Compliance shall evaluate compliance with this measure during construction and prior to occupancy clearance.

43. The student services building shall incorporate the following:
- a) Window treatments on the east side of the student services building shall be determined by the MBAR to ensure privacy of neighbors. Window treatment shall be designed so that it is not possible to see from the building into the yard area of the property at 87 Butterfly Lane, which design the Music Academy shall present to MBAR with a request for approval. County shall mail notice to owners of 87 Butterfly Lane ten (10) calendar days prior to the MBAR hearing.

- b) The rooftop area of the student services building (especially the lower rooftop on the east side of the structure) shall not be accessible, other than to maintenance personnel for landscape or building maintenance purposes.

Plan Requirements and Timing: These changes (and confirmation of MBAR consideration and approval of these components) shall be shown on the project building plans for review and approval by P&D prior to approval of CDPs for these structures.

MONITORING: Permit Compliance shall evaluate compliance with this measure during construction and prior to occupancy clearance.

44. Window coverings shall be installed on the windows on the east and north facing sides of the proposed new instructional and student services buildings and the north side of the proposed new practice studio building in order to reduce visibility of lighting at night when the buildings are viewed from off-site. In addition, the ~~drapes~~ window coverings shall be installed with a timer, to automatically close during night-time hours. Alternative window treatments which are proven to accomplish the same goal as determined by P&D in consultation with MBAR, would also be acceptable. **Plan Requirements and Timing:** This requirement shall be identified on the building plans and submitted for MBAR and P&D review and approval prior to approval of CDPs for these structures.

MONITORING: Permit Compliance shall evaluate compliance with this measure prior to occupancy clearance.

45. When practice rooms are used for activities which would likely generate nuisance noise for neighbors (e.g., any type of amplification, brass band practice, etc.), any north or east facing windows in the room shall be closed. Therefore, the instructional building shall be designed with an air circulation system that does not rely on opening windows in these rooms. **Plan Requirements and Timing:** Project plans consistent with this requirement shall be submitted for P&D review and approval prior to approval of CDPs for construction.

MONITORING: Permit Compliance shall evaluate compliance with this measure during construction and prior to occupancy clearance.

46. The proposed storage building between The Rack and Treasure House shall not result in removal of any trees. **Plan Requirements and Timing:** Project plans consistent with this requirement shall be submitted for P&D review and approval prior to approval of CDPs for grading or construction.

MONITORING: Permit Compliance shall evaluate compliance with this measure during grading and construction.

47. The rooms/spaces in the new practice studio/instructional/student services building complex shall be used for musical practice, instruction, auditions, rehearsals and meetings associated with music only. Rental of these spaces to others for these same activities would also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes. **Plan Requirements and Timing:** A note identifying these restrictions shall be included on the project building plans for this structure and the applicant shall submit future activity calendars to permit compliance staff along with other monitoring data to ensure compliance with this measure.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of review of monitoring reports and site visits.

48. In addition to the 300 fixed seats in Abravanel Hall, during the summer season only, 50 removable seats are allowed. No more than 300 seats shall be used for the public. Ticketing shall incorporate tickets for all in attendance at an event and shall include different types of tickets for students, faculty/staff and public attendees (public is anyone who is not a student, faculty or staff). There shall be no removable seats in Abravanel Hall during the non-summer season. **Plan Requirements and Timing:** Project plans showing Abravanel Hall shall specify that Abravanel Hall will have a total of 300 fixed seats and that an additional 50 temporary, not for sale seats shall be allowed in the summer season. The applicant shall specify a method for ensuring that no more than 300 seats are sold to/used by the public, for review and approval by P&D prior to approval of CDPs for construction. This shall include a ticketing plan for the various types of attendees and an example of a monitoring report that would indicate the ticket sales information.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events in the summer season.

49. Summer music students shall access the site using buses provided to and from the site. The exception to this shall be an allowance for up to ten student vehicles on-site. These vehicles shall have designated student permits, which may be transferable between the students and which must be visible in their cars when on campus. No additional student vehicles shall be parked on neighborhood streets to evade this restriction. Walking or bicycling to the site would also be acceptable, as the intent of this condition is to ensure adequate parking on-site. To facilitate compliance, the Music Academy may wish to make a MAW vehicle available for use by students on an as-needed basis. **Plan Requirements and Timing:** This restriction shall be identified in student information materials, a sample of which shall be submitted to P&D for review and approval of CDPs for structures.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events in the summer season and as part of review of parking data monitoring reports.

50. All project related parking demand shall be accommodated on the project site¹⁷. **Plan Requirements and Timing:** This requirement shall be printed on project plans, rental contracts and shall be included on the MAW website associated with activities on-site.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events and as part of review of parking data monitoring reports.

51. During the non-summer, musicians/other performers shall not be counted toward the attendance maximums if they are actually performing at a concert or other event. However, if the activity involved is really instruction or rehearsal with members of the public or students (i.e., not faculty or staff) observing, the performer and audience shall be counted toward the attendance maximums. The intent of this condition is to ensure compliance with the attendance caps and to not allow extension of the summer music program, with an unlimited number of students, in the non-summer, consistent with the Music Academy's letter to Natasha Heifetz Campbell dated June 10, 2004."

¹⁷ The exception to this would be the one, 1-day fundraiser per year, held during the non-summer season, which is unrestricted with regard to attendance caps (e.g., May Madness).

Noise

52. 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. Construction vehicles arriving prior to 7:00 a.m. shall not wait on neighborhood streets. In addition, 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. **Plan Requirements:** Signs stating these restrictions shall be provided by the applicant and posted on site at both the Fairway and Butterfly Lane driveways, in a location visible from the street. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.

MONITORING: Building Inspectors and Permit Compliance shall spot check and respond to complaints.

53. Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded to P&D's satisfaction and shall be located as far as possible from occupied residences. **Plan Requirements:** The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. **Timing:** Equipment and shielding shall remain in the designated location(s) throughout construction activities.

MONITORING: Permit Compliance shall perform site inspections to ensure compliance.

54. Construction routes shall be limited to those shown on the proposed construction route plan. The Music Academy shall make a best effort to receive approval for use of the railroad right-of-way for grading/construction related vehicle traffic for a 90-day period and, if available, an extension at a reasonable cost. If this approval is granted, trucks used to transport fill material shall be routed along the railroad right-of-way to Channel Drive and Highway 101 and this same route shall be used when entering the site. The applicant shall provide all adjacent property owners with a construction activity schedule and construction routes 10 days in advance of construction activities. Any alterations or additions shall require a minimum one day advance notification unless this is not possible due to an unanticipated event that would not allow for one day advance notice (e.g., road closure due to a traffic accident). **Plan Requirements and Timing:** The applicant shall submit a copy of the schedule and mailing list to County Permit Compliance and the City of Santa Barbara Community Development and Public Works Departments 14 days prior to initiation of any earth movement.

MONITORING: Permit Compliance shall perform periodic site inspections to verify compliance with activity schedules.

55. All use of amplified sound on-site in indoor locations shall occur with closed windows during periods when amplification is being used. The Music Academy shall provide a telephone number for members of the public to use to communicate with the Academy should amplified sound be audible outside the Music Academy boundaries. Amplified sound in outdoor locations shall be limited to the following:

- a) Location: the "cloistered outdoor courtyard".
- b) Frequency: Two times per year.
- c) Duration: No more than 2 hours per event.
- d) Level: Shall not be audible outside MAW property boundaries.

- e) Time of Day: Beginning no earlier than 9:00 a.m. and ending no later than 9:00 p.m.
- f) Limited to the spoken voice.

Plan Requirements and Timing: This requirement shall be included on the project plans. The cloistered courtyard area of the plans shall refer to a note stating the specific restrictions for outdoor amplification in this area. The plans shall be submitted to the County for review and approval prior to approval of CDPs for construction.

MONITORING: Permit Compliance shall site inspect as necessary to confirm compliance with this condition.

56. All proposed structures shall be designed to reduce interior noise levels to 45 dBA CNEL with doors and windows closed. **Plan Requirements and Timing:** An acoustical engineer shall sign-off project building plans confirming that the proposed construction design will attenuate noise levels inside the structure accordingly. All construction techniques and recommendations of the acoustical engineer shall be incorporated into design of the project and detailed on building plans. Prior to occupancy clearance, indoor noise levels shall be measured by an acoustical engineer to confirm adequacy of construction design (or additional measures shall be incorporated to reduce indoor noise levels to 45 dBA).

MONITORING: Building Inspectors shall ensure that all noise control measures have been implemented according to the approved plans. If an acoustical survey is required, P&D will ensure recommended levels have been reached prior to occupancy clearance.

Solid Waste

57. The applicant shall refine their existing Solid Waste Management Plan (SWMP) for the expanded facilities on-site. The SWMP shall be implemented during the life of the CUP, unless a modification to the plan is approved by County P&D, in consultation with Public Works, Solid Waste Division. **Plan Requirements:** The program shall include, but not be limited to, the following:
- a) On-site provision of adequate space and/or covered bins for storage of recyclable materials generated throughout the site and in no case shall these be located within the easement along the exit drive.
 - b) Designation and/or expansion of a central recyclable material pickup area on-site.
 - c) Continued and expanded participation in the County's recyclables and greenwaste collection programs.
 - d) Development of a plan for accessible collection of increased volumes of recycle materials, particularly during peak use periods.
 - e) Implementation of a monitoring program (quarterly, bi-annually) to ensure participation in recycling efforts and requiring written documentation in the form of receipts.
 - f) Encourage the use of reusable cups and place settings at special events held onsite to minimize solid waste generation.

- g) Development of a plan for recycling/reuse of yard waste on-site. This shall include on-site mulching and use of the mulch on-site as well as location of adequate green waste pick-up containers acceptable to area collection service.

Timing: The applicant shall submit a Final Solid Waste Management Plan for the expanded facilities to P&D for review and approval prior to approval of CDP for grading. Program components shall be implemented prior to occupancy clearance and throughout the life of the project.

MONITORING: P&D shall site inspect periodically during construction, prior to occupancy, and after occupancy to ensure solid waste components are established and implemented.

58. Demolition and/or excess construction material shall be separated for reuse/recycling or proper disposal (e.g., concrete and asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. Bins shall not be located within the exit drive easement area. **Plan Requirements:** This requirement shall be printed on the grading and construction plans. Permittee shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. All applicable materials shall be recycled prior to occupancy clearance.

MONITORING: P&D shall review receipts prior to occupancy clearance.

Geology/Drainage/Water

59. The final grading, drainage and erosion control plan(s) shall be designed to minimize grading requirements, minimize erosion, properly convey runoff water across the site to appropriate off-site drainage infrastructure, and filter pollutants and sediment from runoff waters prior to drainage leaving the site. The plan(s) shall include, but not be limited to, the following:
- (a) Bio-filtration shall be incorporated into the drainage plan wherever feasible, such as in the northern swale and in appropriate landscaped areas¹⁸. Additional mechanical/chemical or other filters shall also be installed in paved areas to further reduce oil and grease pollution from entering drainage channels and the storm drain system along Butterfly Lane. The plan shall include specifications for all proposed filtering mechanisms (biological and other) as well as on-going and periodic maintenance requirements to ensure proper working order.
 - (b) Best available erosion and sediment control measures (also known as water quality best management practices or BMPs) shall be implemented during grading and construction. BMPs such as, but not limited to, the use of geo-textile fabrics, gravel bags, erosion control blankets, jute net, silt fences, straw bales, temporary berms and sediment trapping/retention basins, drainage diversion structures and spot grading shall be used to reduce erosion and siltation into adjacent/nearby water bodies or storm drains during grading and construction activities and until graded areas have been stabilized by structures, long-term erosion control measures or landscaping. Design of BMPs and filters shall ensure appropriate location, size, and maintenance to maximize intended performance.
 - (c) The plans shall take into consideration potentially differing requirements for all phases of site development.

¹⁸ This shall also be incorporated and graphically depicted on the landscape plan.

- (d) Wherever possible, details of erosion control techniques and filters shall be shown graphically on the plans along with notes, (e.g., location of filters, landscape areas serving as filters, straw bales, siltation fencing, temporary berms, notes addressing siltation fencing installation and dust suppression requirements, etc.
- (e) Drainage plans shall contain specifications and maintenance procedures. The applicant shall enter into a maintenance agreement for drainage improvements (for all private drainage improvements) and may be required to bond for long-term maintenance of specific filtering techniques/devices (or other BMPs), per Flood Control District conditions and Project Clean Water review to ensure proper maintenance. The applicant shall maintain maintenance records as part of this agreement.
- (f) The applicant shall limit excavation and grading on the project site to the dry season of the year (i.e., April 15 to November 1) unless a Building and Safety approved erosion control plan is in place and all measures therein are in effect.
- (g) Native vegetation is recommended for mulch as protection for both soil blowing and water erosion over the long-term.
- (h) 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.
- (i) To minimize pollutants impacting waterbodies, storm drain filters, inserts, inline clarifiers, or separators shall be installed in the project area storm drain inlets and/or paved areas. The storm drain 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.
- (j) Graded areas shall be revegetated within two weeks of completion of grading activities, for areas that are not to be constructed on, with deep rooted, native, drought-tolerant species (unless alternative, equally effective non-native species have been approved in the landscape plan) to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- (k) Grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff.
- (l) A detailed geological and/or soils engineering study addressing structure sites and the access roads shall be prepared to determine structural design criteria, as recommended by the Planning and Development Building & Safety Division. The study shall be submitted for review and approval by Public Works.

Plan Requirements: The applicant shall submit final grading, drainage and erosion control plan(s) for review and approval by P&D and the FCD prior to approval of a Coastal Development Permit for grading. The plans shall include sign-off from the Montecito Sanitary District and the City of Santa Barbara prior to approval of the CDPs for grading in the northern and western portions of the site. **Timing:** The applicant shall notify Permit Compliance prior to commencement of grading. Components of the grading plan shall be implemented throughout all grading activities as specified on the plan. The erosion control plan shall be implemented within two weeks after the completion of grading activities, with the exception of surfaces graded for the placement of structures.

These surfaces shall be reseeded if construction of structures does not commence within 8 weeks of grading completion.

MONITORING: Permit Compliance will photo document revegetation and ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities. Prior to construction, installation shall be photo-documented and submitted by the applicant to P&D. P&D shall site inspect and ensure filters are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to and during construction. The Flood Control District would monitor the post-construction period via the maintenance agreement.

60. Energy dissipaters shall be installed along drainage improvements emptying into the swale along the northern property line. This swale shall be designed as a bio-swale to assist in filtering out pollutants and sediment prior to reaching the drain outlet near Butterfly Lane. The applicant shall coordinate with the Union Pacific Railroad to ensure that portions of the swale located in the railroad right-of-way can be used as a bio-swale. If permission cannot be acquired for this use, bio-filtration shall be considered elsewhere in the northern portions of the Music Academy property in a manner which does not impact the northern eucalyptus windrow. **Plan Requirements:** Prior to approval of CDPs, the applicant shall submit to P&D and the FCD for review and approval, detailed plans and a report prepared by a licensed geologist or engineer for any proposed permanent drainage and erosion control components. Design of bio-filtration measures shall be coordinated with a biologist/arborist to ensure this would not damage the northern eucalyptus windrow or result in other significant biological impacts. **Timing:** Erosion control components shall be installed prior to grading permit issuance, except where components cannot be installed until completion of grading.

MONITORING: P&D shall require submittal of photo-documentation of installed structures or shall site inspect for compliance prior to issuance of CDP for grading.

61. Drainage shall be consistent with approved drainage plans. Wherever feasible, plans for site drainage shall incorporate bio-filtration, pervious surfaces (particularly in parking surface parking and patio areas) and other methods of filtering contaminants from runoff water (e.g., mechanical filters). **Plan requirements and Timing:** Prior to approval of a Coastal Development Permit for grading, a final drainage plan shall be submitted to P&D and FCD for review and approval. The plan shall include the location of all proposed pipelines, the entire length of all proposed pipelines, trees located within 15 feet of the pipelines, vegetation proposed to be planted for bio-filtration purposes, the use of pervious surfaces for parking, patio, walkways, and other short and long-term water quality filtering methods etc., pipe diameters, and amount of water that would flow from each pipeline.

MONITORING: P&D shall site inspect for compliance during grading.

62. 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 and Safety Division.

MONITORING: Building inspectors shall site inspect prior to occupancy clearance.

63. To prevent illegal discharges to the storm drains, all on-site storm drain inlets, whether new or existing shall be labeled to advise the public that the storm drain discharges to the ocean and that dumping waste is prohibited (e.g., "Don't Dump – Drains to Ocean"). The information shall be provided in English and Spanish. **Plan Requirements and Timing:** Location of storm drain inlets shall be shown on site building and grading plans prior to

approval of CDPs for grading (on building plans as well prior to approval of CDPs for structures). Labels shall be installed prior to occupancy clearance. Standard labels are available from Public Works, Project Clean Water, or other label designs shall be shown on the plans and submitted to P&D for approval prior to approval of CDPs.

MONITORING: Permit Compliance shall site inspect prior to occupancy clearance.

64. During construction, washing of concrete, trucks, paint, equipment or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site and in no case shall these activities take place within the easement (along the exit drive) Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate a wash off area, acceptable to P&D, and this area shall be shown on the construction plans and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to approval of Coastal Development Permits. The wash off area shall be in place and maintained throughout construction.

MONITORING: P&D staff shall check plans prior to approval of Coastal Development Permits and compliance staff shall site inspect throughout the construction period to ensure proper use and maintenance of the washout area(s).

65. Outdoor water use shall be limited through the measures listed below.
- a) Landscaping shall generally be with native and/or drought tolerant species to reduce water demand. However, exceptions are expected as identified in (but not limited to) the preliminary landscape plan, to address specific screening, historic resource, and biological issues.
 - b) Drip irrigation or other water-conserving irrigation shall be installed.
 - c) Plant material shall be grouped by water needs.
 - d) Extensive mulching (2" minimum) shall be used in all landscaped areas to improve the water holding capacity of the soil by reducing evaporation and soil compaction.
 - e) Soil moisture sensing devices shall be installed to prevent unnecessary irrigation.
 - f) Permeable surfaces such as turf block or intermittent permeable surfaces such as French drains shall be used to minimize runoff and maximize recharge and filtering of runoff water.
 - g) Wherever feasible, the landscape plan shall incorporate bio-swales or other landscaped areas which serve to filter run-off water from the site. These components shall be graphically depicted on the landscape/irrigation plan(s).

Plan Requirements: Prior to approval of CDPs for grading, a landscape and irrigation plan shall be submitted to P&D for review and approval. The applicant/owner shall enter into an agreement with the County to install required landscaping/irrigation and maintain required landscaping for the life of the project.

Timing: The applicant shall implement all aspects of the landscape and irrigation plan prior to occupancy clearance and shall maintain the landscaping components in the landscape plan for the life of the project.

MONITORING: Permit Compliance shall conduct site visits to ensure installation and maintenance of landscape and irrigation. Any part of irrigation plan requiring a plumbing permit shown on building plans shall be inspected by Building Inspectors.

66. Indoor water use shall be limited through the following measures:

- a) All hot water lines shall be insulated.
- b) Recirculating, point-of-use, or on-demand water heaters shall be installed in all new or renovated structures..
- c) Water efficient clothes washers and dishwashers shall be installed.
- d) Lavatories and drinking fountains shall be equipped with self-closing valves

Plan Requirements: Prior to approval of Coastal Development Permits, indoor water-conserving measures shall be graphically depicted on building plans, subject to P&D review and approval. **Timing:** Indoor water-conserving measures shall be implemented prior to occupancy clearance.

MONITORING: P&D shall inspect for all requirements prior to occupancy clearance.

Sewer

67. The applicant shall remove all portions of the existing maintenance building which are currently located within the MSD sewer easement. **Plan Requirements and Timing:** At the earliest possible date, but in no case later than prior to approval of CDPs for the first phase of development, project plans shall identify this requirement as well as the location of the sewer easement and existing sewer lines. Prior to submitting applicable plans to P&D for review, the applicant shall receive confirmation (sign-off on plans) from MSD regarding agreement on removal of this structural consistent with their easement. This structure shall be removed prior to occupancy clearance for the first phase of the Master Plan.

MONITORING: P&D shall perform site inspections to ensure compliance with the approved plans.

68. The applicant shall coordinate with MSD and the City of Santa Barbara regarding the specific location and design of the new parking area in the northern portion of the site (and within their easements) and the proposed landscape plan (as it relates to plantings proposed within or in proximity to the sewer easement). **Plan Requirements and Timing:** Prior to submitting applicable plans to P&D for review, the applicant shall receive confirmation from MSD and the City of Santa Barbara (sign-off on plans) that the proposed location and design of parking area and plantings is acceptable, to avoid impacts to their respective pipelines. In addition to design specifications, this may include other measures such as in-pipeline video documentation before and following completion of construction to ensure that no unanticipated damage occurred to the pipelines as a result of construction activities. Structural engineering shall also consider the effects of future maintenance or repair activities on the pipelines that could impact the parking area (e.g., such activities may involve a deep, wide trench in proximity to the edge of these structures). P&D shall confirm sign-offs prior to approval of applicable CDPs. Plans

shall identify the surveyed location of the northern property line, the sewer easement, sewer manholes and existing sewer lines.

MONITORING: P&D shall perform site inspections to ensure compliance with the approved plans.

Traffic

69. Parking demand generated by project activities shall be accommodated within the on-site parking supply (285 passenger vehicle spaces with ability for 5 additional spaces using stacked parking, and two bus spaces, consistent with approved plans). The parking shall be in place prior to any increases in attendance. This parking supply is consistent with application of a conservative parking demand rate of 0.76 spaces/seat¹⁹, the project would generate demand for 289 spaces.). In order to ensure that project generated parking demand can be accommodated on-site, once the Master Plan is operational, the applicant shall monitor event parking during large events (300 plus attendees) to determine whether parking is indeed adequate to accommodate on-site parking for the proposed any given time maximum public attendance. The parking monitor shall specifically evaluate parking for days when high attendance is expected for consecutive Master Classes to determine whether there is adequate time between event start and end times to allow exiting vehicles (from a large event) to leave the site in time for entering vehicles (for a large event) to backfill the vacated parking spaces without waiting. Project conditions, which affect parking (including, but not limited to a reduction in the any given time public attendance maximum attendance cap, increased or decreased minimum time required between consecutive events, etc.), may be modified at the required compliance report hearings with the Montecito Planning Commission if the results of these surveys indicate insufficient parking is available to accommodate project demand. The MAW also has the ability to control administrative and volunteer activities on-site to ensure adequate parking will be available to accommodate other activities and events. **Plan Requirements and Timing:** The applicant shall fund preparation of periodic surveys (four times per year, although more often during the summer season and possibly less often during the non-summer season would also be acceptable) of the total number of vehicles associated with large events on-site and where they park. The applicant shall submit a draft monitoring plan to P&D for review and approval prior to approval of CDPs for new structures. Depending on project phasing, the monitoring plan may require modification for future phase(s). The monitoring plan may be modified by the MPC, as determined necessary, at the project's compliance hearings. The parking surveys shall specifically evaluate large consecutive events. The surveys shall be performed by professionals experienced in collection of traffic data. Given the potential ramifications of the survey results and to avoid any perception of conflict of interest, the survey personnel shall be funded by the applicant under contract to the County. The surveys shall account for all cars associated with Music Academy activities, including those associated with students, faculty, other employees, volunteers, customers and sales people at the resale shops, and others attending administrative activities on-site. (Surveys required by this condition may be performed in conjunction with mitigation monitoring requirements identified in other traffic mitigation measures). In the first year of regular operations, survey data shall be available for a week which includes peak attendance classes/events/picnic concert during the summer season and for a week which includes peak events during the non-summer period. Therefore, the Academy's event calendar shall be used to identify appropriate monitoring periods.

MONITORING: Permit Compliance shall ensure implementation of contract for parking monitoring and shall review parking monitoring reports for compliance.

¹⁹ Based on ATE summer afternoon, high attendance event data

70. Until such time as the improvements to the Cabrillo/Los Patos-Channel intersection and the Cabrillo/U.S. 101 interchange/ramps are completed (and found to achieve LOS C with future traffic assumptions), the following measure shall be implemented:

The MAW shall schedule Master Classes with more than 250 public attendees to start and end outside of the 4:00-6:00 p.m. peak commute period (such as a 4:00 P.M. start and a 6:00 P.M. end or a 1:00 start and a 2:50 end) to mitigate potential traffic impacts. **Plan Requirements and Timing:** Music Academy staff shall be made aware of this requirement prior to scheduling events and other activities MAW shall submit activity calendars to P&D on an annual basis showing the schedule for events accordingly. The applicant shall maintain a copy of the CUP in a location where it is physically accessible to the public as well as on their web-site. At such time as the intersection improvements are completed, the applicant shall submit evidence of completion to P&D for concurrence and may alter its schedule of events accordingly.

MONITORING: Music Academy shall maintain event/rental records of ticket sales for all attendees including students, faculty, staff or other employees (unless they are only performing/working at the event) t. MAW shall also maintain event calendars for reference.

71. The applicant shall contribute \$17,400.00 (the project's proportional share of a \$200,000.00 round-about, as the project EIR concludes that the project would contribute 8.7% or 18 PHT out of 208 cumulative PHT to the intersection) to design and implement the necessary improvements at the Los Patos/Cabrillo Boulevard/Channel Drive intersection. If a round-about is not determined to be the appropriate method for addressing cumulative traffic, then these funds shall go toward alternate City approved mitigation for this intersection.

Plan Requirements and Timing: Prior to approval of CDPs, the applicant shall submit written confirmation from the City of Santa Barbara that acceptable arrangements have been made to address the applicant's contribution to this intersection improvement.

MONITORING: Permit Compliance shall confirm that all arrangements have been completed with the City of Santa Barbara.

72. The applicant shall contribute funds representing the project's proportional share of the approved improvement at Hot Springs/Cabrillo/Highway 101 ramps, as the project EIR concludes that the project's contribution to cumulative PHT increases to this intersection would equate to 5.6% of the \$150,000.00 cost to implement the planned interim traffic signal at this intersection. This contribution shall only be required if the applicant no longer wishes to limit public attendance to 250 attendees for events from 4:00-6:00 pm until the improvements have been completed.

73. The applicant shall prepare and submit a construction traffic plan to the County and the City of Santa Barbara prior to approval of a CDP for grading. The plan shall:

- a) Designate a construction traffic coordinator;
- b) Identify the truck routes, which minimize effects on pedestrians and bicyclists and nuisance to neighbors. This shall include use of the UPRR right of way as/if permitted by UPRR for a 90-day period and, if available, an extension at a reasonable cost. ;
- c) Require prompt clean up of dirt/other debris spilled from construction vehicles on neighborhood streets. Dry-cleaning methods shall be preferred to avoid flushing dirt and pollutants into the storm water system.

- d) Vehicles transporting excess fill from the project site shall avoid the p.m. peak hour period (4:00-6:00 p.m.) to minimize impacts on the Cabrillo/Hot Springs/Highway 101 intersection.
- e) During the construction period, a gate control program shall be implemented to eliminate cut-through traffic during the construction period.

Plan Requirements and Timing: The applicant shall review the construction traffic plan with the Montecito Association and the MSD and obtain their comments on the plan for inclusion and later submittal to the County. The plan shall be reviewed and approved by County Public Works and P&D as well as the City of Santa Barbara prior to approval of a CDP for grading. The plan shall be implemented throughout the construction period.

MONITORING: Permit Compliance shall inspect for implementation of plan during the construction period.

- 74. Project generated parking demand shall be accommodated by on-site parking (285 passenger vehicle spaces, 5 additional stacked parking spaces and two bus spaces). To facilitate on-site parking and avoid project generated parking demand on neighborhood streets, the MAW shall:

- a) Deploy an adequate number of parking attendants for the larger events to ensure that identified parking is maximized (and parking on neighborhood streets is avoided or minimized). An adequate number of attendants shall also be present for events to ensure that entering vehicles are not blocking traffic on Fairway in front of the Music Academy entrance. Parking attendants shall be responsible for directing vehicles to appropriate parking areas and open spaces and facilitating circulation throughout the site(s). If it is confirmed by P&D that MAW attendees, staff or students are consistently parking on neighborhood streets, the MAW will be required to utilize an increased number of parking attendants. If this problem persists, information regarding this situation will be forwarded to the Montecito Planning Commission as part of their compliance update hearing(s). If the monitoring indicates that on-site parking supply cannot accommodate peak parking demand for maximum attendance events, the MPC shall consider reducing the maximum any given time attendance to a level at which the on-site parking supply can accommodate peak attendance.

- b) In the non-summer period, performers shall be bused to the site if there would be more than 95 staff/performers at an event (with attendees)²⁰.

Plan Requirements and Timing: The applicant shall prepare a typical plan for use by attendants at various large events to facilitate operations. This plan shall be submitted to P&D and Public Works prior to issuance of CDPs.

MONITORING: Permit Compliance shall periodically inspect for implementation of plan during large events. Permit Compliance may also review related monitoring reports required pursuant to other project conditions.

²⁰ This is required to ensure there would be adequate on-site parking for a high attendance event in the non-summer season, when performers would not normally be arriving by bus (as the students do during the summer).

75. The applicant shall deposit funds to cover on-going staff review and compliance efforts. In addition to regular compliance review, this shall also include the cost for staff to attend (unannounced) events on-site periodically²¹ and to perform manual counts of attendees at such events for general comparison with applicant submitted monitoring reports regarding attendance. Precise comparison will not be possible for some events (e.g., summer concerts) as some of the attendees will include students and faculty. However, the monitoring data submitted by the MAW will break out the number of public attendees. **Plan Requirements and Timing:** The applicant shall submit necessary funds for long-term compliance with P&D prior to approval of CDPs. The amount shall be determined following review of project plans for CDPs, including, but not limited to, the manner in which the project operations propose to comply with project conditions.

MONITORING: Permit Compliance shall confirm that funds were deposited prior to issuance of CDPs.

76. The Music Academy shall ensure adequate breaks between the start and end times of events to avoid concurrent demand for available parking. At least 40 minutes shall be scheduled between the start and end times of larger events on-site (those involving combined consecutive event attendance of 550 or more public attendees, such as 300 at the first afternoon Master Class and 250 at the second Master Class).

MONITORING: Permit Compliance shall periodically review Music Academy schedules of events for compliance.

77. Although not an option at this time, project egress for west-bound traffic would be acceptable using either Monte Cristo Lane or the Montecito Sanitary District driveway (subject to Public Works review and approval of the driveway access design onto Channel Drive. Maintaining this option (although unlikely to effectuate), would serve to reduce neighborhood traffic volumes and provide a more direct route for west-bound traffic leaving the Music Academy.

Project Specific Conditions

78. No signs of any type are approved with this action unless otherwise specified. All signs require a separate Coastal Development Permit and Montecito Board of Architectural Review approval and shall comply with the Santa Barbara County Code Chapter 35, Article I (Sign Regulations). The exception to this shall be temporary signs associated with the interim CTRP. The applicant will bring the temporary signs forward for MBAR review and approval, but will be permitted to install temporary CTRP signage prior to MBAR approval, in order to effectuate traffic reduction at the earliest possible date. If MBAR recommends changes to the signs, within one week the MAW shall replace the signs, consistent with the MBAR directed change(s).
79. If trash storage is located in view of a public roadway, the trash area shall be installed which is architecturally compatible with the project design. The storage area shall be enclosed with a solid wall of sufficient height to screen the area and shall include a solid gate. Trash storage shall not be located in the easement portion of the exit drive (at the eastern end of the internal roadway). The trash storage area shall be maintained in good repair. **Plan Requirement:** Location and design of trash storage area shall be denoted on project plans. **Timing:** Trash storage area shall be installed prior to occupancy clearance.

²¹ During the first year of operations this shall involve visits once/week during the summer and at least once per month during the non-summer period. At the first scheduled compliance hearing (one year after operations under the first phase of the Master Plan begin), the schedule for monitoring may be re-evaluated.

80. During the non-summer period, unless the recording is secondary to an actual on-site performance those persons being recorded and related assistants on-site ~~for~~ shall be counted toward the attendance limits. During the summer season, only summer school students, faculty, and related assistants shall use the recording facilities.
81. Consistent with the intent of the Master Plan project description, the renovated recital hall shall be designed to accommodate chamber music (generally smaller musical groups). Therefore, it shall not include features which would allow additional types of performances to be re-located and/or expanded onto the project site (e.g., from the Lobero and other downtown locations used historically). Therefore:
 - a) Only the necessary off-stage and back-stage space shall be provided;
 - b) There shall be no fly gallery;
 - c) Lighting pipes shall be the minimum necessary to accommodate the basic instrumental and vocal performances associated with chamber music and other small group performances. A full complement of lighting pipes (downstage to upstage) shall not be incorporated.

CONDITIONAL USE PERMIT CONDITIONS

82. The conditions of this Conditional Use Permit replace and supersede the conditions of the previous CUP permit, 90-CP-111 RV01. This permit covers all existing and proposed development and uses on the project site.
83. This Conditional Use Permit is not valid until a Coastal Development Permit for the development and/or use has been obtained. Failure to obtain said Coastal Development Permit shall render this Conditional Use Permit null and void. The component of this CUP addressing new construction is valid for a period of 3 years. (CDPs for construction must commence within 3 years of approval of the CUP). Prior to the issuance of the Coastal Development Permit, all of the conditions listed in this Conditional Use Permit that are required to be satisfied prior to approval of Coastal Development Permits must be satisfied. Upon issuance of the Coastal Development Permit, the Conditional Use Permit shall be valid. The effective date of this Permit shall be the date of expiration of the appeal period to the Board of Supervisors, or, 10 working days after the California Coastal Commission (CCC) receipt of Board of Supervisor's final action, if appealed to the Board of Supervisors. If appealed to the CCC, the date shall be measured from CCC final action).
84. If the Montecito Planning Commission determines at a noticed public hearing that the permittee is not in compliance with any permit condition(s), pursuant to the provisions of Sec. 35-172.10 of Article II of the Santa Barbara County Code, the Montecito Planning Commission is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.
85. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Coastal Development Permit issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit.
86. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.

87. Within three years after the effective date of this permit, construction and/or the use shall commence. Construction or use cannot commence until a Coastal Development Permit has been issued. Failure to commence the construction and/or use pursuant to a valid Coastal Development Permit shall render the Conditional Use Permit null and void.
88. All time limits may be extended by the Montecito Planning Commission for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.
89. 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 coastal development permit issuance.

COUNTY RULES & REGULATIONS/LEGAL REQUIREMENTS

90. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Coastal Development and Building Permit from Planning and Development. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Board of Supervisors. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
91. Prior to approval of Coastal Development Permits for the project, the owner shall sign and record an agreement to comply with the project description and all conditions of approval.
92. Two performance securities shall be provided by the applicant prior to approval of Coastal Development Permits, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for 5 years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. The installation security shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security 5 years after installation. 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 plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:
 - a. Installation of landscaping, including the butterfly enhancement area, tree replacement and transplanting, and all of other components of the landscape plan including plants, irrigation, hardscapes, vine support structures, and screening walls or fences consistent with the approved tree protection and preservation plan, butterfly enhancement plan, and grading and drainage plans, prior to occupancy clearance.

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

93. Landscaping shall be maintained for the life of the project.

94. Prior to approval of Coastal Development Permits, the applicant shall notify in writing all property owners and occupants of parcels within 300' of the project site of its approval and conditions. Proof of mailing the notices shall be provided to Planning and Development.
95. **Compliance with Departmental letters required as follows:**
 - a. Air Pollution Control District dated November 12, 2003
 - b. Environmental Health Services dated November 6, 2003
 - c. Flood Control dated November 19, 2003
 - d. Transportation Division (Public Works) dated June 16, 2004
 - e. Montecito Sanitary District dated November 19, 2003 and April 19, 2004
 - f. Montecito Fire Protection District dated November 20, 2003 and May 27, 2004
96. All applicable final conditions of approval 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.
97. The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:
 - a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
 - b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
 - c. Pay fees prior to approval of Coastal Development Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.
98. Prior to approval of Coastal Development Permits, the applicant shall provide evidence that an Agreement to Comply with Conditions has been recorded on a form acceptable to Planning and Development. Such form may be obtained from the P&D office.
99. Prior to issuance of Coastal Development Permit, the applicant shall pay all applicable P&D permit processing fees in full.
100. Any change of use in the existing or proposed building or structure shall be subject to environmental analysis and appropriate review by the County including building code compliance.

101. 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 Conditional Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
102. 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.
- III. This permit is issued pursuant to the provisions of Section 35-315 of Article III of the Code of Santa Barbara County and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:
- a. If any of the conditions of the Conditional Use Permit are not complied with, the Montecito Planning Commission, after written notice to the permittee and a noticed public hearing, may in addition to revoking the permit, amend, alter, delete or add conditions to this permit at a subsequent public hearing noticed for such action.
 - b. A Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.
 - c. Said time may be extended by the Montecito Planning Commission one time for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.

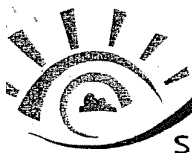


JACKIE CAMPBELL
Deputy Director, Development Review South Division
For VAL ALEXEEFF, DIRECTOR

Attachments:

Departmental/Agency condition letters
Bill Spiewak letters dated 1/30/03, 9/03, 4/2/04, and 5/18/2004

G:\GROUP\PERMITTING\CASE FILES\CP\1990s\90s CASES\90CP111\90CP111RV01\BOS\FINAL CONDITIONS PER BOS ACTION 102604



Our Vision  Clean Air

**Santa Barbara County
Air Pollution Control District**

TO: Department of Planning and Development - South Co.
ATTN: Natasha Heifetz
FROM: Vijaya Jammalamadaka *VJ*
DATE: November 12, 2003
CASE #: 90-CP-111RV01 Music Academy of the West-Master-Plan Rev.
(APN 009-282-029)
(APN 009-281-030)

The Air Pollution Control District has reviewed the referenced case and offers the following:

- The APCD has no comment on this project at this time.
- Applicant must be issued an APCD permit prior to construction or operation of this project.
- Applicant must apply for an APCD permit exemption prior to land use clearance.
- The applicant should determine whether the structure(s) proposed for demolition contains asbestos that is friable or has the potential to become friable during demolition or disposal. If the structure does contain friable asbestos, the asbestos should be removed by a contractor that is state certified for asbestos removal.
- Applicant is required to complete the attached "Asbestos Demolition/Renovation Notification" form. The completed form should be mailed to the Santa Barbara APCD and EPA Region IX no later than the date specified in number 2 of the instructions.
- Standard dust mitigation measures (dated September 1996) are recommended for all construction and/or grading activities. The name and telephone number of an on site contact person must be provided to the APCD prior to issuance of land use clearance.

cc:

Suzanne Elledge, Agent
Project File
TEA Chron File

RECEIVED

NOV 13 2003

**S.B. COUNTY
PLANNING & DEVELOPMENT**

SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT
STANDARD DUST CONTROL REQUIREMENTS

1. Dust generated by the development activities shall be retained onsite and kept to a minimum by following the dust control measures listed below. Reclaimed water shall be used whenever possible.
 - a. During clearing, grading, earth moving or excavation, water trucks or sprinkler systems are to be used in sufficient quantities, after each day's activities cease, to prevent dust from leaving the site and to create a crust.
 - b. After clearing, grading, earth moving or excavation is completed the disturbed area must be treated by watering or revegetating; or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
 - c. During construction, water trucks or sprinkler systems are to be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

2. Importation, Exportation and Stockpiling of Fill Material:

Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

Trucks transporting fill material to and from the site shall be tarped from the point of origin.

If the construction site is greater than five acres, gravel pads must be installed at all access points to minimize tracking of mud on to public roads.

3. Activation of Increased Dust Control Measures:

The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

4. Recordation of Mitigation Measures:

Prior to land use clearance the applicant shall include, as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.

Santa Barbara County

PUBLIC Health
DEPARTMENT

Environmental Health Services

2125 S. Centerpointe Pkwy., #333 • Santa Maria, CA 93455-1340
805/346-8460 • FAX 805/346-8485

Roger Heroux, MPA Director
Elliot Schulman, MD, MPH Health Officer/Medical Director

TO: Natasha Heifitz Campbell, Planner
Planning & Development Department
Development Review Division

FROM: Paul Jenzen
Environmental Health Services

DATE: November 6, 2003

SUBJECT: Case No. 90-CP-111 RV01 Montecito Area

Applicant: Music Academy of the West
1070 Fairway Road
Santa Barbara, CA. 93108

Property Location: Assessor's Parcel No. 009-282-029, 030, zoned 1-E-1, located at
1070 Fairway Road.

Case No. 90-CP-111 RV01 represents a request for a major remodel of the facilities at the subject site. New facilities would include a practice building, an instructional building and student services building. Also included in the project is a kitchen remodel. In addition, the number of summer attendees would increase.

Domestic water supply is proposed to be provided by the Montecito Water District.

Sewage disposal is proposed to be provided by the Montecito Sanitary District.

The project site is currently connected to the Montecito Water District and the Montecito Sanitary District but because of the new services connections a "Can and Will Serve" letter will be required.

Providing the Planning Commission grants approval of the applicant's request, Environmental Health Services recommends the following be included as Conditions of Approval:

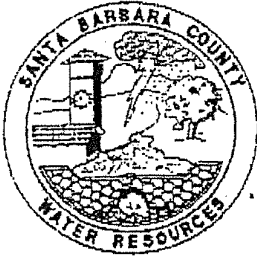
1. Prior to Issuance of Zoning Clearance, Environmental Health Services shall receive and approve written notice from the Montecito Water District indicating that said district can and will provide domestic water service upon demand and without exception.
2. Prior to Issuance of Zoning Clearance, Environmental Health Services shall approve written notice from the Montecito Sanitary District indicating that said sanitary district can and will provide municipal sewage collection and disposal upon demand and without exception.

000096

Healthier communities through leadership, partnership and science.

RECEIVED
NOV 07 2003

S.B. COUNTY



Santa Barbara County Flood Control & Water Conservation District and Water Agency

123 E. Anapamu Street, Santa Barbara, California 93101
(805) 568-3440 Fax: (805) 568-3434
Web: <http://www.countyofsb.org/pwd/water>

Phillip M. Demery
Public Works Director

Thomas D. Fayram
Deputy Public Works Director

November 19, 2003

Montecito Planning Commission
S.B. County Planning & Development Department
123 E. Anapamu St.
Santa Barbara, CA 93101

Reference: 90-CP-111RV01; Music Academy of the West
APN: 009-282-029, -030/Montecito

Dear Commissioners:

This District recommends that approval of the above referenced project be subject to the following conditions.

1. Prior to issuance of Land Use Clearance, the applicant shall comply with the Flood Control Standard Conditions of Approval.
2. Prior to issuance of Land Use Clearance, the applicant shall submit grading & drainage plans to the District for review and approval. Said plans shall convey site drainage to an acceptable watercourse or drainage facility in a non-erosive manner, and shall include Clean Water Best Management Practices (BMP's).
3. The applicant will be required to pay the current plan check fee deposit at the time the grading & drainage plans are submitted for District review and approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale W. Weber".

Dale W. Weber, P.E.
Development Engineer

RECEIVED

NOV 19 2003

**S.B. COUNTY
PLANNING & DEVELOPMENT**

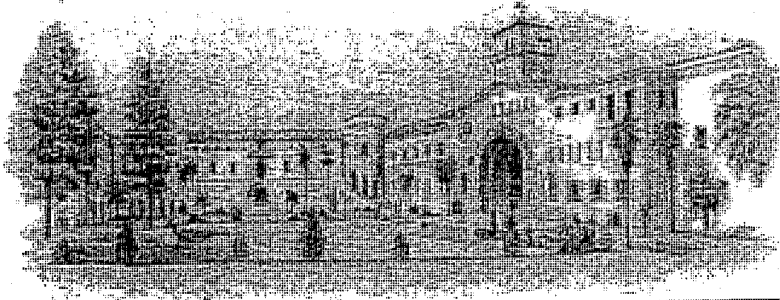
cc: Natasha Campbell, Planning & Development
Suzanne Elledge, 800 Santa Barbara Street, Santa Barbara, CA 93101
Music Academy of the West, 1070 Fairway Rd., Santa Barbara, CA 93108
Steve Metsch, 2020 Alameda Padre Serra, Santa Barbara, CA 93103

G:\FLOOD\NDREV\CND\90CP111RV01.CND.doc

TOTAL P.01

000097

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



June 22, 2004

TO: Natasha Heifetz, Planner
Development Review

FROM: William Robertson, Transportation Planner
Public Works, Transportation Division

SUBJECT: Conditions of Approval (3 pages)
The Music Academy of the West Master Plan
90-CP-111 RV01
APN: 009-282-029, -030
1070 Fairway Road, Montecito

Traffic Mitigation Fees

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

Based on the current fee schedule, the total estimated fee for the proposed project is \$40,527 (27 newly generated PHT's x \$1,501/PHT). Fees are due prior to land use clearance and shall be based on the fee schedule in effect when paid. This office will not accept payment or process a check received prior to project approval.

Fees are payable to the County of Santa Barbara, and may be paid in person or mailed to: Santa Barbara County Transportation Division, 123 E. Anapamu St., 2nd Floor, Santa Barbara, CA 93101 or Santa Barbara County Transportation Division North, 2400 Professional Parkway, Suite 150, Santa Maria, CA 93455. Please phone this office prior to payment if unsure as to the final fee required.

Sight Distance

Prior to land use clearance, the developer shall design, and prior to occupancy, the developer shall provide intersection sight distance in a manner acceptable to the Department of Public Works Traffic Section.

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

Driveways/Drive Aisles

3. Prior to land use clearance or tract/parcel map approval the developer shall design, and prior to occupancy the developer shall construct, all site ingress and egress points in a manner acceptable to the both Department of Public Works Traffic and Permit Sections. All driveway accesses shall be improved to include all necessary pavement or cross gutters to match adjacent improvements as required by the Department of Public Works Traffic and Permit Sections.
4. Prior to land use clearance the, developer shall design, and prior to occupancy, the developer shall construct all driveway ingress and egress points to conform to the appropriate County of Santa Barbara Engineering Design Standard Detail, as determined by the Public Works Traffic and Permit Sections. All Interior drive isle widths shall be to the satisfaction of the Public Works Traffic Section.

Street Sections/Pavement Traffic Index

5. Prior to land use clearance or tract/parcel map approval, the developer shall design, and prior to occupancy, the developer shall construct pavement for all roadwork based on the appropriate road detail provided in the Santa Barbara County Engineering Design Standards. All designs and/or modifications shall be reviewed and approved by the Department of Public Works Traffic and Permit Sections.

Encroachment/Excavation Permit

5. Prior to recordation and/or zoning clearance, the developer shall apply for an Encroachment Permit for all proposed work within the public road right of way. Prior to building permit issuance, the developer shall obtain approval of the required encroachment permit. Approval shall be granted after submittal of an application, plans, agreement(s), bond(s), and fees, as required by the Public Works Permit Section, are determined to be acceptable.

The developer shall comply with all applicable Public Works Standard Conditions of Approval and Engineering Design Standards, as determined by the Public Works Traffic or Permit Sections, before issuance of the Encroachment Permit.

An Excavation or Encroachment Permit shall be required for any work performed in the County right of way. Permitted work and necessary documents shall include, but are not limited to: Erosion and traffic control, landscaping, lighting, road construction, sidewalks, curbs, gutters, driveways, utility connections, cost estimates, construction safety documents or anything determined necessary to fully review the proposed work and determine its value.

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

North County Permits Section
2400 Profession Parkway, Suite 150
Santa Maria, CA 93455
805-739-8788

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

Controls

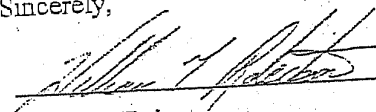
Prior to land use clearance, traffic circulation and control on adjacent streets shall be designed as required by the Department of Public Works Traffic Section. This shall include, but is not limited to, curb openings, turn lanes and control signs for regulation, warning, and guidance of traffic.

Prior to land use clearance, traffic circulation and control onsite shall meet the approval of the Department of Public Works Traffic Section.

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

If you have any questions, please contact me at 739-8785.

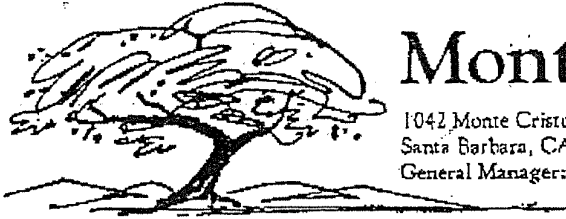
Sincerely,


William T. Robertson

6/22/04

Date

cc: 90-CP-111 RV111
Bret Stewart, Transportation Manager, County of Santa Barbara, Public Works Department
L:\Montecito\The Music Academy of the West 90-CP-Cond.doc



Montecito Sanitary District

1042 Monte Cristo Lane
Santa Barbara, CA 93108
General Manager: Jerry D. Smith

A Public Service Agency

PHONE: (805) 969-4200
FAX: (805) 969-9049

November 18, 2003

Ms. Natasha Heifetz Campbell
County of Santa Barbara
Planning & Development Department
123 E. Anapamu Street
Santa Barbara, CA 93101

SUBJECT: Music Academy of the West Master Plan

Dear Ms. Campbell:

The District has completed review of the latest version of the Music Academy of the West Master Plan, and we request that the following conditions be included in the County's consideration of the project.

Proposed Parking Structure:

The District has discussed the final plan location of the proposed parking structure with the project architect and engineer, and it is our understanding that the structure will be located no closer than 10 feet from the southerly edge of the District's easement through the Music Academy property. This separation from the critical facilities located in this easement is essential. In addition, the project engineer assured the District that when the parking structure is eventually designed, it will be designed to assure that there will be no damage to the District's main trunk sewer or the effluent outfall line during or after construction of the proposed parking structure. In order to assure compliance with these requirements, the District requests that the applicant obtain District approval for the location and construction of the parking structure before building permits are issued by the County.

Landscaping:

Due to the fact that roots from trees and large plants can cause damage to pipelines and obstruct gravity flow, the District has requested that trees and large plants not be planted in or near the District's easement. There are two pipelines in this easement that are of critical importance to the District and a third line that belongs to the City of Santa Barbara, and all of them are susceptible to root intrusion and subsequent damage. For long-term public health and safety reasons, the District requests that future landscape plantings exclude any trees or large plants from any location in the District's easement or within fifteen feet of the easement.

New Project Permits:

Since the future uses proposed in the master plan will be different than those currently permitted, all future projects must be reviewed and approved by the District. Therefore, the District requests that the applicant obtain District permits for all projects before building permits are issued by the County.

Board of Directors • Charles C. Arnold • Robert B. Begley • Deirdre M. Cannata • Peter S. Clark • James McKenzie

000101

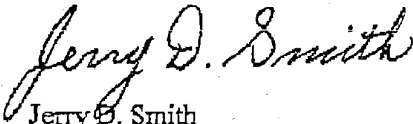
Ms. Campbell
November 19, 2003
Page 2

Existing Violations:

There are two violations that currently exist on the Music Academy property. Two of the District's access manholes have been buried by previous grading activities on the property. These two manholes must be raised to the existing grade immediately. There is also an existing maintenance building constructed partially over the District's easement. This structure must be removed from the easement. The District has previously notified the Music Academy of these requirements, but to date nothing has been done. To the extent possible, the District requests that the County withhold approval of any applications from the Music Academy until these violations are corrected.

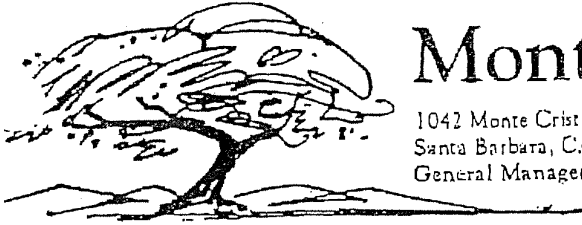
The District requests the County's cooperation with the conditions requested in this letter, and we appreciate the opportunity to review the Music Academy's proposed master plan. Should you have any questions or need any additional information, please contact Diane Gabriel or me.

Sincerely,



Jerry D. Smith
General Manager/District Engineer

cc: Peter N. Brown, Esq. - Music Academy of the West
Eric Hvolboll, Esq. - Price, Postel & Parma
Suzanne Elledge



Montecito Sanitary District

1042 Monte Cristo Lane
Santa Barbara, CA 93108
General Manager: Diane M. Gabriel

A Public Service Agency

PHONE: (805) 969-4200
FAX: (805) 969-9049

*Submitted by
N. Heifetz Campbell
@ 5/19/04
Jury.*

April 19, 2004

FILE COPY

Ms. Natasha Heifetz Campbell
County of Santa Barbara
Planning & Development Department
123 E. Anapamu Street
Santa Barbara, CA 93101

SUBJECT: Music Academy of the West Master Plan

Dear Ms. Campbell:

This letter is to clarify the District's requirements for the proposed work at the Music Academy. We have discussed the following requirements with Suzanne Elledge and Bob Cunningham.

We understand that the County is requiring screening of the site. We were informed by Bob Cunningham that the proposed screening would be done with pittosporum hedges, located near the District's easement, on the northerly side of the site. Given the shallow root structure of pittosporum, the District will allow them to be planted within the vicinity of the existing pipelines. However, it should be noted that if at anytime in the future, the District needs to trench in the area to access the existing pipes, the hedge may need to be cut back extensively or possibly be removed entirely. Access to the existing pipeline manholes will need to be made possible as part of the proposed project. The most recent landscape and grading plans do not show the location of the District's existing manholes. We have requested that the existing manholes be shown on the plans with appropriate access indicated and notes identifying that the manholes be raised to the grade of the proposed surface. Depending on the new depth of the manholes, they may need to be retrofitted to meet current safety standards as set by Cal OSHA.

The District appreciates the County's cooperation in including these items as a condition of the project. Should you have any questions or need any additional information please contact me.

Sincerely,

Diane Gabriel
Diane Gabriel
General Manager/District Engineer

cc: Peter N. Brown, Esq. - Music Academy of the West
Suzanne Elledge

RECEIVED
APR 22 2004
S.B. COUNTY
PLANNING & DEVELOPMENT



MONTECITO FIRE PROTECTION DISTRICT

595 San Ysidro Road • Santa Barbara, California 93108 • (805) 969-7762 • FAX (805) 969-3598

November 20, 2003

Ms. Natasha Heifetz-Campbell
Planning & Development
County of Santa Barbara
123 E. Anapamu St.
Santa Barbara, CA 93101

Re: 02NEW-00000-00124, Music Academy of the West
90CP111RV01

Dear Natasha,

The abovementioned project is within the jurisdiction of the Fire District. For the past several years the District has met with agents of the Academy for the purpose of addressing how the new Master Plan could better meet the fire protection needs for the facility. The last conditions letter from the District for this plan was dated December 26, 1991. Obviously, the various iterations of the plan warrant some revision of the District's requirements however that which is listed below is done with the intent of remaining as consistent as possible with prior District stipulations.

Fireflow requirements of the Fire District shall be satisfied for all facilities on the campus. This is to be accomplished through two particular approaches. First, hydrants are to be reconfigured and relocated as shown on the Master Plan Emergency Access Study developed by Phillips, Metsch, Sweeney & Moore Architects as approved by the District. This work is to be completed prior to the issuance of land use permits for further site improvements. Second, automatic fire sprinklers shall be fitted and/or retrofitted into all structures on campus in keeping with the duly adopted ordinance of the District. Such sprinkler work will be required as a part of any building permits necessary to effect further construction improvements to all structures on campus.

Emergency access is to be maintained as per the requirements stipulated on the District approved Access Study described above. It will be incumbent upon the Academy to maintain all required emergency access consistent with this document at all times unless, temporarily permitted to do otherwise by express written agreement of the District. Any such deviations would reasonably be considered in the case of construction or special events which would occur on campus from time to time.

The District has expressed its concern with the past experience of warehousing combustible items that the Academy tends to accumulate for its fundraising events. This concern has been addressed through stipulations on combustible storage which shall be strictly limited to those areas described in the Draft Environmental Impact Report dated August 1, 2003.

RECEIVED

DEC 04 2003

S.B. COUNTY

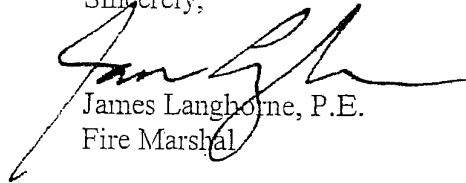
PLANNING & DEVELOPMENT

000104

The Fire District is optimistic that the Master Plan, as presented, will more fully bring this valuable local institution into compliance with the duly adopted requirements of the Montecito Fire Protection District Board of Directors for the prudent and reasonable fire protection of its facilities and the surrounding community.

Please don't hesitate to refer any questions or concerns on the aforementioned issues to me for further clarification or consideration.

Sincerely,



James Langhorne, P.E.
Fire Marshal



MONTECITO FIRE PROTECTION DISTRICT

595 San Ysidro Road • Santa Barbara, California 93108 • (805) 969-7762 • FAX (805) 969-3598

May 27, 2004

Ms. Natasha Heifetz-Campbell
Planning & Development
County of Santa Barbara
123 E. Anapamu St.
Santa Barbara, CA 93101

Sent Via Facsimile: 568-2030

Re: Music Academy of the West

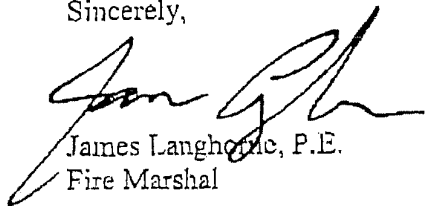
Dear Natasha,

As per your request, I am submitting the following language to reflect the intentions of the Fire District with regards to the hazard abatement maintenance to be required for the vegetation situated to the north of the proposed instructional building:

“MFPD will limit fuel modification north of the instructional building to removal of dead, decadent vegetation and to limbs of live foliage which extend to within ten feet of the building.”

This finding was made consequent to a site visit with Jason Currie of PMSM on May 11, 2004.

Sincerely,



James Langhorne, P.E.
Fire Marshal

RECEIVED

MAY 27 2004

S.B. COUNTY
PLANNING & DEVELOPMENT



Bill Spiewak
CONSULTING ARBORIST
Registered Consulting Arborist #381 • American Society of Consulting Arborists

January 30, 2003

Natasha Heifetz Campbell
Planning Department
County of Santa Barbara
123 East Anapamu St
Santa Barbara, CA 93101

Assignment

I have been assigned to evaluate the proposed development plans for the Music Academy of the West at 1070 Fairway Road in Santa Barbara. My assessment addresses potential impacts to trees designated to be preserved and offers guidelines for their protection.

Overview

There are six areas of concern discussed in this report. They include:

1. The large Monterey Cypress at the entrance to the Music Academy
2. Two Black Acacia and one Melaleuca adjacent to the motor court at the ninety-degree turn north of the entrance
3. A Morton Bag Fig and Bottle tree on the west side of Abravanal Hall
4. Two large Blue Gum Eucalyptus at the northwest corner of the motor court by Mira Flores
5. Two oaks at the northwest side of Mira Flores adjacent to the proposed pathway and courtyard
6. The row of Blue Gum Eucalyptus trees at the north property line adjacent to the proposed parking structure and maintenance building

All trees discussed in this report can be protected and preserved with appropriate tree protection measures presented below. The protection recommendations incorporate biological and mechanical aspects of tree health/stability and construction activities adjacent to the trees.

Monterey Cypress at the entrance to the Music Academy

Observations/Comments

1. This large tree is adjacent to the driveway that will be removed and replaced slightly to the west (not listed in the tree survey).
2. There are no grade changes proposed on the plan. However, demolition and replacement can be damaging to roots beneath the existing surface.

Protection Recommendations

1. Demolish and remove asphalt by hand within a fifty-foot radius of the tree.
2. Inspect area for roots and hand excavate/grade (if necessary prior to applying new surface). Wintertime is the best time of the year for this work when the water requirements of the tree are reduced due to cooler temperatures.
3. The project arborist should supervise all activities involving this tree.

Two Black Acacia and one Melaleuca adjacent to the motor court at the turn

Observations

1. These trees are not listed in the inventory, however there are some slight grade changes adjacent to their roots.

Protection Recommendations

1. Install tree protection fencing at the edge of the dripline adjacent to work areas.
2. If grading becomes necessary within the protection zone, then excavate soil by hand and carefully cut roots as necessary.
3. The project arborist should supervise all activities involving these trees.

Morton Bay Fig and Bottle tree on the west side of Abravanel Hall

Observations/Comments

1. The Morton Bay Fig is at the edge of the southwest corner of the proposed building, tree #89 on the survey. The existing stonewall retains soil and tree roots. I can assume that behind the wall is a mat of tree roots that grow downward and possibly beneath the existing concrete walkway. The new building will replace the wall, expose tree roots and damage any roots that grow beneath the existing concrete. The construction will also require canopy pruning to obtain clearance and replacement of the existing brick walkway. Ficus trees are very resilient but can be damaged by inadequate care.
2. The Bottle Tree, tree #87 on the survey, will incur damage to roots from construction and grading very close to its trunk. Removal may be considered.

Protection Recommendations

1. The stone wall and concrete walkway adjacent to the tree should be demolished by hand. Roots will most likely need to be cut further back from the edge of the building (closer to the tree) to allow some room to work and to provide an area for new root growth. This area should be kept to a minimum.
2. The exposed soil and roots should be kept moist and covered until completion of the project. Irrigation may be necessary after project completion to supplement the water needs of the tree. This cannot be determined at this time.
3. A chemical root barrier (*bio barrier*) should be installed near the building edge to control new root growth.
4. The old brick walkway should also be demolished by hand, roots cleanly cut and kept moist.
5. Also install a chemical root barrier in this area.
6. Canopy pruning should be in accordance with the International Society of Arboriculture's publication *Best Management Practices for Tree Pruning*. Visual balance of the canopy should also be achieved.
7. Consider removal of the Bottle Tree due to the grade changes and root cutting.
8. Tree protection fencing should be installed at the maximum distance from the trees as possible, outer edge of dripline where possible. Fences may be moved to open the permitted work zone, for required construction activities. However, materials and equipment may not be stored or stock piled in the tree protection zone.
9. Any scaffolding used during construction should be carefully placed to avoid damage to surface roots. The root area should be covered with tarps to avoid spilling materials and damaging roots. Construction workers should not cut tree limbs.
10. The project arborist should supervise all activities involving these trees.

Two Blue Gum Eucalyptus at northwest corner of the motor court by Mira Flores

Observations/Comments

1. A walkway and handicap ramp was proposed to the west of these two trees. A revised plan has moved these improvements from twelve feet from the trunks to twenty-four feet from the trunks.
2. There are also grade changes in this area that require a slope down to a lower courtyard.

Protection Recommendations

1. Rather than cutting soil level adjacent to the eucalyptus, retain soil at its original grade with walls at the edge of the adjacent walkways on the north, east and west sides of the trees.
2. Any demolition to remove and replace existing hardscape (the driveway and wall) should be done by hand. Potential root damage (if any) should be assessed at that time and determinations made to minimize damage that may include hand excavation, pier construction and above ground grade beams for rebuilding the wall.
3. Install tree protection fencing at the start of the project.
4. The project arborist should supervise all activities involving these trees.

Two oaks at the northwest side of Mira Flores

Observations/Comments: oak #64

1. This tree is circumvented by walkways on the north, east and west sides and the motor court to the south. Although the tree is relatively young (14" DBH) some of its roots will more than likely be damaged when walkways are constructed within the critical root zone.
2. This oak should be treated like a transplant prospect without the final cutting of the bottom and moving of the tree.

Protection Recommendations

1. Roots should be cut on each side of the tree (north, south, east and west) over the next two years (or divided into equal time periods from time of the project approval to actual start date). The cutting should be at the inside edge of the proposed walkways. In asphalt covered driveways, cut asphalt and roots, then install a root barrier (physical or chemical) and replace an asphalt patch until start of the project.
2. Irrigate the tree to encourage new root growth.
3. Spray the lower 10' of trunk with a pesticide (*Astro* or *Talstar*) in April and August to help the tree resist attacks by oak bark beetles.
4. Install tree protection fencing at the start of the project.
5. The project arborist should supervise all activities involving this tree.

Observations/Comments: oak #90

1. This tree mature oak has a DBH of 28".
2. It has been growing in an area surrounded by a walkway to the south, an asphalt driveway to the north and west, and a parking area and stucco wall to the east. Ivy is growing beneath its canopy in the limited soil area.
3. The project calls for removal of the stucco wall and expansion of Mira Flores to the east, and walkways to a lower courtyard on the north and west sides. Although there is already a root-inhibiting situation, the tree has adapted to the area and is growing vigorously.

Protection Recommendations

1. Prepare the tree with root pruning and hand grading, divided over the time span between project approval and commencement.
2. Start in the driveway, remove asphalt at the inside edge of the proposed walkway to the west side of the tree and root prune to the depth of the proposed soil preparation elevation. Install a chemical root barrier and cover with an asphalt patch until commencement of project. Repeat on

the north, west and south sides with several months between root pruning. Irrigate root area after root pruning and repeat every couple of weeks or as determined by the project arborist.

3. Remove ivy by hand and cover area with mulch. Irrigate.
4. Prune limbs that will conflict with the building.
5. Winter is the best time for pruning live limbs.
6. Spray the lower 10' of trunk with a pesticide (*Astro or Falstar*) in April and August to help the tree resist attacks by oak bark beetles.
7. Install tree protection fencing at the start of the project.
8. The project arborist should supervise all activities involving this tree.

The row of Blue Gum Eucalyptus trees at the north property line

Observations/Comments

1. There are approximately 40 Blue Gum eucalyptus trees along the property line that range in size from small to over 100' tall.
2. The condition of the trees is good to poor. Most are growing vigorously although many are structurally weak. This is due to abundance of maturing sprout growth resulting from broken limbs, old damaged tops and lack of maintenance. Many limbs are long and heavy and overhang the Music Academy property and railroad tracks.
3. The trees provide a visual barrier between the freeway and the Music Academy.
4. An old concrete wall has fallen on the north side of the tree line (at the east side of the row) from diameter growth of the trunks.
5. Surface roots can be seen approximately 20' from the trees along the north side of the row. Soil and debris has accumulated around the base of many of the trees.
6. The density of the low sprout growth has also provided a homeless encampment site.
7. Historically, the ground at the west end of this row becomes saturated in the winter and many trees have fallen over the years. Maintenance in this area has been limited to the clean-up of fallen trees and pruning of heavy limbs that overhang their parking lot. Many years ago, several large, dead treetops were removed to reduce risk. This was after the late 1980's early 1990's drought when eucalyptus trees were severely damaged by *Eucalyptus Longhorn Beetles*.
8. The proposed project includes a two story parking structure and a maintenance building adjacent to the tree line. Caissons will support the upper level of the parking structure. The lower level will require new ground preparation, except at the north side of the property where the existing parking area will be used as a driveway (see site plan). This driveway will be covered with pervious concrete *pavers*. The Montecito Water District's sewer line is below this driveway and excavation is not permissible. The actual earthwork is 20'-25' from the trees. The maintenance building and additional parking area (to the east) is approximately 25' from the tree line and appears to be adequate.
9. There are two large diameter trees by the proposed parking structure that lean to the south. The rest of trees in this section are more vertical. At the east end of the row, the trees are bushier.
10. Regardless of the proposed project, the trees need care to sustain their health. Despite a woodland philosophy where the strong survive and the weak die, in urban areas trees need supplemental care to reduce risk and enhance health. Broken limbs provide entryways for disease and decay. New sprout growth at the end of damaged limbs, is weakly attached and creates a hazardous situation. These trees can be pruned to improve their health and structure without damaging the visual barrier. Supplemental care will strengthen the group and ultimately improve the beneficial attributes they provide. However, poor construction and pruning techniques can be damaging to the grove.

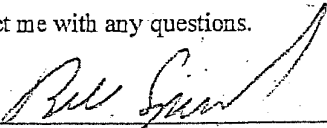
Protection Recommendations

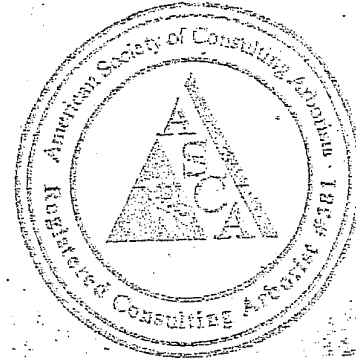
1. Crown clean the trees to remove deadwood and weakly attached branches and sprout growth.
2. Crown thin the canopies to reduce the weight of heavy limbs without over thinning.
3. Avoid topping the trees and transforming them into to a hedgerow.
4. Do not allow the use of climbing spikes when working in these trees.
5. Remove stump sprouts at the ground.

6. Encourage young volunteers to grow as eventual replacements for the older decaying trees and remove dangerous trees as they become hazardous.
7. Remove accumulated debris around the trunks of the trees but leave a layer of organic material.
8. Remove accumulated soil around the base of the trees (at least three feet from the trunk) back to the natural grade.
9. Remove the fallen concrete wall without allowing heavy equipment to enter the buffer zone. A crane or tire loader will limit damage to trees.
10. The north end of the parking lot (area to be used as the driveway) should not be removed and graded in order to prevent damage to roots along the fence line. If the elevation needs to be raised, pervious materials may be added to the existing surface. This may include pervious concrete paving. It is possible that construction of the lower parking area could result in decline of some eucalyptus trees in that area. Trees should be monitored annually and pruned or possibly removed if they become hazardous as determined by a qualified arborist.
11. Do not allow work on the trees during the autumn season unless an emergency arises.
12. The project arborist should supervise all activities involving the trees.

Please contact me with any questions.

Prepared by:


Bill Spiewak
Registered Consulting Arborist #381
American Society of Consulting Arborists



Bill Spiewak

CONSULTING ARBORIST
Registered Consulting Arborist • American Society of Consulting Arborists

September 7, 2003

Suzanne Hledge
Planning & Permitting Services
800 Santa Barbara Street
Santa Barbara, CA 93101

(805) 966-2758
(805) 966-2759 fax

RE: Music Academy of the West

The report addresses changes in the updated proposed landscape plan relative to the six items of concern discussed in my report of January 30, 2003. Please refer to that report addressed to Natasha Heifetz Campbell representing the County of Santa Barbara Planning Department.

I was initially concerned with the six items listed below:

1. The large Monterey Cypress at the entrance to the Music Academy
2. Two Black Acacia and one Melaleuca adjacent to the motor court at the ninety-degree turn north of the entrance
3. A Morton Bay Fig and Bottle tree on the west side of Abravanel Hall
4. Two large Blue Gum Eucalyptus at the northwest corner of the motor court by Mira Flores
5. Two oaks at the northwest side of Mira Flores adjacent to the proposed pathway and courtyard
6. The row of Blue Gum Eucalyptus trees at the north property line adjacent to the proposed parking structure and maintenance building

There are no changes in the plan regarding items #1, #2 and #5. The protection measures outlined in the previous report should be followed, although I doubt there will be any impacts to #1 and #2. The oak trees discussed in item #5 will still be impacted and following guidelines will be very important. I stress the importance of root pruning long before the major part of the project begins.

The plan for Abravanel Hall has been altered so the protection zone on the west side of the building adjacent to the Morton Bay Fig and Bottle Tree (item #3) has been increased. Included with that benefit, a large Araucaria tree will also be preserved. This is a great improvement. The hardscape improvements adjacent to these trees should not be overlooked. Tree protection guidelines that include hand pruning of roots, irrigation and root barriers should still be followed as discussed in the previous reports as well as any other protection measures that may apply. This can be controlled in the field. The new design of the building is a significant improvement relative to tree protection.

There is an improvement in the design surrounding the Blue Gum Eucalyptus trees (item #4). The undisturbed area around the trees has been increased from the previous plan. However care should still be taken and protection measures should be followed. In the area where the driveway width increases, preparation to the root zone (possible root pruning) should be performed well before the major work begins. These trees should be minimally impacted from proactive care, the establishment of protection zones and monitoring construction activities.

Bill Spiewak

CONSULTING ARBORIST

Registered Consulting Arborist #381 • American Society of Consulting Arborists

April 2, 2004

Natasha Heifetz Campbell
Planning Department
County of Santa Barbara
123 East Anapamu St
Santa Barbara, CA 93101

MEMORANDUM

This memo addresses the proposed plans at the Music Academy of the West and address any new changes regarding trees. I looked at two different design concepts. The first plan shows the relocation of the main property entrance further to the east. The second plan is consistent with previous proposed designs but shows alternative structures by the Rack and the practice studios. This memo is based on my site visit during 3/24/04.

Overview

This memo addresses:

1. The large Monterey Cypress at the entrance to the Music Academy (#167) and three adjacent smaller oak trees (#176, #177 & #178).
2. Two large Blue Gum Eucalyptus (#165 & #166) at the northwest corner of the motor court by Mira Flores and two oaks (#64 & #90 at the northwest side of Mira Flores adjacent to the proposed pathway and courtyard.
3. The row of Blue Gum Eucalyptus trees at the north property line (#68-#83) adjacent to the proposed parking structure and maintenance building.
4. A row of Swamp gum eucalyptus (*Eucalyptus robusta*) (#42-#54) along the north side of the existing practice rooms.
5. Oaks #135, #164 #164) on the north side of the exit road and parking lot for *the Rack*.

Discussion/Recommendations

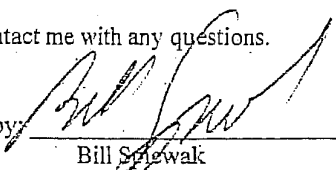
1. **Monterey Cypress at the entrance to the Music Academy (#167) and three adjacent smaller oak trees (#176, #177 & #178).** The driveway changes in plan one will significantly impact the Monterey Cypress and include removal of several young oaks. These oak trees have been hidden by surrounding brush for many years. Their loss would not be noticed and can easily be mitigated. However, I am particularly concerned about impacts to the Cypress tree. The roots of this tree are within this proposed driveway area and will be severely impacted by this design. Although the Cypress is quite mature and branches die back each year, it is the largest California native on the property. The large root zone has been growing for decades in this rich soil. Grading will undoubtedly damage roots. However if this is the only option, concrete poured at ground level supported by caissons and above grade beams, (without any sub level grading) may reduce impacts. The second alternative (not moving the driveway) will not cause impacts.
2. **Blue Gum Eucalyptus (#165 & #166) at the northwest corner of the motor court by Mira Flores and two oaks (#64 & #90) at the northwest side of Mira Flores adjacent to the proposed pathway and courtyard.** It does not appear that plans have changed around the oaks and eucalyptus by the front of Mira Flores since the previous report. However, in order to reduce

and minimize damage to all of these trees, preparatory measures (root pruning) should be performed six to twelve months in advance as directed in my previous report. Prune roots in the late fall or early winter when the tree's water requirements are lowest. I have often observed in other construction projects that the preparatory root pruning is not done until a few days before the start of the entire project and damage occurs. Root pruning in warm months could significantly increase impacts to the trees.

3. The row of Blue Gum Eucalyptus trees at the north property line (#68-#83) adjacent to the proposed parking structure and maintenance building. The revised plans have adequately distanced construction from the row of blue gum eucalyptus along the railroad tracks.
4. A row of Swamp gum eucalyptus (*Eucalyptus robusta*) (#42-#54) along the north side of the existing practice rooms. The Swamp gum eucalyptus trees behind the existing practice rooms are a hot topic. Although they provide a screen from the adjacent property, I have concerns about their structural integrity. These trees were topped many years ago and the resultant branch growth is weakly attached (as opposed to strongly attached natural branch growth). It is conceivable that branches will continue to break each winter. Although pruning can reduce the breakage potential (and I'm not convinced all of the trees should be removed), the structure of these canopies is far from ideal. Other trees should be planted that will eventually replace these eucalyptus. It is also possible these trees could be removed and mitigated with new trees (perhaps giant timber bamboo - very tall clumping bamboo). The landscape architect should be consulted regarding the practicality of this suggestion. The proposed construction is within the critical root zone of several of these trees and below ground excavation could cause their decline.
5. Oaks #135, #164 #164) on the north side of the exit road and parking lot for the Rack. The proposed maintenance shed is outside of the critical root zone of these trees.

Please contact me with any questions.

Prepared by


Bill Spiewak
Registered Consulting Arborist #381
American Society of Consulting Arborists



May 18, 2004

Natasha Heifetz Campbell
Planning Department
County of Santa Barbara
123 East Anapamu St
Santa Barbara, CA 93101

MEMORANDUM

This memo addresses the Swamp Gum eucalyptus trees (*Eucalyptus robusta*) at the north side of the proposed remodel of *Wood 2* (trees #42-#54 on the landscape Plan) and also reiterates previous recommendations that will reduce potential impacts to other trees from construction.

Observation/Comment

A computer-generated image indicates a loss of screen between the Music Academy and the northern neighbors if trees are removed between the two properties. Observations on site reveal that a large portion of the existing screen is composed of tall Pittosporum and smaller shrubs. These woody plants are growing on the slope above the driveway (south side of the driveway) and will not be impacted by construction thus protecting a majority of the screening. The slope is at a significantly higher elevation than the neighbor's property and adds height to smaller shrubbery and smaller trees.

Observation/Comment

- a) According to historic plans of the existing structure, there is a 38" retaining wall and footing that extends below grade on the north side of the building. This essentially acts as a root barrier. The proposed structure will utilize the existing building footprint and not require any further encroachment into the critical root zone.
- b) I also observed a below ground drain line along the north side of the building (approximately 2' from the wall) that would have required root cutting during its installation. This indicates that roots between the drain-line and building have been cut. Although the depth of the drain is unknown, I speculate it to be 12" to 24" below ground. Scientific research says the majority of roots are found in the upper 36" of soil and tend to be shallow in heavy soils such as this one. Therefore, it is highly unlikely there are roots between the building and drain line (24" away). However, hand excavation of a trench at the edge of the building prior to demolition will allow any roots (if encountered) to be cleanly cut and minimize damage.

Conclusion

Based on my observation of the site I am confident that no damage will occur to these trees from the proposed construction provided that contractors avoid encroaching into the critical root zone beyond the limitations stated above.

Recommendations

1. The project arborist should monitor all activities adjacent to these trees including installation of tree protection fencing, demolition of the building, excavation, grading and root pruning.
2. Small young trees (15-gallon size) should be planted on the slope as soon as possible to insure long term screening from the building.
3. Use a soaker hose to deep-water eucalyptus trees close to the project site, now through the summer and into the project period. This will invigorate growth and improve their vitality. Soil should be moistened to a depth of at least 12" throughout the root zone and repeated monthly (except during the rainy season).
4. Any limbs that conflict with the proposed building should be pruned by a qualified arborist prior to demolition.
5. During the winter of 2004, hand excavate a trench along the north side of Wood 2 to insure that if any roots are encountered, they are carefully cut by the project arborist.
6. All other trees to be preserved that require construction within their critical root zone, should be root pruned and well irrigated in winter 2004. This includes the two oaks by Mira Flores, the Blue Gum eucalyptus at the motor court where the driveway will be widened, the Morton bay Fig by Abravental Hall and any other trees where there is encroachment into the critical root zone.

Please contact me with any questions.

Prepared by: _____

Bill Spiewak
Registered Consulting Arborist #381
American Society of Consulting Arborists

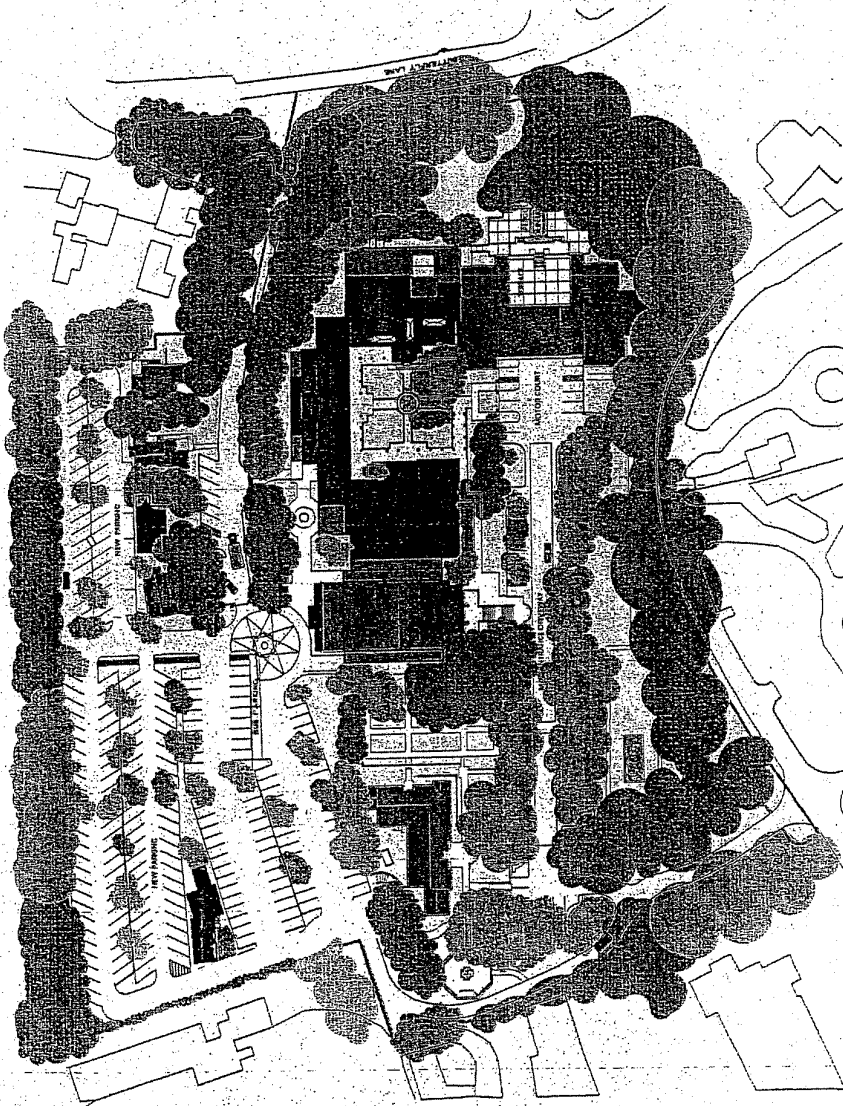
BOARD ACTION LETTER FOR MUSIC ACADEMY OF THE WEST
ATTACHMENT 3

PROJECT PLANS

MUSIC ACADEMY OF THE WEST

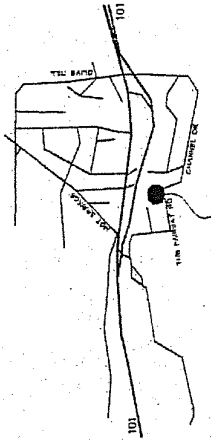


PHILLIPS NETSCH SWEENEY MOORE ARCHITECTS
 1000 ALABAMA STREET, SUITE 100
 SAN FRANCISCO, CA 94104
 TEL: 415.774.1000 FAX: 415.774.1001



PROPOSED SITE PLAN

VICINITY MAP



MUSIC ACADEMY OF THE WEST
 1010 THE FAIRWAY ROAD
 MONTECITO, CA 95038
 APN: 007-282-021 T 030

ARCHITECTURAL

- SHEET 1 TITLE SHEET
- SHEET 2 EXISTING SITE PLAN
- SHEET 3 COMPOSITE SITE PLAN
- SHEET 4 FLOOR PLANS
- SHEET 5 FLOOR PLANS
- SHEET 6 ELEVATIONS & SECTIONS
- SHEET 7 ELEVATIONS & SECTIONS
- SHEET 8 PROPOSED SITE

CIVIL

- SHEET 1 GRADING PLAN

LANDSCAPE

- SHEET TP-1 EXISTING TREE DISPOSITION PLAN
- SHEET PL-1 MASTER LANDSCAPE PLAN
- SHEET PL-2 AREA ENLARGEMENT PLAN

MUSIC ACADEMY OF THE WEST

SHEET 1 OF 8

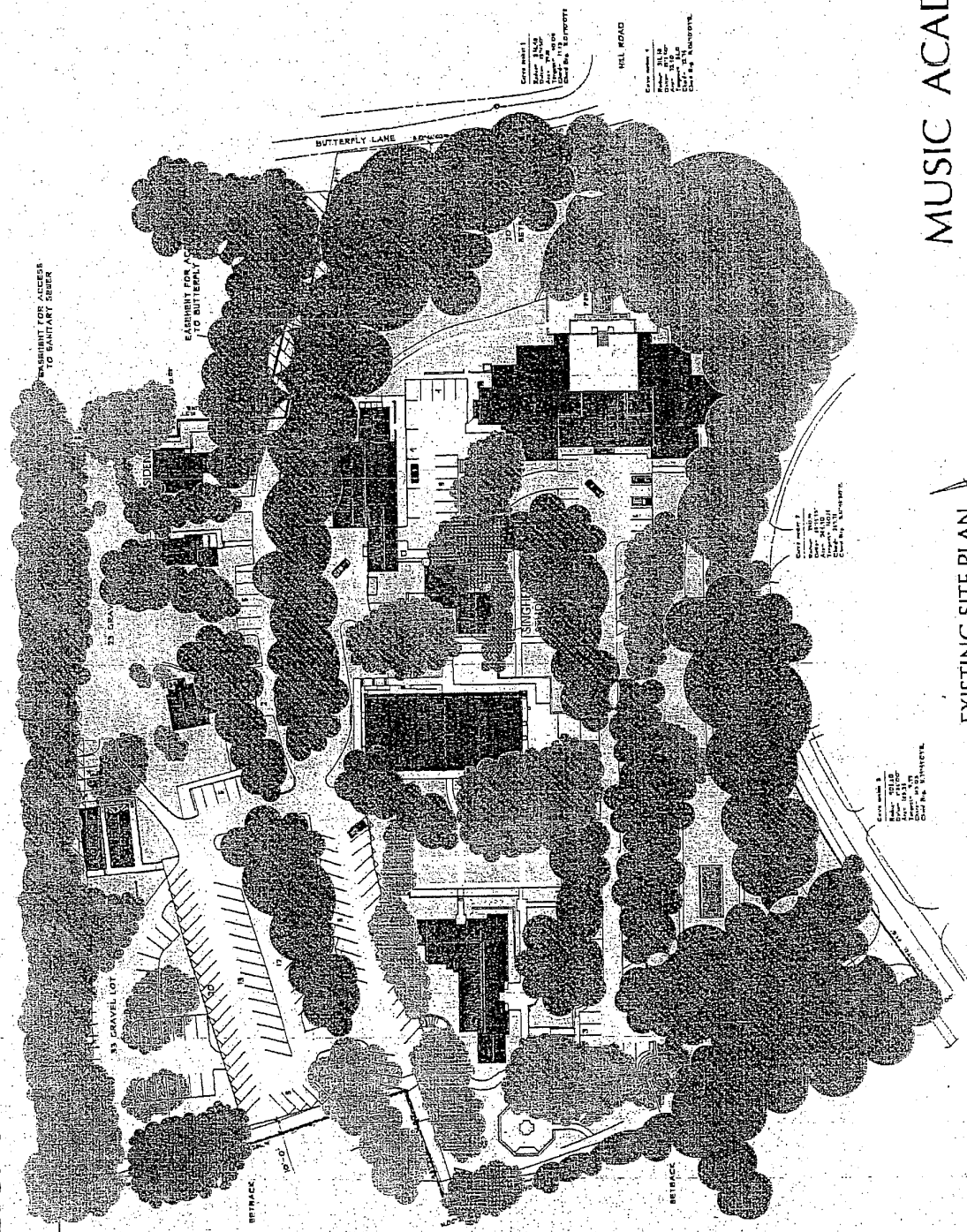
PM5MWP 9605309 DATE: WEDNESDAY, MAY 19TH, 2004 COPYRIGHT © 2004

Board Ex "A" 10-26-04



PHILLIPS METSICH SWEENEY MOORE ARCHITECTS
 1100 N. UNIVERSITY AVENUE, SUITE 200
 ANN ARBOR, MI 48106-1000
 TEL: 734.763.8800 FAX: 734.763.8801

EXISTING BLDGS. in Sq. Ft.	FOOT PRINT	FLOOR AREA
GROSS ACREAGE	.393,600 S.F.	= 9.04 ACRE
ADRAVAHLE	1,700	13,340
HARGER STUDIO	1,450	14,150
HIPAFLORES	1,370	12,710
RESIDENCE	1,300	14,000
TREASURE HOUSE	1,110	11,110
WOOD 1	4,320	5,180
WOOD 2	1,320	1,320
EXISTING BLDGS	34,130	143,310
PAVEMENT in Sq. Ft.	80,380	
EXISTING		
LANDSCAPING / OPEN SPACE in Sq. Ft.	257,278	
EXISTING		
WALKWAYS in Sq. Ft.	18,442	
EXISTING		
PARKING SPACES	214	
EXISTING		



MUSIC ACADEMY OF THE WEST

SHEET 2 OF 8
 PMSAM 96053005 DATE: WEDNESDAY, MAY 19TH, 2004

COPYRIGHT © 2004

EXISTING SITE PLAN
 0 20 40 60 80
 SCALE 1" = 40'-0"

Board Ex B 10-26-04

**PHILLIPS
METSCH
SWEENEY
MOORE**
ARCHITECTS

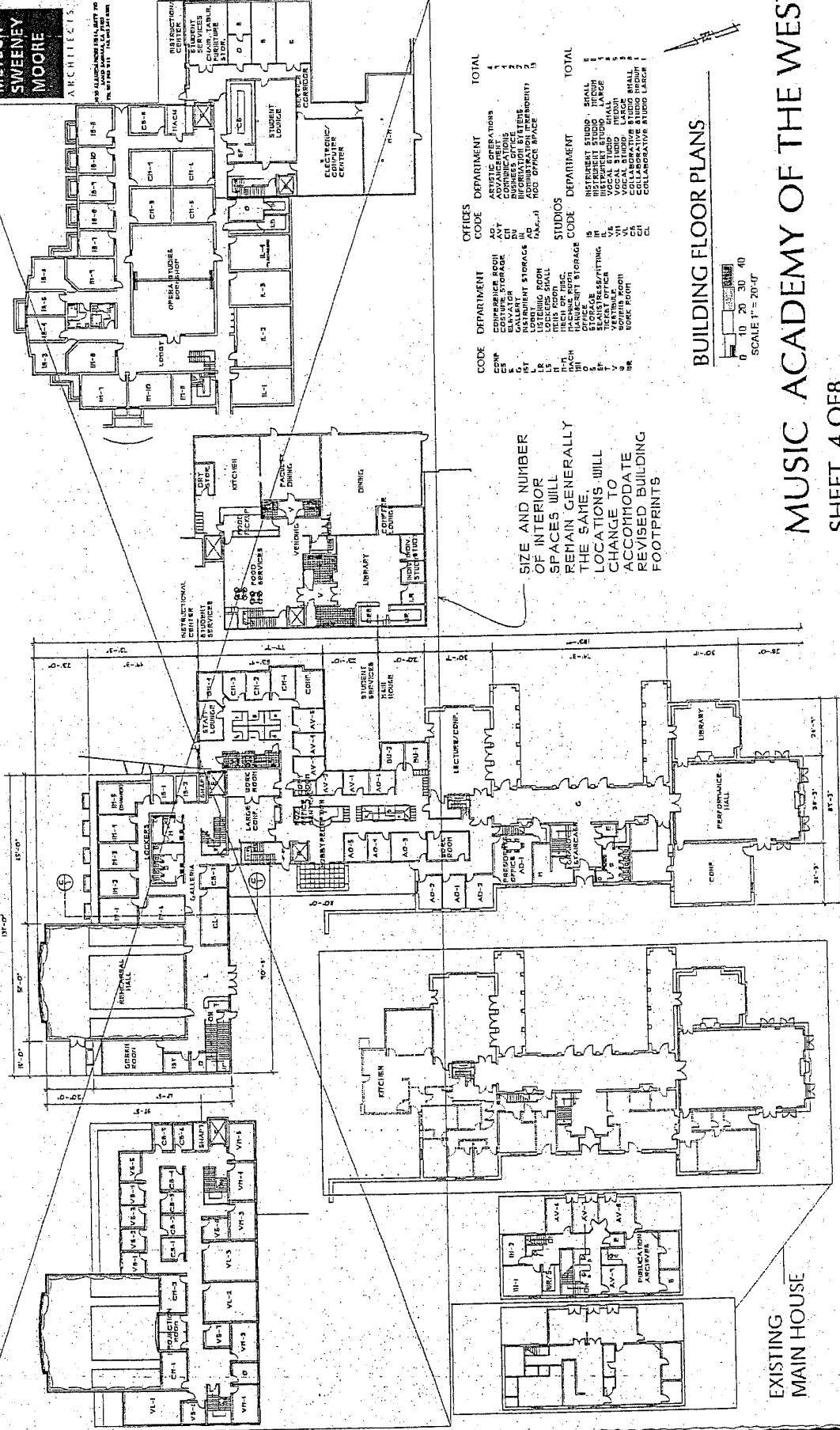
1000 ALABAMA AVENUE, SUITE 1700
HOUSTON, TEXAS 77002-2499
TEL: 713/865-1000 FAX: 713/865-1001

VOCAL LEVEL

SERVICE LEVEL

ADMIN/PRACTICE LEVEL

INSTRUCTIONAL LEVEL



CODE	DEPARTMENT	DEPARTMENT	TOTAL
CONP	CONTEMPORARY ROOM	ARTISTIC OPERATIONS	4
CS	COSTUME STORAGE	COMMUNICATIONS	1
CT	GALLERY	BUSINESS OFFICE	2
ET	ENTRANCE	ADMINISTRATION	2
LS	LECTURING ROOM	AD OFFICE	2
LS-1	LECTURING ROOM	AD OFFICE	2
LS-2	LECTURING ROOM	AD OFFICE	2
LS-3	LECTURING ROOM	AD OFFICE	2
LS-4	LECTURING ROOM	AD OFFICE	2
LS-5	LECTURING ROOM	AD OFFICE	2
LS-6	LECTURING ROOM	AD OFFICE	2
LS-7	LECTURING ROOM	AD OFFICE	2
LS-8	LECTURING ROOM	AD OFFICE	2
LS-9	LECTURING ROOM	AD OFFICE	2
LS-10	LECTURING ROOM	AD OFFICE	2
LS-11	LECTURING ROOM	AD OFFICE	2
LS-12	LECTURING ROOM	AD OFFICE	2
LS-13	LECTURING ROOM	AD OFFICE	2
LS-14	LECTURING ROOM	AD OFFICE	2
LS-15	LECTURING ROOM	AD OFFICE	2
LS-16	LECTURING ROOM	AD OFFICE	2
LS-17	LECTURING ROOM	AD OFFICE	2
LS-18	LECTURING ROOM	AD OFFICE	2
LS-19	LECTURING ROOM	AD OFFICE	2
LS-20	LECTURING ROOM	AD OFFICE	2
LS-21	LECTURING ROOM	AD OFFICE	2
LS-22	LECTURING ROOM	AD OFFICE	2
LS-23	LECTURING ROOM	AD OFFICE	2
LS-24	LECTURING ROOM	AD OFFICE	2
LS-25	LECTURING ROOM	AD OFFICE	2
LS-26	LECTURING ROOM	AD OFFICE	2
LS-27	LECTURING ROOM	AD OFFICE	2
LS-28	LECTURING ROOM	AD OFFICE	2
LS-29	LECTURING ROOM	AD OFFICE	2
LS-30	LECTURING ROOM	AD OFFICE	2
LS-31	LECTURING ROOM	AD OFFICE	2
LS-32	LECTURING ROOM	AD OFFICE	2
LS-33	LECTURING ROOM	AD OFFICE	2
LS-34	LECTURING ROOM	AD OFFICE	2
LS-35	LECTURING ROOM	AD OFFICE	2
LS-36	LECTURING ROOM	AD OFFICE	2
LS-37	LECTURING ROOM	AD OFFICE	2
LS-38	LECTURING ROOM	AD OFFICE	2
LS-39	LECTURING ROOM	AD OFFICE	2
LS-40	LECTURING ROOM	AD OFFICE	2
LS-41	LECTURING ROOM	AD OFFICE	2
LS-42	LECTURING ROOM	AD OFFICE	2
LS-43	LECTURING ROOM	AD OFFICE	2
LS-44	LECTURING ROOM	AD OFFICE	2
LS-45	LECTURING ROOM	AD OFFICE	2
LS-46	LECTURING ROOM	AD OFFICE	2
LS-47	LECTURING ROOM	AD OFFICE	2
LS-48	LECTURING ROOM	AD OFFICE	2
LS-49	LECTURING ROOM	AD OFFICE	2
LS-50	LECTURING ROOM	AD OFFICE	2
LS-51	LECTURING ROOM	AD OFFICE	2
LS-52	LECTURING ROOM	AD OFFICE	2
LS-53	LECTURING ROOM	AD OFFICE	2
LS-54	LECTURING ROOM	AD OFFICE	2
LS-55	LECTURING ROOM	AD OFFICE	2
LS-56	LECTURING ROOM	AD OFFICE	2
LS-57	LECTURING ROOM	AD OFFICE	2
LS-58	LECTURING ROOM	AD OFFICE	2
LS-59	LECTURING ROOM	AD OFFICE	2
LS-60	LECTURING ROOM	AD OFFICE	2
LS-61	LECTURING ROOM	AD OFFICE	2
LS-62	LECTURING ROOM	AD OFFICE	2
LS-63	LECTURING ROOM	AD OFFICE	2
LS-64	LECTURING ROOM	AD OFFICE	2
LS-65	LECTURING ROOM	AD OFFICE	2
LS-66	LECTURING ROOM	AD OFFICE	2
LS-67	LECTURING ROOM	AD OFFICE	2
LS-68	LECTURING ROOM	AD OFFICE	2
LS-69	LECTURING ROOM	AD OFFICE	2
LS-70	LECTURING ROOM	AD OFFICE	2
LS-71	LECTURING ROOM	AD OFFICE	2
LS-72	LECTURING ROOM	AD OFFICE	2
LS-73	LECTURING ROOM	AD OFFICE	2
LS-74	LECTURING ROOM	AD OFFICE	2
LS-75	LECTURING ROOM	AD OFFICE	2
LS-76	LECTURING ROOM	AD OFFICE	2
LS-77	LECTURING ROOM	AD OFFICE	2
LS-78	LECTURING ROOM	AD OFFICE	2
LS-79	LECTURING ROOM	AD OFFICE	2
LS-80	LECTURING ROOM	AD OFFICE	2
LS-81	LECTURING ROOM	AD OFFICE	2
LS-82	LECTURING ROOM	AD OFFICE	2
LS-83	LECTURING ROOM	AD OFFICE	2
LS-84	LECTURING ROOM	AD OFFICE	2
LS-85	LECTURING ROOM	AD OFFICE	2
LS-86	LECTURING ROOM	AD OFFICE	2
LS-87	LECTURING ROOM	AD OFFICE	2
LS-88	LECTURING ROOM	AD OFFICE	2
LS-89	LECTURING ROOM	AD OFFICE	2
LS-90	LECTURING ROOM	AD OFFICE	2
LS-91	LECTURING ROOM	AD OFFICE	2
LS-92	LECTURING ROOM	AD OFFICE	2
LS-93	LECTURING ROOM	AD OFFICE	2
LS-94	LECTURING ROOM	AD OFFICE	2
LS-95	LECTURING ROOM	AD OFFICE	2
LS-96	LECTURING ROOM	AD OFFICE	2
LS-97	LECTURING ROOM	AD OFFICE	2
LS-98	LECTURING ROOM	AD OFFICE	2
LS-99	LECTURING ROOM	AD OFFICE	2
LS-100	LECTURING ROOM	AD OFFICE	2

SIZE AND NUMBER OF INTERIOR SPACES WILL REMAIN GENERALLY THE SAME. LOCATIONS WILL CHANGE TO ACCOMMODATE REVISED BUILDING FOOTPRINTS

BUILDING FLOOR PLANS

0 10 20 30 40
SCALE 1" = 20'-0"

MUSIC ACADEMY OF THE WEST

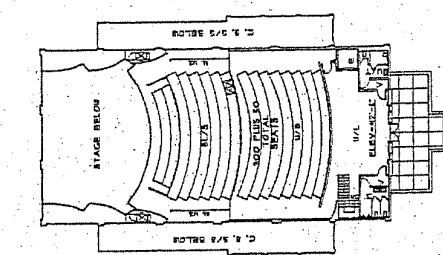
SHEET 4 OF 8

PARM# 9605309 DATE: WEDNESDAY, MAY 19TH, 2004 COPYRIGHT © 2004

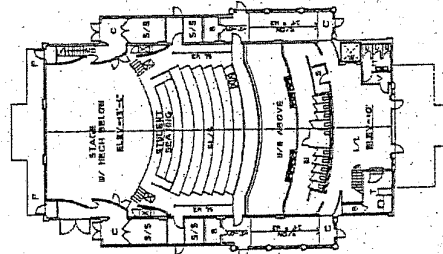
Board Ex "0" 10-26-04

- | | |
|------|--------------------|
| CODE | DEPARTMENT |
| C | CIRCULATION |
| E | ELEVATOR |
| M | MUSIC |
| W | WALKWAY STORAGE |
| L | LOBBY |
| U | UPPER SEATING AREA |
| F | FLOOR STORAGE |
| P | PERFORMING STORAGE |
| B | BEHAVIOR STORAGE |
| R | REMOVABLE SEATS |
| S | STREET |
| U | UPPER SEATING AREA |
| T | TICKET OFFICE |
| W | WALKWAY STORAGE |
| U | UPPER SEATING AREA |
| V | VESTIBULE |
| W | WALKWAY STORAGE |
| X | ADMINISTRATIVE |
| Y | OFFICE |
| Z | REAR KITCHEN |
| AA | LIVING ROOM |
| AB | KITCHEN |
| AC | REAR PORCH |

- | | | |
|--------|----------------------------|-------|
| STUDIO | DEPARTMENT | TOTAL |
| IS | RESTAURANT STUDIO - SMALL | 4 |
| IR | RESTAURANT STUDIO - MEDIUM | 4 |
| II | RESTAURANT STUDIO - LARGE | 4 |



ABRAVANEL HALL
SECOND FLOOR



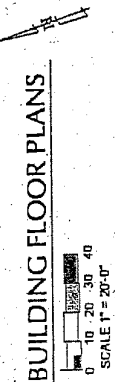
ABRAVANEL HALL
FIRST FLOOR



NEW MAINTENANCE/STORAGE BUILDING
GROUND FLOOR
1,610 SF

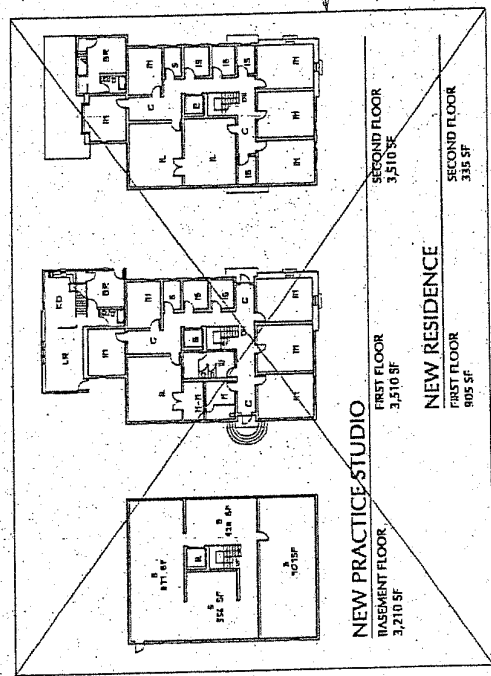


NEW STORAGE BUILDING
GROUND FLOOR
1,000 SF



BUILDING FLOOR PLANS
0 10 20 30 40
SCALE 1" = 20'-0"

SIZE AND NUMBER
OF INTERIOR
SPACES WILL
REMAIN GENERALLY
THE SAME.
LOCATIONS WILL
CHANGE TO
ACCOMMODATE
REVISED BUILDING
FOOTPRINTS



NEW PRACTICE STUDIO
BASEMENT FLOOR
3,210 SF

FIRST FLOOR
3,510 SF

SECOND FLOOR
3,510 SF

NEW RESIDENCE
FIRST FLOOR
905 SF

SECOND FLOOR
355 SF

MUSIC ACADEMY OF THE WEST

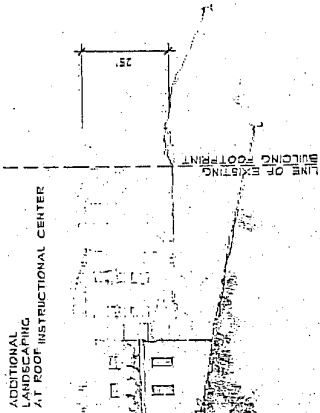
SHEET 5 OF 8

PHSM# 9605309 DATE: WEDNESDAY, MAY 19TH, 2004 COPYRIGHT © 2004

Board Ex "E" 10-26-04

**PHILLIPS
METSCH
SWEENEY
MOORE**
ARCHITECTS

PHILLIPS METSCH SWEENEY MOORE ARCHITECTS
1001 1/2 WEST 10TH AVENUE, SUITE 200
DENVER, COLORADO 80202
TEL: 303.733.1100 FAX: 303.733.1101



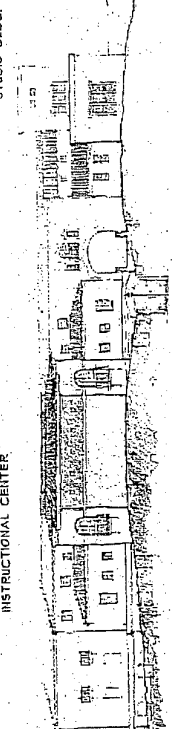
EAST ELEVATION

MAIN HOUSE

STUDENT SERVICES

ADDITIONAL LANDSCAPING AT FOOT OF INSTRUCTIONAL CENTER

LINE OF EXISTING BUILDING FOOTPRINT

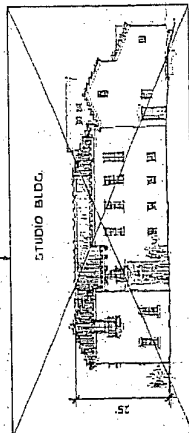


NORTH ELEVATION

STUDIO BLDG.

INSTRUCTIONAL CENTER

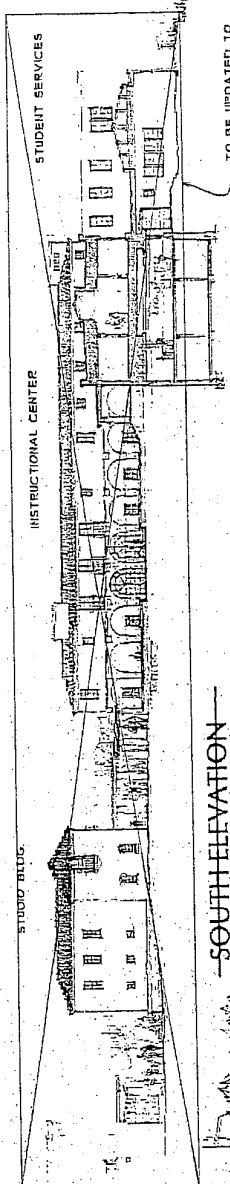
STUDENT SERVICES



EAST ELEVATION

STUDIO BLDG.

TO BE UPDATED TO REFLECT REVISED BUILDING FOOTPRINTS



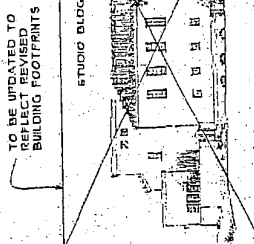
SOUTH ELEVATION

STUDIO BLDG.

INSTRUCTIONAL CENTER

STUDENT SERVICES

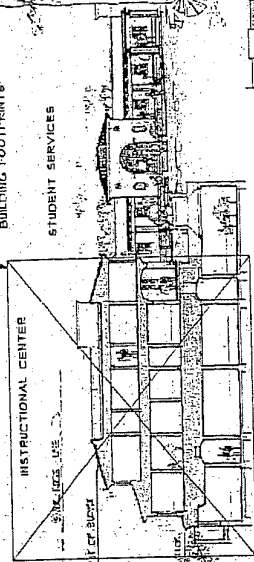
TO BE UPDATED TO REFLECT REVISED BUILDING FOOTPRINTS



WEST ELEVATION

STUDIO BLDG.

TO BE UPDATED TO REFLECT REVISED BUILDING FOOTPRINTS



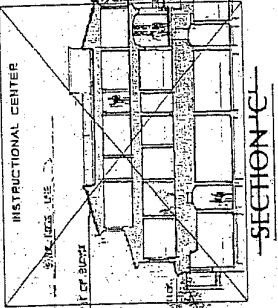
WEST ELEVATION

MAIN HOUSE

STUDENT SERVICES

INSTRUCTIONAL CENTER

TO BE UPDATED TO REFLECT REVISED BUILDING FOOTPRINTS



SECTION C-C



MUSIC ACADEMY OF THE WEST

SHEET 6 OF 8

PASAM# 9605309 DATE: WEDNESDAY, MAY 19TH, 2004

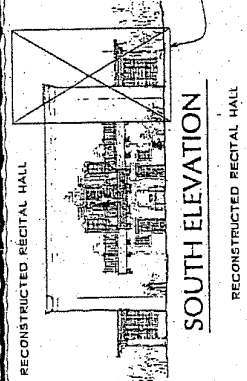
COPYRIGHT © 2004

Board Ex "F" 10-26-04

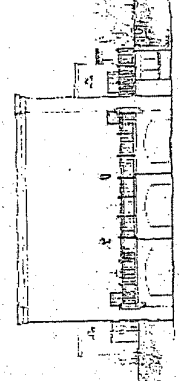
**PHILLIPS
METSCH
SWEENEY
MOORE**
ARCHITECTS

PHYSICAL MODEL PREPARED BY
JAMES HANCOCK ARCHITECTS
1000 WEST 10TH AVENUE
DENVER, CO 80202

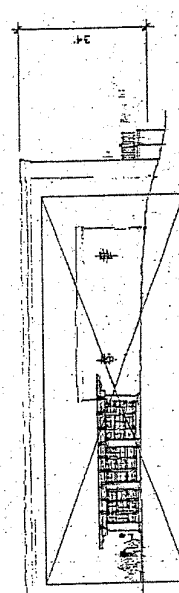
RECONSTRUCTED RECITAL HALL
WEST ELEVATION



RECONSTRUCTED RECITAL HALL
SOUTH ELEVATION

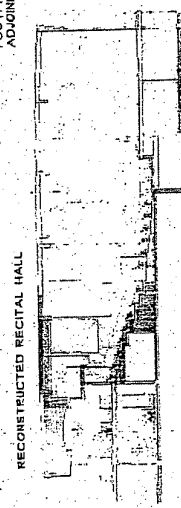


TO BE UPDATED TO
REFLECT REVISED
ADJOINED BUILDINGS



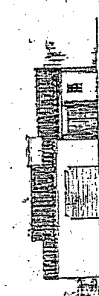
RECONSTRUCTED RECITAL HALL
EAST ELEVATION

TO BE UPDATED TO
REFLECT REVISED
FOOTPRINTS OF
ADJOINED BUILDINGS



SECTION 'A'

STORAGE BLDG.



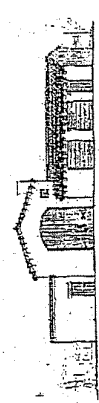
NORTH ELEVATION

STORAGE BLDG.



SOUTH ELEVATION

MAINTENANCE/ STORAGE BLDG.



NORTH ELEVATION

MAINTENANCE/ STORAGE BLDG.



SOUTH ELEVATION

STORAGE BLDG.



EAST ELEVATION

STORAGE BLDG.



WEST ELEVATION

MAINTENANCE/ STORAGE BLDG.

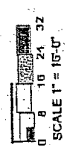


EAST ELEVATION

MAINTENANCE/ STORAGE BLDG.



WEST ELEVATION



SCALE 1" = 15'-0"

SHEET 7 OF 8
PARSA# 9405309 DATE: WEDNESDAY, MAY 19TH, 2004

COPYRIGHT © 2004

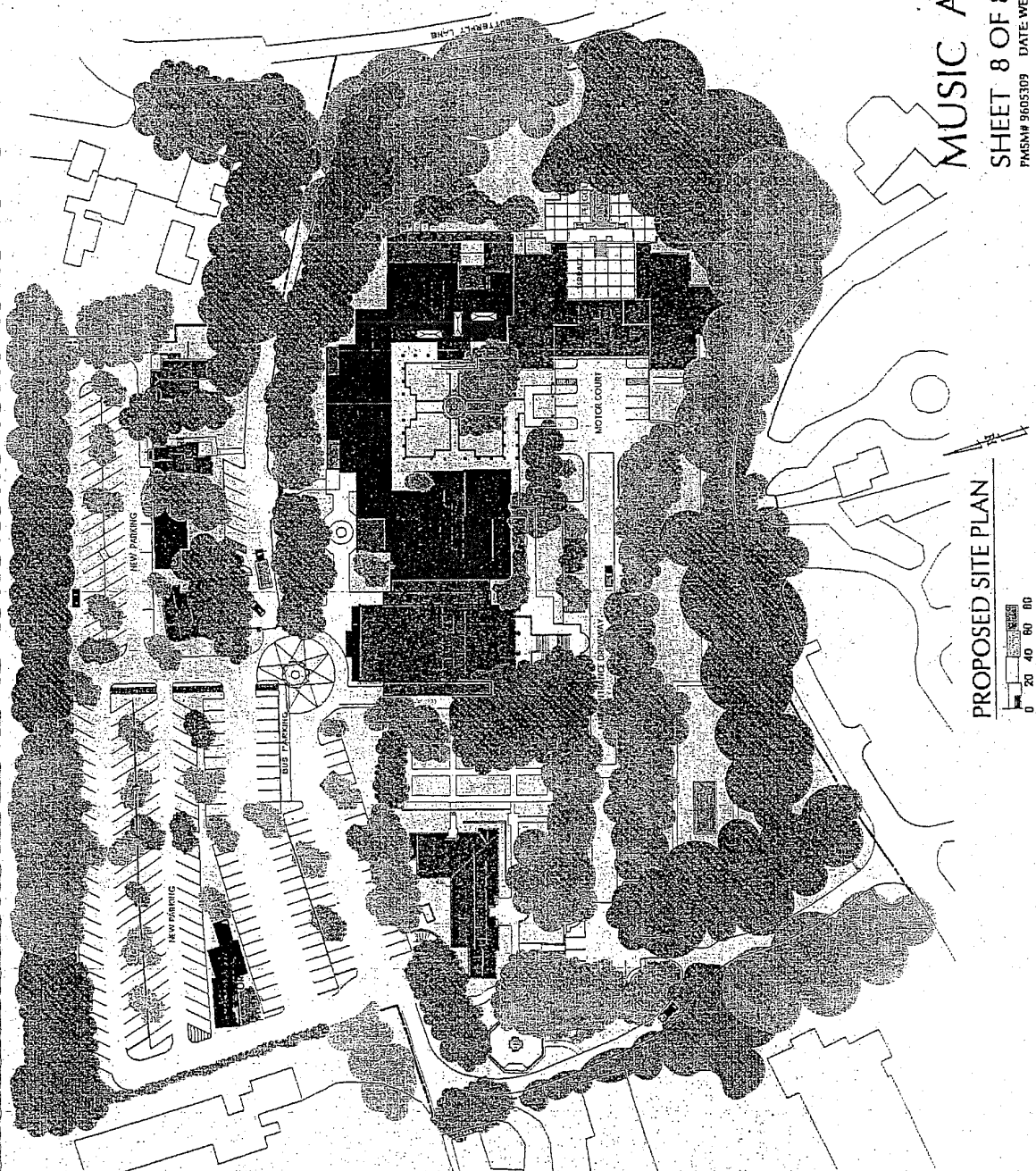
MUSIC ACADEMY OF THE WEST

000124

Board Ex "G" 10-26-04

PHILLIPS
METSCH
SWEENEY
MOORE
ARCHITECTS

3000 ALABAMA AVENUE, SUITE 200
HOUSTON, TEXAS 77002
TEL: 713.865.1100 FAX: 713.865.1101

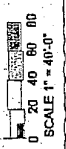


MUSIC ACADEMY OF THE WEST

SHEET 8 OF 8

PMSM# 9605309 DATE WEDNESDAY, MAY 19TH, 2004 COPYRIGHT © 2004

PROPOSED SITE PLAN



000125

Board Ex.'H" 10-26-04

000126

EARTHWORK SUMMARY

PHASE	CUT (C.Y.)	FILL (C.Y.)	NET (C.Y.)
1A. NEW PARKING LOT GRADING	2,031	8,019	7018 FILL
TOTAL PHASE 1A			
1B. MAIN ENTRANCE DRIVEWAY	626	246	
MOTOR COURT			
TOTAL PHASE 1B			300 CUT
2. NEW STUDENT SERVICES BLDG	7,950	1,100	
TOTAL PHASE 2			6,850 CUT
3. NEW PRACTICE/STUDIO BLDG	300	230	
TOTAL PHASE 3			70 CUT
4. ADVANCE HALL ADDITIONS	162	45	
TOTAL PHASE 4			137 CUT
TOTAL	11,069	10,670	419 CUT

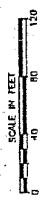
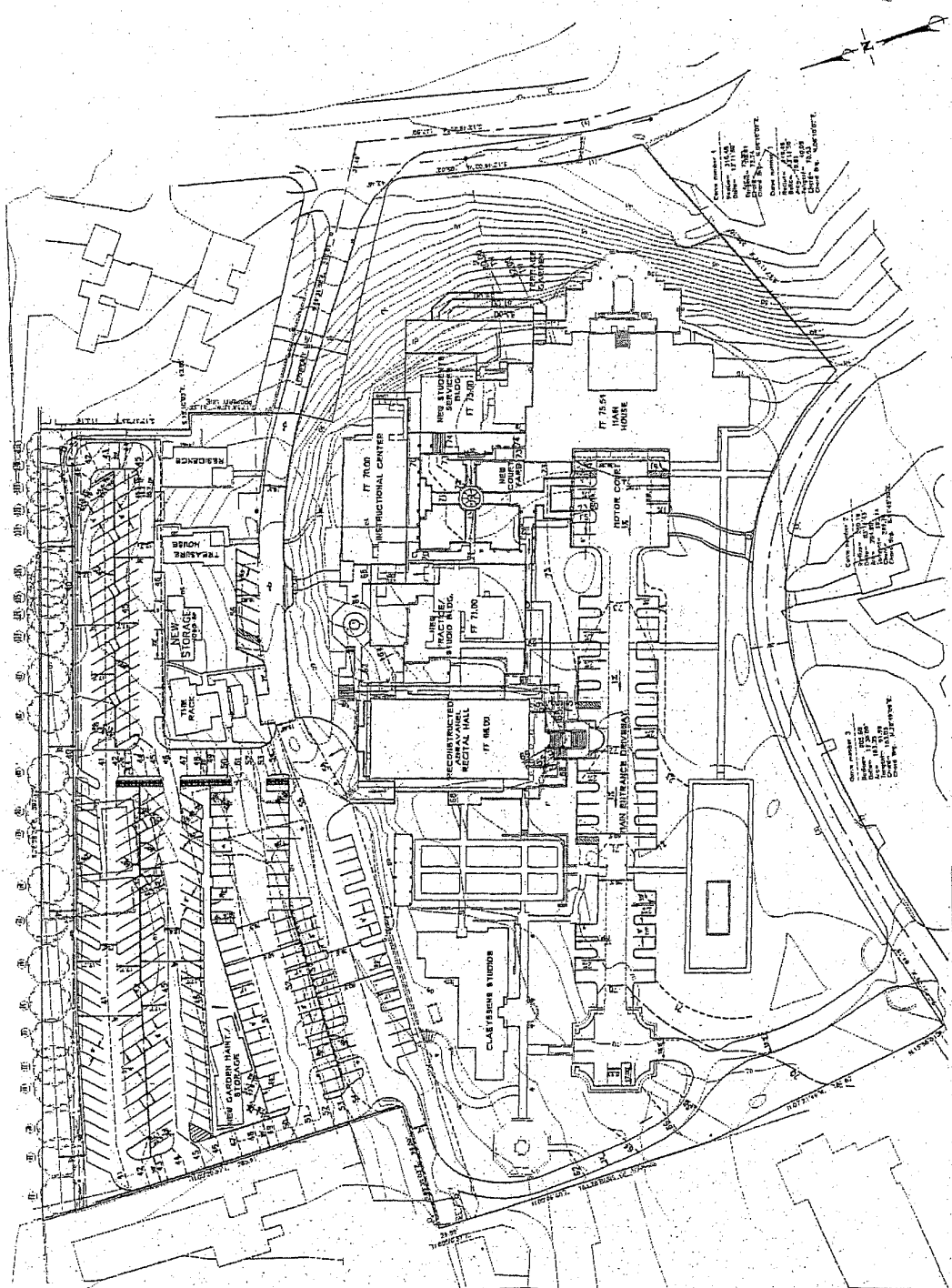
THE ABOVE QUANTITIES ARE APPROXIMATE IN PLACE VOLUMES CALCULATED FROM THE EXISTING GRADE TO THE PROPOSED FINISH GRADE BY SURFACE. EXISTING GRADE IS SHOWN BY DASHED LINES AND FINISH GRADE IS SHOWN BY SOLID LINES. EXISTING GRADE TO BE CONSTRUCTED. PROPOSED SURFACE ELEVATION IS SHOWN AS THE DESIGN ELEVATION OF GRADE TO BE CONSTRUCTED. SURFACE FINISH IS TO BE CONSTRUCTED TO MATCH THE DESIGN SURFACE.

THE ABOVE QUANTITIES ARE FOR BUILDING FOOTPRINTS ONLY AND HAVE NOT BEEN FACTORED TO INCLUDE A ALLOWANCES FOR BANKS, CLEARING AND GRADING, UTILITY AND STRUCTURE SHEDS AND CONSTRUCTION METHODS.

THE CONTRACTOR SHALL FURNISH AN ESTIMATE FOR THE PURCHASE OF MATERIALS AND LABOR FOR THE CONSTRUCTION OF THE PROJECT. THIS INCLUDES THE COST OF EXCESS EARTH MATERIALS, EXPORT AND IMPORT OF EXCESS EARTH MATERIALS.

PROPOSED PARKING:

MAIN DRIVE	290
NEW LOT	91
OTHER NEW	17
STACKED PARKING	5
TOTAL PROVIDED	200
EXISTING	214
INCREASE OF (290 - 214)	76



penitola & stalin
 ARCHITECTS
 1000 17TH ST, SUITE 1000
 BERKELEY, CA 94710
 TEL: 415.841.1111 FAX: 415.841.1112
 WWW.PENITOLA.COM

GRADING PLAN
 MUSIC ACADEMY OF THE WEST
 1000 17TH ST, SUITE 1000
 BERKELEY, CA 94710

DATE: 10-26-04
SCALE: 1" = 40'

REVISIONS:

NO.	DATE	DESCRIPTION

ATTENTION: THIS DOCUMENT IS PROVIDED AS A COURTESY AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PENITOLA & STALIN ARCHITECTS. THIS DOCUMENT IS THE PROPERTY OF PENITOLA & STALIN ARCHITECTS AND IS TO BE KEPT IN CONFIDENCE. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF PENITOLA & STALIN ARCHITECTS IS STRICTLY PROHIBITED.

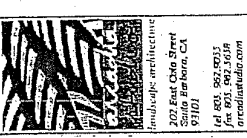
REFERENCES: 13486-CP-5-B-10106
 DOWNSIDE INC
 PROJECT FILE
 1000 17TH ST, SUITE 1000
 BERKELEY, CA 94710

DATE: 10-26-04

CITY OR COUNTY: BERKELEY, CA
APPROVED BY: [Signature]
DATE: 10/26/04

WORK SHEET: 13486-CP-5
SHEET: 1 OF 1
S.S. COUNTY FILE:

Board Ex "I" 10-26-04



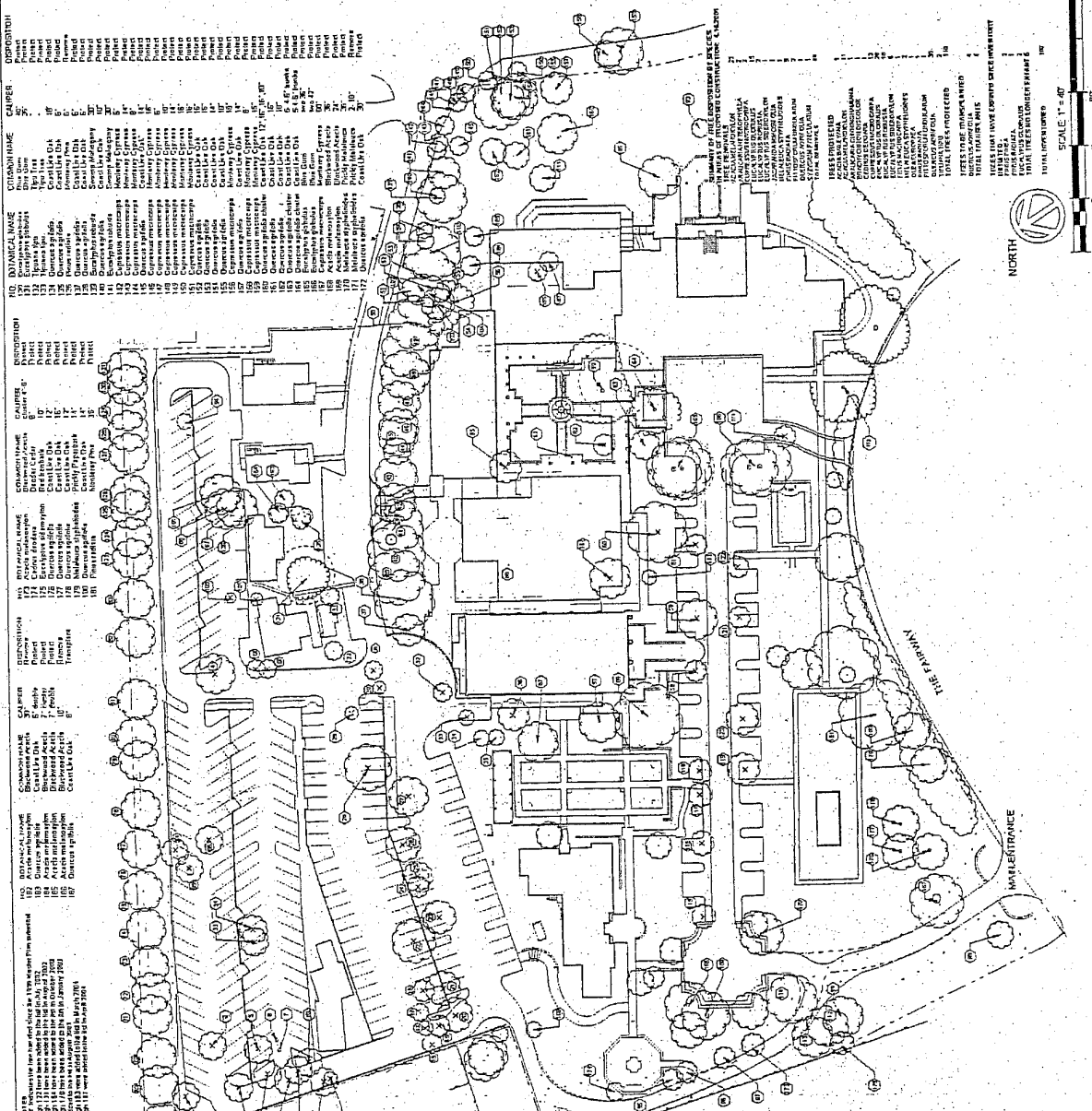
303 East Olive Street
 San Jose, CA 95101
 Tel 408.992.9035
 Fax 408.992.9039
 arbor@arboreal.com

MUSIC ACADEMY
 OF THE WEST
 MONTECITO, CA

EXISTING TREE DISPOSITION PLAN

DATE	BY	SCALE
08/11/11	AR	1" = 40'
08/11/11	AR	1" = 40'
08/11/11	AR	1" = 40'

NO.	SYMBOL	COMMON NAME	DISPOSITION	CAIRER	DATE
1	101	Blue Gum	Remove	3/1	11/11
2	102	Blue Gum	Remove	3/1	11/11
3	103	Blue Gum	Remove	3/1	11/11
4	104	Blue Gum	Remove	3/1	11/11
5	105	Blue Gum	Remove	3/1	11/11
6	106	Blue Gum	Remove	3/1	11/11
7	107	Blue Gum	Remove	3/1	11/11
8	108	Blue Gum	Remove	3/1	11/11
9	109	Blue Gum	Remove	3/1	11/11
10	110	Blue Gum	Remove	3/1	11/11
11	111	Blue Gum	Remove	3/1	11/11
12	112	Blue Gum	Remove	3/1	11/11
13	113	Blue Gum	Remove	3/1	11/11
14	114	Blue Gum	Remove	3/1	11/11
15	115	Blue Gum	Remove	3/1	11/11
16	116	Blue Gum	Remove	3/1	11/11
17	117	Blue Gum	Remove	3/1	11/11
18	118	Blue Gum	Remove	3/1	11/11
19	119	Blue Gum	Remove	3/1	11/11
20	120	Blue Gum	Remove	3/1	11/11
21	121	Blue Gum	Remove	3/1	11/11
22	122	Blue Gum	Remove	3/1	11/11
23	123	Blue Gum	Remove	3/1	11/11
24	124	Blue Gum	Remove	3/1	11/11
25	125	Blue Gum	Remove	3/1	11/11
26	126	Blue Gum	Remove	3/1	11/11
27	127	Blue Gum	Remove	3/1	11/11
28	128	Blue Gum	Remove	3/1	11/11
29	129	Blue Gum	Remove	3/1	11/11
30	130	Blue Gum	Remove	3/1	11/11
31	131	Blue Gum	Remove	3/1	11/11
32	132	Blue Gum	Remove	3/1	11/11
33	133	Blue Gum	Remove	3/1	11/11
34	134	Blue Gum	Remove	3/1	11/11
35	135	Blue Gum	Remove	3/1	11/11
36	136	Blue Gum	Remove	3/1	11/11
37	137	Blue Gum	Remove	3/1	11/11
38	138	Blue Gum	Remove	3/1	11/11
39	139	Blue Gum	Remove	3/1	11/11
40	140	Blue Gum	Remove	3/1	11/11
41	141	Blue Gum	Remove	3/1	11/11
42	142	Blue Gum	Remove	3/1	11/11
43	143	Blue Gum	Remove	3/1	11/11
44	144	Blue Gum	Remove	3/1	11/11
45	145	Blue Gum	Remove	3/1	11/11
46	146	Blue Gum	Remove	3/1	11/11
47	147	Blue Gum	Remove	3/1	11/11
48	148	Blue Gum	Remove	3/1	11/11
49	149	Blue Gum	Remove	3/1	11/11
50	150	Blue Gum	Remove	3/1	11/11
51	151	Blue Gum	Remove	3/1	11/11
52	152	Blue Gum	Remove	3/1	11/11
53	153	Blue Gum	Remove	3/1	11/11
54	154	Blue Gum	Remove	3/1	11/11
55	155	Blue Gum	Remove	3/1	11/11
56	156	Blue Gum	Remove	3/1	11/11
57	157	Blue Gum	Remove	3/1	11/11
58	158	Blue Gum	Remove	3/1	11/11
59	159	Blue Gum	Remove	3/1	11/11
60	160	Blue Gum	Remove	3/1	11/11
61	161	Blue Gum	Remove	3/1	11/11
62	162	Blue Gum	Remove	3/1	11/11
63	163	Blue Gum	Remove	3/1	11/11
64	164	Blue Gum	Remove	3/1	11/11
65	165	Blue Gum	Remove	3/1	11/11
66	166	Blue Gum	Remove	3/1	11/11
67	167	Blue Gum	Remove	3/1	11/11
68	168	Blue Gum	Remove	3/1	11/11
69	169	Blue Gum	Remove	3/1	11/11
70	170	Blue Gum	Remove	3/1	11/11
71	171	Blue Gum	Remove	3/1	11/11
72	172	Blue Gum	Remove	3/1	11/11
73	173	Blue Gum	Remove	3/1	11/11
74	174	Blue Gum	Remove	3/1	11/11
75	175	Blue Gum	Remove	3/1	11/11
76	176	Blue Gum	Remove	3/1	11/11
77	177	Blue Gum	Remove	3/1	11/11
78	178	Blue Gum	Remove	3/1	11/11
79	179	Blue Gum	Remove	3/1	11/11
80	180	Blue Gum	Remove	3/1	11/11
81	181	Blue Gum	Remove	3/1	11/11
82	182	Blue Gum	Remove	3/1	11/11
83	183	Blue Gum	Remove	3/1	11/11
84	184	Blue Gum	Remove	3/1	11/11
85	185	Blue Gum	Remove	3/1	11/11
86	186	Blue Gum	Remove	3/1	11/11
87	187	Blue Gum	Remove	3/1	11/11
88	188	Blue Gum	Remove	3/1	11/11
89	189	Blue Gum	Remove	3/1	11/11
90	190	Blue Gum	Remove	3/1	11/11
91	191	Blue Gum	Remove	3/1	11/11
92	192	Blue Gum	Remove	3/1	11/11
93	193	Blue Gum	Remove	3/1	11/11
94	194	Blue Gum	Remove	3/1	11/11
95	195	Blue Gum	Remove	3/1	11/11
96	196	Blue Gum	Remove	3/1	11/11
97	197	Blue Gum	Remove	3/1	11/11
98	198	Blue Gum	Remove	3/1	11/11
99	199	Blue Gum	Remove	3/1	11/11
100	200	Blue Gum	Remove	3/1	11/11



EXPLANING NOTES

1. All trees shown on this plan are to be preserved unless otherwise noted.

2. Trees to be removed are indicated by a red 'X' over the tree symbol.

3. Trees to be preserved are indicated by a green checkmark over the tree symbol.

4. Trees to be preserved are indicated by a green circle over the tree symbol.

5. Trees to be preserved are indicated by a green square over the tree symbol.

6. Trees to be preserved are indicated by a green triangle over the tree symbol.

7. Trees to be preserved are indicated by a green diamond over the tree symbol.

8. Trees to be preserved are indicated by a green pentagon over the tree symbol.

9. Trees to be preserved are indicated by a green hexagon over the tree symbol.

10. Trees to be preserved are indicated by a green heptagon over the tree symbol.

11. Trees to be preserved are indicated by a green octagon over the tree symbol.

12. Trees to be preserved are indicated by a green nonagon over the tree symbol.

13. Trees to be preserved are indicated by a green decagon over the tree symbol.

14. Trees to be preserved are indicated by a green hendecagon over the tree symbol.

15. Trees to be preserved are indicated by a green dodecagon over the tree symbol.

16. Trees to be preserved are indicated by a green triskaidecagon over the tree symbol.

17. Trees to be preserved are indicated by a green tetradecagon over the tree symbol.

18. Trees to be preserved are indicated by a green pentadecagon over the tree symbol.

19. Trees to be preserved are indicated by a green hexadecagon over the tree symbol.

20. Trees to be preserved are indicated by a green heptadecagon over the tree symbol.

21. Trees to be preserved are indicated by a green octadecagon over the tree symbol.

22. Trees to be preserved are indicated by a green enneadecagon over the tree symbol.

23. Trees to be preserved are indicated by a green icosagon over the tree symbol.

24. Trees to be preserved are indicated by a green hexasdecagon over the tree symbol.

25. Trees to be preserved are indicated by a green heptasdecagon over the tree symbol.

26. Trees to be preserved are indicated by a green octasdecagon over the tree symbol.

27. Trees to be preserved are indicated by a green enneasdecagon over the tree symbol.

28. Trees to be preserved are indicated by a green triacontagon over the tree symbol.

29. Trees to be preserved are indicated by a green tetracontagon over the tree symbol.

30. Trees to be preserved are indicated by a green pentacontagon over the tree symbol.

31. Trees to be preserved are indicated by a green hexacontagon over the tree symbol.

32. Trees to be preserved are indicated by a green heptacontagon over the tree symbol.

33. Trees to be preserved are indicated by a green octacontagon over the tree symbol.

34. Trees to be preserved are indicated by a green nonacontagon over the tree symbol.

35. Trees to be preserved are indicated by a green hectacontagon over the tree symbol.

36. Trees to be preserved are indicated by a green kilocontagon over the tree symbol.

37. Trees to be preserved are indicated by a green myriacontagon over the tree symbol.

38. Trees to be preserved are indicated by a green myriacentagon over the tree symbol.

39. Trees to be preserved are indicated by a green myriakontagon over the tree symbol.

40. Trees to be preserved are indicated by a green myriakontacontagon over the tree symbol.

41. Trees to be preserved are indicated by a green myriakontacontagon over the tree symbol.

42. Trees to be preserved are indicated by a green myriakontacontagon over the tree symbol.

43. Trees to be preserved are indicated by a green myriakontacontagon over the tree symbol.

44. Trees to be preserved are indicated by a green myriakontacontagon over the tree symbol.

45. Trees to be preserved are indicated by a green myriakontacontagon over the tree symbol.

46. Trees to be preserved are indicated by a green myriakontacontagon over the tree symbol.

47. Trees to be preserved are indicated by a green myriakontacontagon over the tree symbol.

48. Trees to be preserved are indicated by a green myriakontacontagon over the tree symbol.

49. Trees to be preserved are indicated by a green myriakontacontagon over the tree symbol.

50. Trees to be preserved are indicated by a green myriakontacontagon over the tree symbol.

Board Ex "J"
 10-21-04

000127


Natasha

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number: 10/14/04
Prepared on: 10/14/04
Department Name: Planning & Development
Department No.: 053
Agenda Date: 10/26/04
Placement: Administrative
Estimate Time: N/A (5 min. staff presentation; 15 minute hearing)
Continued Item: NO
Document FileName: F:\GROUP\PERMITTING\CASE FILES\CP\1990S\1990 CASES\90CP111\90CP-111RV01\BOS APPEAL\BOS DEPT HRG.DOC

TO: Board of Supervisors
FROM: Val Alexeeff, Director 
STAFF CONTACT: Anne Almy, Supervising Planner (568-2053)
Natasha Campbell, Planner (962-0030)
SUBJECT: Consider 04APL-00000-00019, the Goldstein (represented by Jana Zimmer) Appeal of Montecito Planning Commission approval of 90-CP-111 RV01, the Music Academy of the West Revised Conditional Use Permit¹, Montecito Area, APNs 9-282-029, 030, First Supervisorial District

Recommendation:

In response to a facilitated resolution of this appeal, staff recommends that the Board of Supervisors grant *de novo* approval to 90-CP-111 RV01 including revisions to the language of specific CUP conditions of approval (included as Attachment 3 to this Board letter) as follows:

1. Adopt the required findings for the project consistent with the MPC's action on June 16, 2004, as revised to reflect:
 - a) the amended condition language (in Attachment 3 to this Board letter);
 - b) the change in the final County decision-maker (Board of Supervisors rather than the Montecito Planning Commission); and
 - c) the final action date (October 26, 2004 rather than June 16, 2004);
2. Certify the Final Environmental Impact Report, 03-EIR-06 as updated by the EIR Revision Letter dated April 20, 2004 and CEQA Revision Letter dated June 7, 2004 included as Attachment B of staff memorandum dated June 7, 2004 and staff memorandum dated June 14, 2004, and adopt the mitigation monitoring program contained in the conditions of approval, as revised at the hearing of October 26, 2004;

¹ The revised CUP is also referred to in comments as the MAW "Master Plan" or "Renaissance Plan."

000130

3. Grant the requested modifications to the height limitation (for existing Abravanel Hall) and side yard setback (paving only) for the 1-E-1 zone district pursuant to Article II §35-172.12, specified in Attachment C of staff memorandum dated June 7, 2004;
4. Grant the requested modification to the number of required parking spaces required pursuant to Article II §35-109, Parking Regulations, specified in Attachment C of staff memorandum dated June 7, 2004 and staff memorandum dated June 14, 2004, and in the parking analyses in 03-EIR-06, the 4/20/04 EIR revision letter, and the 6/7/04 CEQA revision letter, as revised at the hearing of June 16, 2004; and
5. Approve Major Conditional Use Permit, 90-CP-111 RV01, subject to the conditions included as Attachment 3 of this Board letter dated October 26, 2004.

In the event that the Board of Supervisors concurs with this recommendation, the appellant has agreed that no further action would be taken with regard to the filed appeal.

Executive Summary and Discussion:

The project involves the request of Suzanne Elledge, agent for the Music Academy of the West, for a Revised Conditional Use Permit allowing the implementation of a Master Plan for the site including physical expansion of existing facilities and operational changes. These changes would include a net increase in structural development of approximately 50,630 square feet and associated grading and tree removal to accommodate the structural development and 285 total surface parking spaces, attendance limitations and modification of zone district requirements to the required number of parking spaces, side yard setback for paving, and maximum height limit under the provisions of Article II, Zoned 1-E-1; and to certify the Environmental Impact Report, 03-EIR-06, as revised pursuant to the CEQA revision letters and Findings by the Montecito Planning Commission at their June 16, 2004 public hearing. The application involves AP Nos. 009-282-029, and -030, located south of Highway 101 between the Montecito Sanitary District Facilities and Butterfly Lane, at 1070 Fairway Road (also known as The Fairway), Montecito area, First Supervisorial District.

The Montecito Planning Commission held four public hearings (12/11/03, 4/21/04, 5/19/04, and 6/16/04) and considered staff and applicant presentations and substantial public testimony during their review of the Music Academy of the West's request for a Revised CUP. On June 16, 2004, the Montecito Planning Commission approved the Music Academy's request for a Revised Conditional Use Permit (90-CP-111 RV01), including approval of both physical and operational changes spelled out in the Conditional Use Permit conditions of approval.

The Montecito Planning Commission's approval was then appealed to the Board of Supervisors by Jana Zimmer, representing Lew and Carolyn Goldstein. County Counsel's office held a facilitation meeting with the project applicant, the appellants and P&D staff in September. Following this meeting the applicant and the appellants successfully continued negotiations to resolve the issues identified in the appeal.

The revisions to the MPC's conditions of approval have been negotiated and agreed upon by the project applicant (Music Academy of the West, represented by agent Suzanne Elledge and attorney Peter Brown) and the appellants (Lew and Carolyn Goldstein represented by attorney Jana Zimmer) as indicated in their respective letters (Attachments 1 and 2 to this Board letter). The proposed changes to condition language are

000131

minor in nature and do not substantively alter or diminish the effects of the project conditions, nor do they change the conclusions of the environmental review. The modified language of the affected conditions essentially provides a further level of surety to the appellants that the intent of the MPC approved project conditions will be implemented as intended to address their identified concerns in the filed appeal. In addition, an advisory in the conditions has been changed to reflect that it is the Board, not the Commission, making the advisory.

In the event that the Board of Supervisors concurs with this recommendation, the appellant has agreed that no further action would be taken with regard to the filed appeal.

Mandates and Service Levels:

No changes in programs or service levels are anticipated.

Fiscal and Facilities Impacts:

There is no charge for an appeal of a Planning Commission decision (i.e., a conditional use permit) in the Coastal Zone. Staff time and ancillary costs for processing this appeal are funded by the County general fund.

Special Instructions:

Clerk of the Board shall complete noticing for the project in the Santa Barbara News-Press and the Montecito Journal and shall complete the mailed notice of the project at least ten days prior to the hearing (mailing labels attached).

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

Planning and Development will prepare all final action letters and notify all interested parties of the Board of Supervisors' final action.

Concurrence: N/A

Attachments:

1. Letter from Peter Brown representing the applicant, Music Academy of the West
2. Letter from Jana Zimmer representing appellants, Lew and Carolyn Goldstein
3. Proposed Revised CUP Conditions of Approval, including the Mitigation Monitoring Plan
4. Findings of Approval
5. Project Plans (reductions of MPC stamped plans A-L, referenced in condition of approval #1)

000133

ATTACHMENT 1

Letter from Peter Brown dated October 13, 2004

21 East Carrillo Street
Santa Barbara, CA 93101
Telephone: (805) 963-7000
Fax: (805) 564-6530



Peter N. Brown

Direct Dial: (805) 882-1401
PBrown@HatchParent.com

October 13, 2004

HAND DELIVERED

The Honorable Board of Supervisors
County of Santa Barbara
105 East Anapamu Street, 4th Floor
Santa Barbara, CA 93101

**RE: MUSIC ACADEMY OF THE WEST
90-CP-111RV01**

RECEIVED
OCT 13 2004
SANTA BARBARA COUNTY
CLERK

Dear Members of the Board:

Our office represents the Music Academy of the West. The above-referenced permit was approved by the Montecito Planning Commission on June 16, 2004. This decision was appealed on June 25, 2004 by Lewis and Carolyn Thompson Goldstein, owners of property at 87 Butterfly Lane, Montecito.

The parties have had a number of discussions and have participated in a productive facilitation meeting chaired by Mr. Seltzer on August 20, 2004. Based on these discussions, the Music Academy requests that the Board of Supervisors accept the following amendments to the Conditions of Approval for the approved permit (changes to the Conditions are indicated by underlining). Under separate cover, the Goldsteins through their attorney, Ms. Zimmer, have requested withdrawal of their appeal upon the Board's acceptance of the modified Conditions of Approval.

Item No. 3:

- **Condition No. 14(B)(r)** is amended to read as follows:

"A P&D approved arborist shall be onsite throughout all grading and construction activities which may impact trees proposed for protection that are located near the northern property line, near the new secondary access road, north of the new instructional and practice studio buildings, east of the student services building and in other locations where protected trees would be located within 25 feet of the edge of heavy equipment. With regard to field changes affecting trees north of the instructional building and east of the student services building, the arborist shall provide recommendations on all such field changes, which recommendations will be adhered to by the Building Inspector. The arborist shall notify the owners of 87 Butterfly Lane to report his recommendations once he has made the same.

The Arborist shall also provide a copy of the Building Inspector's determination regarding field changes to said owners."

- **Condition No. 6(A)** is amended to read as follows:

"The plans shall include existing mature trees, perimeter shrubs and historic gardens that are proposed to remain as well as new plantings identified in the landscape plan. The Music Academy shall include in its landscape plan the installation and maintenance of irrigation for the hedge along the northerly boundary of the Music Academy property which abuts 87 Butterfly Lane, which installation shall occur concurrently with the planting and irrigation of trees along the northerly perimeter of the site abutting 87 Butterfly Lane pursuant to Condition No. 14. Normal maintenance activities are expected, however, tree maintenance trimming should not exceed that explicitly recommended for tree health by the arborist and vegetation modification for fire fuel management purposes should not exceed that explicitly required by the MFPD¹⁰, as these activities also reduce vegetative screening of the site. This should be noted on the landscape plan as well as in contracts for any landscape maintenance, tree service work, or related work on-site."

Item No. 4:

- **Condition No. 55** is amended to read as follows:

"All use of amplified sound on-site in indoor locations shall occur with closed windows during periods when amplification is being used. The Music Academy shall provide a telephone number for members of the public to use to communicate with the Academy should amplified sound be audible outside the Music Academy property boundaries. Amplified sound in outdoor locations shall be limited to the following:

- a) Location: the "cloistered outdoor courtyard".
- b) Frequency: Two times per year.
- c) Duration: No more than 2 hours per event.
- d) Level: Shall not be audible outside MAW property boundaries.
- e) Time of Day: Beginning no earlier than 9:00 a.m. and ending no later than 9:00 p.m.
- f) Limited to the spoken voice."

The Honorable Board of Supervisors

October 13, 2004

Page 3

Item No. 5:

- **Condition No. 42** is amended to read as follows:

"The instructional building shall incorporate the following:

- a) Window treatment on the north side of the instructional building shall be determined by the MBAR to ensure privacy of neighbors. Window treatment shall be designed so that it is not possible to see from the building into the yard area of the property at 87 Butterfly Lane, which design the Music Academy shall present to MBAR with a request for approval. County shall mail notice to owners of 87 Butterfly Lane ten (10) calendar days prior to the MBAR hearing.
- b) The balconies on the north side of the instructional building shall be ornamental only."

- **Condition No. 43** is amended to read as follows:

- "a) Window treatments on the east side of the student services building shall be determined by the MBAR to ensure privacy of neighbors. Window treatment shall be designed so that it is not possible to see from the building into the yard area at the property at 87 Butterfly Lane, which design the Music Academy shall present to MBAR with a request for approval. County shall mail notice to owners of 87 Butterfly Lane ten (10) calendar days prior to the MBAR hearing.
- b) The rooftop area of the student services building (especially the lower rooftop on the east side of the structure) shall not be accessible, other than to maintenance personnel for landscape or building maintenance purposes."

Item No. 6:

- **Condition No. 1** (page 9) is amended to add the following paragraph just above Non-Summer Season:

"The Music Academy shall not seek an upward revision of the maximum attendance caps for a period of at least ten (10) years from the date of occupancy of the student services, instructional, or practice studio buildings."

- **Condition No. 51** is amended to read as follows:

"During the non-summer, musicians/other performers shall not be counted toward the attendance maximums if they are actually performing at a concert or other event. However, if the activity involved is really instruction or rehearsal with

The Honorable Board of Supervisors

October 13, 2004

Page 4

members of the public or students (i.e., not faculty or staff) observing, the performer and audience shall be counted toward the attendance maximums. The intent of this condition is to ensure compliance with the attendance caps and to not allow extension of the summer music program, with an unlimited number of students, in the non-summer, consistent with the Music Academy's letter to Natasha Heifetz-Campbell dated June 10, 2004."

- **Condition No. 1** (page 10) is amended to add a new paragraph immediately above "Summer Instructional Program":

"The Music Academy shall provide a copy of its Summer School and Festival program to the owners of 87 Butterfly Lane upon their request, as well as notification of all special events exceeding 250 participants."

- **Condition No. 30(e)(vi)** is amended to read as follows:

"Any other measure determined to be appropriate, including the modification of permitted attendance levels. The MPC shall determine the need for and type of modifications to the program at their compliance hearing(s)."

As part of its action in this matter, we ask that your Board affirm the findings made by the Montecito Planning Commission in its June 2004 approval of 90-CP-111RV01. Thank you for your consideration of this matter.

Very truly yours,



Peter N. Brown

For HATCH & PARENT, A Law Corporation

PNB:imd

Cc: Music Academy of the West
Ms. Suzanne Elledge
Ms. Natasha Heifetz-Campbell
Alan Seltzer, Esq., SB County Counsel
Ms. Jana Zimmer, Attorney at Law

000139

ATTACHMENT 2

Letter from Jana Zimmer dated October 13, 2004

000140



ZIMMER & MARCUS, LLP

JANA ZIMMER
ANDREA M. MARCUS
RICHARD C. SOLOMON *Of Counsel*

2640 LAS ENCINAS LANE
SANTA BARBARA, CA 93105
PHONE: (805) 563-1591
FAX: (805) 687-4156
janazimmer@cox.net
andreamarcuslaw@cox.net
rsolomon2@cox.net

October 13, 2004

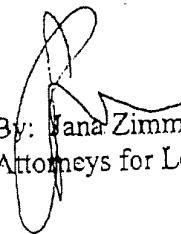
Board of Supervisors
County of Santa Barbara
105 E. Anapamu St.
Santa Barbara, CA. 93101

Re: **Music Academy of the West**
90-CP-111RV01

Dear Chair Centeno and Honorable Members of the Board:

Our office represents Lewis Goldstein and Carolyn Thompson Goldstein, appellants in this matter. Pursuant to a settlement agreement between the Music Academy and our clients, by letter dated October 13, 2004, the Music Academy of the West has asked the Board of Supervisors to accept certain amendments to the Conditions of Approval for 90-CP-111RV01. The Goldsteins have agreed that, upon the Board of Supervisors' acceptance and incorporation of the revised Conditions into the conditional use permit, they waive any right to challenge the County's approval of said permit, as revised, either by appeal to the California Coastal Commission or by Petition for Writ of Mandate.

ZIMMER & MARCUS


By: Jana Zimmer
Attorneys for Lewis Goldstein and Carolyn Thompson Goldstein

Cc: Peter N. Brown, Esq., Hatch & Parent
Ms. Natasha Heifetz-Campbell
Alan Seltzer, Esq., SB County Counsel's Office

000141

000142

ATTACHMENT 3

Conditions of Approval

ATTACHMENT 3

Date: ~~June 16~~ October 26, 2004

PRELIMINARY DRAFT
SANTA BARBARA COUNTY CONDITIONAL USE PERMIT
ARTICLE III, CHAPTER 35
CASE NO. 90-CP-111 RV01

I. A Conditional Use Permit is Hereby Granted:

TO: The Music Academy of the West

APN: 9-282-029, -030

PROJECT ADDRESS: 1070 Fairway Rd

ZONE: 1-E-1

AREA: Montecito

SUPERVISORIAL DISTRICT: First

FOR: Music Conservatory

Advisory statement from the ~~Montecito Planning Commission~~ Board of Supervisors with regard to neighborhood compatibility and its intent in approving 90-CP-111 RV01: In granting this permit, the ~~Montecito Planning Commission~~ Board of Supervisors advises future decision-makers that based on the evidence in the record at this time, the operation and site development at the Music Academy have reached a maximum level able to be found consistent with the health, welfare, safety, and convenience of the neighborhood and the ~~Montecito Planning Commission~~ Board of Supervisors recommends that no further increase in use, density, or development be allowed.

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

1. This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-L, with Planning Commission hearing stamp date of June 16, 2004 (plans dated May 2004 except plan PL-2 dated 1/30/04), and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The Music Academy of the West (MAW) Revised CUP, 90-CP-111 RV01, (also referred to as the MAW "Master Plan" or "Renaissance Plan") includes both physical and operational components. A summary of these components is listed immediately below, with specific details described later in this section. This CUP (90-CP-111 RV) represents a revision to the previous Music Academy of the West CUP (90-CP-111cz) and supersedes the prior CUP.

Summary of Physical Changes:

- Remove 61 mature trees and plant a minimum of 203 replacement trees; four (4) oak trees are proposed to be (removed and) transplanted;
- Modify existing landscape components including the entrance allee, garden pathways and courtyards;
- Earthwork necessary to accommodate new structures, circulation and parking. Earthwork would involve 11,089 cubic yards cut, 64910,670 cubic yards fill. Approximately 419 cubic yards of excess fill would need to be exported off of the site;
- Construct a secondary (emergency only) access from Fairway to the motor court in front of Miraflores;
- Widen, regrade and otherwise modify internal access roads and parking areas¹;
- Alter campus-wide development with a net increase of 50,630 square feet of structural development and a net increase in overall building footprints of 15,900 square feet;
- Provide 290 surface parking spaces;
- Add 2,790 SF through reconstruction of Abravanel Hall (the primary recital hall). Abravanel Hall will have a total of 300 fixed seats plus 50 temporary seats in the summer season only. No more than 300 of the total 350 seats shall be sold to/used by the public (defined as anyone not a student, faculty or staff);
- Demolish Harger Studio and storage building north of Harger Studio and Wood 1 as well as Wood 2 Practice Studios (including the employee apartment);
- Construct a new Instructional Building in the general location of existing Wood 2 practice studio building and not extending north of existing Wood 2;
- Construct a new Practice Studio Building including a residential unit between Abravanel Hall and the new Instructional Building in the general location of existing Wood 1;
- Construct a new Student Services Building that would link Miraflores (the historic main residence) and the new Instructional Building;
- Construct a new maintenance & storage building in the northwest corner of the site; and
- Construct a new storage building between Treasure House and The Rack.

¹No grading to occur within the easternmost section of the internal roadway, which is a paved easement not owned by the MAW.

Summary of Operational Changes:

- Relocate primary instruction for the (up to) 50 vocal and accompanying students to the on-site campus. These, along with the up to 100 instrumental students historically receiving instruction exclusively on-site, will bring total enrollment allowed to no more than 150 students. The number of vocal and instrumental students is to be determined by the MAW, but cannot exceed 150 total students;
- Students would continue to reside off-site but all (up to 150) students would receive lunch and dinner at the proposed new and improved catering kitchen and indoor dining facilities at the Music Academy. (The existing terrace on the east side of Miraflores would remain as well);
- Limit public attendance for all activities² as follows: Any- given- time (330), Daily (900), eight-week Summer Season (22,000) and 44-week Non-Summer Season (25,000) for an Annual Public Attendance Maximum of 47,000. The limitations would not apply to staff, faculty, other employees, summer music students, other performers, or people attending or performing administrative functions (e.g., volunteers);
- Activities related to a music conservatory shall be subject to the proposed attendance caps and other restrictions (conservatory uses/activities would no longer be unrestricted as under 90-CP-111cz);
- Weddings shall not be an allowed use on-site;
- Educational programs in the arts shall be subject to (and included within) the proposal for campus-wide any- given- time, daily, and non-summer season public attendance limitations;
- Meetings/seminars and non-profit benefits, *taken together*, shall total no more than 41 events annually to occur during the non-summer season only. Any given time attendance for meetings and seminars shall be limited to 175 participants and otherwise subject to the daily and non-summer attendance limits. Non-profit benefits shall be subject to the any given time, daily and non-summer season public attendance caps;
- Provide all project generated parking on-site;
- Provision of 285 parking spaces plus an additional 5 spaces using stacked parking (per the approved modification to the standard Zoning Ordinance requirement for 332 spaces for this use);;
- Allow for parking lot paving in the north end of the property within the sideyard setback from the western property line;
- Allow for modification to the Zoning Ordinance height limitation of 25 feet for the renovated Abravanel Hall (existing Hall is currently 34.8 feet, no change to height is proposed);
- The hours of operation for Treasure House and The Rack shall be Monday-Saturday, 12:00-3:00 p.m. During the non-summer period the same hours shall apply;

² The exception to this would be one, 1-day fundraiser per year, held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).

- Implement a *Cut-Through Reduction Plan (CTRP)* to discourage vehicles coming to the MAW for no reason other than to gain access to the east of the site (Butterfly Lane and beyond) using the MAW internal road as a circulation “short-cut.” The plan as proposed by the applicant would require cut-through traffic to pay a substantial fee (\$10.00 minimum) to exit the campus;
- In the short-term implement a more simple cut-through program prior to implementing the more elaborate long-term program.
- Provide summer student bus remote control access for entry at gates on Butterfly Lane and implement a cell phone system allowing large delivery truck (and other non-summer student buses) entry at Butterfly Lane (some trucks would continue to enter on Fairway).

Following is a more detailed discussion of the proposed Master Plan Revised Conditional Use Permit project description:

Landscaping

The Landscape Master Plan includes landscape enhancements throughout the property, such as new screening elements along The Fairway, and new slope planting north and east of Miraflores. The design goals of the landscape plan are to: 1) honor the historic landscape by restoring critical design elements to the allee and by using historically accurate plantings and skyline trees, 2) effectively enhance vegetation and trees along the perimeter of the site to screen MAW building improvements from the street and neighboring properties, so that the site appears substantially unchanged to the immediate neighbors (with retention of many existing trees and following establishment of new landscaping) and 3) to supplement and enhance landscaping in the southeast corner of the site, in an attempt to attract monarch butterflies back to this historic roosting area, behind the main house (Miraflores). These landscape improvements would result in landscape coverage of approximately 197,040 SF (~ 4.75 acres) of the 9 acre project site. Of this total, approximately 12,000 SF (~ .28 acres) would be lawn and non-drought tolerant landscaping with the balance, approximately 185,040 SF (~ 4.47 acres), made up of a combination of mature landscaping and trees, as well as new drought tolerant plantings.

With incorporation of project conditions, 61 trees will be removed (including two oak tree), a minimum of 203 new trees will be planted, and 4 oak trees will be transplanted elsewhere on-site. Planting of 106 new oaks (5-gallon, 15 gallon and 24-inch box) is included in the project landscape plan.

Building Revisions/Physical Changes

SITE PLAN REVISIONS						
BUILDINGS	EXISTING FOOTPRINT (SF)	PROPOSED FOOTPRINT (SF)	EXISTING FLOOR AREA (SF)	PROPOSED FLOOR AREA (SF)	NET CHANGE FOOTPRINT (SF)	NET CHANGE FLOOR AREA (SF)
CAMPUS TOTAL	34,730	49,270	44,370	95,920	+15,900	+50,630
ABRAVANEL HALL-- Additions	7,290	10,080	11,340	14,130	+2,790	+2,790
COMBINED NEW PRACTICE STUDIO BLDG/INSTRUCTIONAL CENTER, (INCLUDING ~1,900 SF RESIDENTIAL UNIT) - replaces Wood 1 and Wood 2 practice studio (and ex. apartment) bldgs	6,440	13,670	7,900	39,480	7,230	31,580
STUDENT SERVICES	N/A	3,980 *	N/A	14,530 *	+3,980*	+ 14,530*
THE RACK	1,200	Same	1,600	Same	No Change	No Change
TREASURE HOUSE	940	Same	940	Same	No Change	No Change
NEW MAINTENANCE/ STORAGE	N/A	1,610	N/A	1,470	+1,610	+1,470
RESIDENCE (near Treasure)	1,270	Same	1,270	Same	No Change	No Change
NEW STORAGE	N/A	1,080	N/A	950	+1,080	+950
MIRAFLORES (former residence)	11,250	Same	14,980	Same	No Change	No Change
CLAEYSSSENS STUDIOS	4,650	Same	4,650	Same	No Change	No Change
HARGER BRASS STUDIO & MAINTENANCE ADDITION	1,690	N/A	1,690	N/A	-1,690	-1,690

			EXISTING AREA (SF)	PROPOSED AREA (SF)	NET CHANGE FOOTPRINT (SF)	NET CHANGE AREA (SF)
LANDSCAPE	N/A	N/A	259,280	197,040		-62,240
PAVING))	N/A	N/A	80,380 SF	115,670		+35,280
			EXISTING	PROPOSED		
PARKING	N/A	N/A	214 ³ SPACES	285 SPACES (+5 w/stacked parking)		+76

Rehearsal/Recital Hall (Reconstruction of Abravanel Hall)

Abravanel Hall (the main recital hall) would be reconstructed, featuring raked, fixed seating with a maximum permanent seating capacity of 300 plus allowance for an additional 50 removable seats during the summer season only. No more than 300 of the total 350 seats shall be sold to/used by the public⁴. The hall would have improved acoustics, optimized for chamber music and would remain the indoor venue with the largest seating capacity. The MAW will continue to schedule events off-site that will be attended by more members of the public than the maximum allowed in the replacement hall.

Based on the County’s methodology for calculating building height; the existing building is 34.8 feet. Because there is a 25-foot height limitation in this zone district, pursuant to Section 35-172.12 of the Coastal Zoning ordinance, this revised CUP includes approval of a modification to allow the reconstructed hall to remain at its current height, as the proposed changes to the hall will not alter the existing exterior roof height in any way. The finished floor elevation of the lower lobby for both the existing and reconstructed recital hall will be at approximately the same elevation.

Parking

A new expanded parking area is included in the northwest corner of the property. A total of 285 parking spaces plus 5 additional spaces using stacked parking (see Civil Plan) are included, most will be located in the northwest portion of the property.

Wood Practice Studio Replacement Building (Instructional Building)

Wood 2 practice studio building will be removed and replaced with a new instructional building which will provide expanded and improved practice studio spaces for individual students and a range of ensembles, including vocal students’ preparation for opera performance. The height of the new building will be 25-feet. The new Instructional building would be lower in height (above sea level) than *Miraflores*, to which it will be linked (via the proposed student services building). (The floor plans, including specific uses and spaces specified for the new Instructional, Practice Studio and Student Services Buildings, may be rearranged within these three buildings as part of the final building plans, to reflect the physical revisions to these buildings during the MPC hearings on the project.)

³ The 214 spaces include the 31 temporary parking spaces approved in the northwest corner. Use of the temporary gravel parking area is proposed to continue until the new parking is developed.

⁴ The public is anyone who is not a student, faculty, or staff, including, but not limited to MAW donors, students’ friends and family, etc.

Student Services (Link building between the new Instructional Building and Miraflores)

Linking the proposed Wood Replacement/Instructional Building with the main house (Miraflores) is a building dedicated primarily to administrative offices supporting student services. The student services building will include a basement storage area, a catering kitchen (not an industrial or commercial type of kitchen) and a faculty and student dining area. The Music Academy will continue to have all meals catered under the proposed plan (caterers typically prepare food off-site, but some limited on-site food preparation is permitted). Catered meals will be provided to Music Academy students, faculty and staff as well as to those groups attending some of the permitted activities on-site (meetings/seminars, non-profit benefits, and MAW administrative functions such as Council dinners etc.) When these aforementioned activities are not occurring, the kitchen uses and foodstuffs will be limited to a typical office lounge (popcorn, heating or keeping cold food brought from home, etc.) The dining room will not be open to the general public and the improved MAW facilities will not serve as a restaurant or snack bar to the general public. (Caterers will be used to provide and serve food on-site. The MAW will not hire a chef or other kitchen employees to staff the kitchen/dining facilities). For specific allowances /restrictions for the kitchen/dining facilities, refer to condition of approval 40.

In joining together the Instructional Building, *Miraflores*, the Student Services Building, and the new Practice Studio Building, a new "interior" courtyard is created in the heart of the campus. Outdoor MAW gatherings could occur here in an insulated and well-screened area. (The floor plans, including specific uses and spaces specified for the new Instructional, Practice Studio and Student Services Buildings, may be rearranged within these three buildings as part of the final building plans, to reflect the physical revisions to these buildings during the MPC hearings on the project.).

New Practice Studio Building

A new, larger practice studio building is included in the area where the existing Wood 1 practice studio building is located. This structure will contain approximately 20 teaching studios, ensemble rooms and individual practice rooms. A residential unit to replace the one being removed from Wood 2 will also be located in this structure. (The floor plans, including specific uses and spaces specified for the new Instructional, Practice Studio and Student Services Buildings, may be rearranged within these three buildings as part of the final building plans, to reflect the physical revisions to these buildings during the MPC hearings on the project.).

New Storage & Maintenance Buildings

A 1,610 SF structure is proposed in the northwest portion of the site and will be used for campus maintenance and storage. The building will have a maximum height of 18.6-feet. A storage building of 1,380 with a height of 13-feet is proposed between the Rack and Treasure House at the toe of the slope on which these buildings are located.

Operational Changes

The physical changes described above are intended to improve the quality of the existing instructional, practice and performance facilities on the MAW campus and to accommodate instruction for all 150 summer students at the project site. The revised CUP maintains the same total number of students in the summer program, but will relocate primary instruction for the vocal and vocal accompanying students from Cate to the MAW campus.

1. Revise the project description condition (#1), to reflect the revised CUP approval;
2. Eliminate weddings as a permitted use onsite;
3. Allow meetings/seminars and non-profit events, taken together, to total no more than 41 events and limit these to the non-summer season. Public attendance at these events shall be subject to and included within the campus-wide attendance caps: any given time (330), daily (900) and non-summer season (25,000) limitations, with the exception that meetings/seminars shall be restricted to no more than 175 participants/event (consistent with historic levels); and
4. Upon completion of on-site parking improvements (290 spaces), project related parking demand shall be accommodated on the project site (not in overflow lots or on-street).

Attendance Limitations

In addition to Abravanel Hall, the other existing indoor venues that can accommodate group gatherings are two large rooms in *Miraflores* that will remain (Lehmann Hall and Stewart Hall) and one in the Wood studio building (Singher Studio), which will be removed with the demolition of the Wood practice studio building. Singher Studio will be replaced by two larger rooms in the proposed Instructional Building. During the summer, one of these new rooms is proposed to normally be reserved for use by the vocal students for the blocking of operas (rehearsing where to stand on the stage) and vocal instruction and orchestra practice will take place in the other room. During the non-summer period, these rooms can be used for instruction, practice, rehearsals, auditions and meetings associated with music.

The maximum allowable capacities of the proposed venues are identified in table below.

Venue	Floor Area (SF)	Maximum Allowable Seating Capacity
Abravanel Hall	14,130	350 MAX (300 fixed public seats +50 removable seats - no more than 300 seats for public use/sale)
Lehmann Hall	1,761	195
Stewart Hall	972	92
Instructional Bldg Lower Level	1,800	171
Instructional Bldg Upper Level	2,700	257
New Practice Studio Building Rooms	N/A	N/A
Master Plan Maximum Indoor Seating Capacity with Public Attendance Caps (330-Any-Given-Time Public Attendees) (with 50 removable seats in Abravanel Hall for summer use only)		330 max public attendees) (Summer & Non-Summer)

Attachment 3

MPC Final Conditions of Approval for Board of Supervisors Hearing 10/26/04

Attendance shall be limited through restrictions on the maximum number of members of the public who can be on the Academy campus. Faculty, staff, summer music program students, performers and non-staff attendees at administrative activities on-site (including volunteers) will not be counted toward the proposed maximum attendance limits. Fundraisers shall be subject to the any given time, daily and seasonal attendance caps and are not considered administrative functions. The exception to this is the one day fundraiser to be held during the non-summer period, which is not subject to any of the attendance caps.

The specific public attendance limitations proposed are as follows:

1. Any given time (330) - this will apply to either individual or conjunctive use of multiple venues on-site (indoor and outdoor).
2. Daily 900; and
3. Annual (47,000) based on the following seasonal attendance caps:
 - a) Summer (22,000)
 - b) Non-Summer (25,000) season

Table 1 Music Academy Attendance Figures ^(a)			
Music Academy Attendance			
Maximum Attendance	Existing Baseline	Proposed Project	Net Change
Any-given-time	382	330	-52 ^(b)
Daily	None	900	N/A ^(c)
Summer (8-weeks)	15,828 ^(d)	22,000	+6,172
Non-Summer (44 weeks) ^(e)	53,766	25,000	-28,766
Annual	71,447	47,000	-24,447

(a) Figures do not include faculty, staff, students, other performers or employees or people attending administrative functions.
 (b) To avoid parking and other conflicts, special administrative functions (board meetings, dinners, etc.) shall not occur concurrently with high attendance events. Therefore, administrative activities are not expected to increase occupancy of the site over and above the proposed any-one time attendance maximum. Also, special administrative functions are not be subject to the daily, seasonal and annual attendance limits either under baseline conditions or the proposed project scenarios (Fundraisers shall not count as administrative functions).
 (c) Seasonal attendance caps limit the number of days where the daily maximum could be reached.
 (d) The new summer public attendance caps will result in a 39% increase in public audience members (est. 15.5% increase in traffic) for the summer period.
 (e) When more than 95 performers and staff are present for a maximum capacity non-summer event, staff or performers above this number shall be bused to the MAW campus.

These limitations shall apply to all activities and events conducted on campus and shall apply 7 days a week. Any exceptions to these limitations are identified below.

The Music Academy shall not seek an upward revision of the maximum attendance caps for a period of at least ten (10) years from the date of occupancy of the student services, instructional, or practice studio buildings.

Non-Summer Season

The proposed non-summer attendance limit shall include participants at both conservatory activities (musical classes, rehearsals, recitals, recording and concerts, classes and meetings sponsored by the Music Academy related to education in music, meetings related to music not sponsored by the Music Academy), MAW fundraisers, and rental activities (meetings, seminars, and non-profit benefits). The rental activities/special events (seminars, meetings, non-profit benefits and educational programs in the arts⁵) shall only occur during the non-summer season.

Existing audience attendance in the non-summer season has been reduced under this permit to provide assurance to the community that the Academy does not become a commercial endeavor. Activities subject to the attendance limitations shall include all music conservatory activities associated with the Music Academy, community groups, and other members of the public (e.g., concerts, meetings related to music, rehearsals, workshops and instruction, public use of practice studios, recording sessions, etc.) and all special events/rental activities (conferences, meetings, seminars, non-profit benefits, educational programs in the arts). Special events/rental activities shall be permitted as follows:

1. Seminars/meetings and non-profit benefits, *taken together*, shall be restricted to a total of 41 events, subject to, and included within, the campus-wide attendance restrictions. The exception to this will be that the seminars and meetings will be further restricted to the historic maximum of no more than 175 participants per activity/event.
2. Educational programs in the arts are be subject to the attendance caps, with all non-summer students, faculty, and/or instructors (other than those performing at a concert) counted toward the maximum attendance limitations.
3. Weddings shall not be a permitted use⁶.

Music Academy administrative activities will remain unchanged under the new permit and are specifically not included within these attendance limits. However, the Academy shall schedule any special administrative activities⁷, such that they shall not occur at the same time as large events on-site. The intent of this is to avoid the combination of event and administrative attendance at levels that would challenge traffic circulation and on-site parking demand or that will create other logistical problems.

⁵ Educational programs in the arts are defined as “programs or classes in the performing arts that are not sponsored or directed by the Music Academy.”

⁶ The Other non-conservatory uses allowed on-site shall be limited to meetings, seminars, non-profit benefits, educational programs in the arts, MAW administrative functions, maintenance activities, fundraisers subject to attendance caps (except one day per year not subject to the caps) and the resale shops (as conditioned). Inclusion of an accessory musical component in an activity other than the above allowed uses shall not convert a non-permitted use to a permitted use simply because music has been included (e.g., rental for a reception which has musicians for entertainment).

⁷ Defined as administrative activities, such as board meetings, auxiliary member meetings, etc., which involve more people than regular staff activities.

Summer Season (8 weeks, mid-June to mid-August) Site Attendance Maximums

The attendance maximums for the summer season shall not include up to 89 staff/faculty (including all conservatory, administrative, maintenance, service and other staff), up to 150 students/performers, or attendees at administrative activities on-site such as MAW board meetings, auxiliary meetings, council dinners, etc. As with the non-summer period, Music Academy administrative activities shall remain unchanged under the new permit and shall not be included within the proposed attendance limits. However any special administrative activities⁸, involving greater numbers of people, shall not occur at the same time as large events on-site. Fundraisers, subject to the any given time, daily and seasonal attendance caps may occur during the summer. However, the one day per year fundraiser, which is not subject to the attendance caps as well as rentals, special events, and non-profit benefits shall not occur during the 8-week summer season.

Attendance at the Music Academy's Summer Festival shall be limited to a total of 22,000 persons.

The Music Academy shall provide a copy of its Summer School and Festival program to the owners of 87 Butterfly Lane upon their request, as well as notification of all special events exceeding 250 participants.

Summer Instructional Program

Reconstruction of Abravanel Recital Hall: A renovated recital hall is proposed to enhance the educational experience of the students as well as improve the facilities for MAW patrons and the public. *Off-Campus Master Classes:* The MAW will continue to schedule selected Master Classes off campus, as necessary (e.g., to accommodate a concert with more public attendance than is permitted on-site and/or in specific venues on-site).

Summer School: Instructional activities for the Summer School consist of individual and group instruction, individual and group rehearsals and practice sessions, orchestra rehearsals (no orchestra performances), and other school activities. The 150-maximum number of students in the overall summer music program shall not change under the revised CUP. However, up to 50⁹ vocal and vocal accompanying students, that have received primary instruction at Cate School, shall receive all instruction at the Music Academy upon completion of new facilities onsite. Following project implementation, all 150 students will receive both lunch and dinner (catered meals, not prepared on-site) at the Music Academy campus. The number of vocal and instrumental students is to be determined by the MAW, but cannot exceed 150 total students.

Other Music Academy Operations

Fundraising Events Open to the General Public (no attendance cap): One, 1-day fundraiser (e.g., May Madness) will not be subject to the attendance caps. This event is to take place during the non-summer period. Other fundraising activities will be subject to the attendance caps.

Resale Shop Hours: The hours for the resale shops will be Monday-Saturday, 12:00-3:00 p.m...

On-Site Residences: Both the caretaker's residence and an employee apartment (replacing the existing apartment being removed in Wood 2) will be retained on site.

⁸ Defined as administrative activities, such as board meetings, auxiliary member meetings, etc., which involve more people than regular staff activities.

⁹ These 50 students would continue to be part of (not in addition to) the 150 maximum students in the summer program.

Modifications to the Coastal Zoning Ordinance Standards

As discussed earlier in this section, the revised CUP includes modifications to the following standards in Article II:

1. Modification to the 25-foot height limit (Section 35-172.12) for the proposed renovation of Abravanel Recital Hall, which will remain at its existing height (34.8 feet).
2. Modification to the number of parking spaces required by Division 6 Parking Regulations (Section 35-109). The MAW will provide a total of 285 parking spaces (plus 5 more using stacked parking) on-site. The Zoning Ordinance will normally require provision of 332 spaces.
3. Modification to the side yard setback for the 1-E-1 zone district, to allow parking lot paving within two feet of the western property line.

Project Phasing

The phasing of proposed Master Plan improvements is to be contingent upon several factors, with adequate funding a primary consideration. The Master Plan has been conceived as one continuous project and ideally will be finished as such. If it is necessary to break the proposed development into phases (due to funding or operational issues), the MAW will still complete the Miraflores remodel, the Phase 2 components identified below, and grading for Phase 3 during the first phases of construction.

Anticipated Phase 1a

- Miraflores Restoration/Remodel

Anticipated Phase 1b

- New Parking Areas
- New Storage
- New Maintenance & Storage
- Main entrance driveway
- Motor Court
- Remove Wood 1 and 2
- New Student Services Building
- New Instructional Center
- Realign the internal roadway
- Remove Harger Studio
- Install perimeter and interior screening landscaping
- Grading for the New Practice Studio Building

Anticipated Phase 2

- Construction of New Practice Studio Building w/apartment

Anticipate Phase 3

- Reconstruction of Abravanel Hall
-

Grading

The preliminary grading and drainage plan (Figure 7) estimates earth work quantities as follows:

Grading/Phasing Calculations

Phase	Cut	Fill	Export/ (Possible Import)	Total Construction Period	Duration for Grading Component
1a	None	None	None	10 months	None
1b	10,907	10,625	282 (cut)	20 months	6-8 weeks
2				10 months	None
3	182	45	137 (cut)	10 months	2 weeks
1-4 Totals	11,089	10,670	419 (export cut)	42 months	9-13 weeks

* Pursuant to the project grading plan, these quantities are approximate in place volumes calculated from the existing ground (per topographic contours or spot elevations on the grading plan) to the proposed finish grade or sub-grade (per the design surface elevations on the grading plan). The quantities have not been factored to include allowances for bulking, clearing and grubbing, subsidence, shrinkage, over excavation and recompaction, underground utility and substructure spoils and construction methods. (Based on other County projects, staff believes it is appropriate to assume that actual quantities may be up to 30% greater than shown, particularly with regard to exportation of excess fill material).

If the funding is available, the total construction period is expected to be shortened, as additional equipment and crews will be able to work simultaneously in the various areas of the site (Steve Metsch, project architect). The staging area for all construction vehicles will be along the northern property boundary near the UPRR right-of-way. Excess fill is proposed to be exported off-site using the adjacent railroad right-of-way to access Channel Drive near Cabrillo Boulevard, subject to issuance of a right-of-way agreement with Union Pacific. Any use of this route for exportation of excess fill or other construction vehicle traffic will reduce construction traffic on the immediate neighborhood streets.

Utilities and Services

The site is currently served by the Montecito Water District, Montecito Sanitary District, the Montecito Fire Protection District, and the Santa Barbara County Sheriff. The additional facilities identified as part of this application will also be served by these Districts.

Short-term Cut-Through Traffic Reduction Program (CTRP)

The MAW will take traffic roadway counts in the beginning of their summer 2004 music program. In approximately the third week in July 2004, the MAW will implement a simple, initial CTRP. This will involve temporary traffic controls, such as person present at the exit explaining and handing-out information about not using the MAW private drive as a cut-through route, closing gates when activities are not occurring on-site, etc.).

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

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

Within three years after granting this permit, construction and/or the use shall commence. (Three years is measured from expiration of a 10 day appeal period, or 10 working days after the California Coastal Commission (CCC) receipt of Board of Supervisor's final action, if appealed to the Board of Supervisors. If appealed to the CCC, the date shall be measured from CCC final action.

2. Any activity, event, use, or development of the site that is not expressly allowed under this permit or expressly exempt from CDPs under the Zoning Ordinance shall be and is prohibited and that all provisions of the permit shall be strictly construed. Subsequent to occupancy clearance, modifications to the CUP -(other than those that would be exempt from permits) shall be subject to MPC review and approval.

Conditions Derived from EIR Mitigation Measures

Aesthetics

3. Compliance with the Tree Protection Plan (Condition 13). The following shall be added to the Tree Protection Plan to reduce aesthetic impacts:
 - a. The TPP shall emphasize the protection (and retention, where feasible) of existing trees and shrubs that are critical to screening the property from off-site (e.g., particularly those trees that provide screening of the site when viewed from the north and east). In addition, the primary goal of tree maintenance activities (trimming, pruning) shall focus on maintaining the long-term health (and retention) of the trees. However, wherever possible, the maintenance activities shall also consider the goal of maintaining maximum screening provided by tree foliage. Trimming or thinning of trees that provide screening as viewed from off-site shall be limited to activities necessary to protect the health of the trees, in response to mandatory fuel management standards directed by Montecito Fire Protection District, due to serious safety concerns, and/or due to serious threats to structures (e.g., significant, unstable limb expected to damage roof of structure, etc.).

Plan Requirements and Timing: The applicant shall revise the Tree Protection Plan to include this requirement and submit this for P&D review and approval prior to approval of CDPs. Applicant shall maintain copies of arborist documentation of arborist recommendation for tree thinning/limbing for screening trees. P&D shall check the plan for compliance with this measure.

MONITORING: Permit Compliance shall site inspect during construction activities to ensure compliance.

4. Night-lighting and its intensity shall be minimized to the extent feasible for security and safety purposes and night-lighting should be reduced following the close of activities on-site any given day. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. The height of night-lighting shall also be minimized to reduce its visibility from off-site. This would apply to both the height of light fixtures as well as minimizing the location of night lighting in the upper portions structures, particularly those at the highest elevations on-site (e.g., recital hall, instructional building). Applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m., except when activities end at or later than 10:00 p.m. For these exceptions, lighting shall be dimmed to the maximum extent feasible and at the earliest possible time after 10:00 p.m. At a minimum,

the lighting plan shall show all proposed lighting on or along structures, roads, walkways, and garden and patio areas. Special consideration shall be given to lighting of perimeter development and pathways, driveway entrances and exits and all existing and proposed indoor and outdoor lighting on the sides of structures facing the property perimeter (e.g., the north and east sides of the student services building and new instructional building and the north sides of the new practice studio building and renovated Abravanel Hall) as well as the northern parking area to minimize visibility from off-site.. **Plan Requirements and Timing:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the MBAR prior to approval of CDPs for grading.

MONITORING: P&D and MBAR shall review a Lighting Plan for compliance with this measure prior to approval of a CDPs for structures or prior to CDPs for grading (if trenching for lighting is required). Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

5. Use and approval of earth-tone colors (i.e., colors which blend with surrounding vegetation, soils, rocks, etc.) and muted colors for structural development, walls, signs, etc., unless the MBAR and P&D (with architectural historian input) conclude that alternative colors would be more compatible with the historic estate setting for specific structures. **Plan Requirements and Timing:** The color of the new storage and maintenance buildings shall specifically be considered to minimize the visibility of these structures from the north. Colors for all structures shall be reviewed and approved by the MBAR and P&D for compliance with this measure prior to approval of CDPs for structures. The applicant shall present color boards for the specific structures at the architectural meetings and to P&D. Buildings shall be painted prior to occupancy clearance.

MONITORING: Permit Compliance shall site inspect for conformance to submitted color boards during construction activities and prior to occupancy clearance.

6. The landscape plan and tree disposition plan shall be revised to maximize the screening ability of site vegetation and to minimize the timeframe for new landscaping to provide such screening. At a minimum, the revised landscape and tree disposition plan shall include the following:
 - a. The plans shall include existing mature trees, perimeter shrubs and historic gardens that are proposed to remain as well as new plantings identified in the landscape plan. The Music Academy shall include in its landscape plan the installation and maintenance of irrigation for the hedge along the northerly boundary of the Music Academy property which abuts 87 Butterfly Lane, which installation shall occur concurrently with the planting and irrigation of trees along the northerly perimeter of the site abutting 87 Butterfly Lane pursuant to Condition No. 14. Normal maintenance activities are expected, however, tree maintenance trimming should not exceed that explicitly recommended for tree health by the arborist and vegetation modification for fire fuel management purposes should not exceed that explicitly required by the MFPD¹⁰, as these activities also reduce vegetative screening of the site. This should be noted on the landscape plan as well as in contracts for any landscape maintenance, tree service work, or related work on-site.

¹⁰ MFPD will limit fuel modification north of the instructional building to removal of decadent (dead) vegetation and to limbs of live foliage extending within 10 feet of the building (per 5/11/04 Jim Langhorne site visit and 5/27/04 MFPD letter).

- b. An attractive, hardy, drought resistant vine should be planted to screen all portions of the proposed storage and maintenance buildings, which would be visible from Hwy 101. This vine treatment shall also be considered for portions of all new structures in the Master Plan that would be visible from off-site (subject to MBAR review and approval), at least until other proposed landscaping reaches sufficient height to provide screening for these buildings (and taking into account proposed regular pruning and trimming of the eucalyptus windrow along the northern property line).
- c. Screening landscaping shall be incorporated along the northern property line and the northern portion of the western property line and additional parking lot trees shall be added (with the goal in the parking lot area of accomplishing 50% canopy cover in 10-12 years) to provide screening from the north, to minimize the effects of night lighting in the parking area, as well as to break up the expanse of parking area as viewed from the historic property interior.
- d. Clinging vines and/or vertical planting shall be provided on trash enclosure walls and any other masonry walls where appropriate, as determined by MBAR and P&D, to soften the visual effects of the structures and to discourage the occurrence of graffiti.
- e. A six foot wall or fence shall be installed along the eastern property line, between the northeast corner and the exit driveway, to provide visual screening and so avoid land use conflicts (e.g., vehicle headlights in the new parking area shining onto the residential properties to the east).
- f. The largest feasible size of replacement plantings (for trees, shrubs: 15 gallon minimum, but also using 24-inch+ box sizes) and/or fast growing plants from the landscape plan palette shall be incorporated into the landscape plan where screening or immediate visual effect are at issue. This may include, but would not be limited to, inclusion of vines on structures that would be visible from off-site and specific (new) tree locations where the short-term screening¹¹ is more critical than long-term growth due to other existing and proposed plantings in the immediate area (e.g. loss of windrow eucalyptus and need for immediate replacement for screening).
- g. The final landscape plan shall augment landscaping near the proposed emergency access on Fairway to minimize views into the site.
- h. Vines shall be planted on the roof of Abravanel Hall in a manner which allows them to “spill” over the top of this structure (or alternatively, vines may be designed to grow up Abravanel Hall from plantings on the northern face balcony). The goal of placing vines on the north face of Abravanel Hall would be to provide screening of the structure from the north, until new plantings north of the new parking area are mature. The vines would serve to break up the massing and to provide partial screening of this structure as viewed from off-site.
- i. The final landscape plan shall include additional trees or shrubs between the western property line from Fairway Road to the northern extent of the El Montecito Verde condominiums and the entrance drive.

¹¹ Sometimes installation of larger trees addresses short-term screening, but installation of smaller plantings may result in faster establishment and overall growth.

- j. Additional trees (and potentially shrubs) consistent with the historic designed landscape (possibly acacia, oaks, pittosporum) shall be planted between the reflection pool garden and any new access road to the west of this garden to ensure its screened setting is maintained.
- k. Protection of the existing trees and planting of additional trees and shrubs north of the instructional building and east of the student services building shall be emphasized to provide maximum screening of these new structures from off-site. Planting of additional screening vegetation on the slope above the exit drive and on the slope west of Butterfly Lane shall begin no later than the fall of 2004., in coordination with the project landscape architect and an arborist, butterfly expert and architectural historian with landscape expertise. These experts shall be consulted to review proposed plantings consistent with project conditions that address new plantings on-site (e.g. tree protection plan, landscape plan, butterfly enhancement plan, perimeter landscaping requirements, and requirements that address the historic nature of the site landscaping). The applicant shall document these plantings and shall identify the plantings on the proposed final landscape plan (when applying for project CDPs). (This planting would occur prior to the MAW applying for CDPs for Master Plan implementation and a separate CDP would not be required for installation of these plantings).

Plan Requirements/Timing: Prior to approval of CDPs for grading, the applicant/owner shall enter into an agreement with the County to install required landscaping and water-conserving irrigation systems and maintain required landscaping for the life of the project. The applicant shall also submit four copies of a final landscape and water-conserving irrigation plan to P&D for review and approval. Prior to occupancy clearance, landscape and irrigation shall be installed.

MONITORING: Prior to occupancy clearance, Permit Compliance staff shall photo document installation. Permit Compliance staff shall check maintenance as needed. Release of any performance security requires Permit Compliance signature.

- 7. Future structures shall not exceed the heights (including maximum height above sea level as indicated by story poles erected prior to the MPC hearing of 5/19/04) or the overall sizes of -structures identified in the project description and on the project plans. Post discretionary approval changes to proposed building heights which do not exceed, but rather reduce the heights or sizes identified in the project description and on the project plans would also be acceptable. **Plan requirement:** This measure shall be included on building plans. **Timing:** Plans shall be submitted prior to approval of Coastal Development Permits for structures.

MONITORING: Height of building(s) shall be checked by Building and Safety during frame/inspection approval.

- 8. The graffiti on the remaining section of the northern wall shall be removed and the wall shall be painted in a color which blends in with the surrounding landscape. This wall shall be repainted within 72 hours, as necessary, if there is new graffiti in the future. If feasible, this wall section shall also be planted with a vine to reduce re-occurrence of graffiti or the wall may be permanently removed subject to compliance with tree protection measures and replaced with a vine covered fence, railing, or wall. **Plan Requirement/Timing:** The applicant shall submit proposed wall color for review and approval by MBAR and P&D and shall subsequently submit photo-documentation to show that this measure has been implemented prior to approval of CDPs for structures.

MONITORING: P&D shall site inspect. If new graffiti is observed, Permit Compliance shall direct Music Academy to repaint this wall section

Air Quality

9. If any portion of the project site is graded and left undeveloped for over 30 days, 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 the Air Pollution Control District and/or P&D.

If grading activities are discontinued for over six weeks, applicant shall contact both Permit Compliance staff and the Grading Inspector to site inspect revegetation/soil binding. **Plan Requirements:** These requirements shall be noted on the grading plan. **Timing:** The final grading plan shall be submitted to P&D for review and approval prior to approval of CDPs for grading.

MONITORING: Permit Compliance staff and Grading Inspector shall perform periodic site inspections.

10. Dust generated by the development activities shall be retained onsite and kept to a minimum by following the dust control measures listed below. Reclaimed water should be used whenever possible.
- 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. (Wetting of soil shall be sufficient to minimize dust only and should not be to an extent that soil is washed off the site or into storm drains).
 - 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 the wind speed 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.
 - d) Trucks transporting soil, sand, cut or fill materials and/or construction debris to or from the site shall be tarped from the point of origin.
 - e) The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to P&D and the Air Pollution Control District prior to land use clearance.

Plan Requirements: All requirements shall be shown on grading and building plans prior to approval of CDPs for grading. **Timing:** This condition shall be adhered to throughout all grading and construction periods.

Attachment 3

MPC Final Conditions of Approval for Board of Supervisors Hearing 10/26/04

MONITORING: P&D shall ensure measures are on plans. Permit Compliance, Grading, and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site. Permit Compliance and APCD inspectors shall respond to nuisance complaints.

11. The applicant shall secure a Right-of-Way Agreement from the Union Pacific Railroad, if UPRR will grant such access for a 90-day period and, if available, an extension at a reasonable cost. **Plan Requirements and Timing:** Prior to approval of a Coastal Development Permit for grading, the applicant shall provide P&D with a copy of the Right-of-Way Agreement for access purposes, indicating ability to utilize the railroad right-of-way to export fill offsite (for a minimum 90 day period). Large truck deliveries of building supplies shall also utilize this access while it is available.

MONITORING: P&D shall ensure the Agreement has been secured.

Archaeology

12. All contractors and construction personnel shall be alerted to the potential for disturbing unknown archaeological artifacts and remains during grading. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans.

MONITORING: P&D shall check plans prior to issuance of Coastal Development Permits for grading and shall spot check in the field.

Biological Resources

13. A Butterfly Habitat Restoration and Enhancement Plan shall be prepared by a P&D approved monarch butterfly specialist in coordination with the preparer of the landscape plan. This plan shall be included as a separate component of the final landscape plan. The goal shall be to plant a circle of tall trees that enclose an open space, generally on the south and east sides of Miraflores. The maximum area shall be restored and enhanced on this slope (the restoration area shall not be limited by the designated area on the preliminary landscape plan).
 - a) The plan shall be coordinated with the Montecito Fire Protection District (MFPD) to ensure that fire safety vegetation clearance is accounted for and designed into the proposed planting program. The specific plantings shall also be discussed with MFPD as proper placement (in relation to structures) may minimize the need for extensive pruning and other maintenance activities. In order to ensure coordination, the applicant shall provide written documentation from Montecito Fire Protection District stating specific requirements for tree trimming in this area following a meeting with the Music Academy and a specialist on monarch butterflies, acceptable to the County. To ensure that habitat enhancement is maximized in this area, vegetation clearance for fire safety shall not exceed the requirements identified by MFPD;
 - b) Approximately 10 eucalyptus trees or other trees including oaks, sycamores, ironwood bay trees or other trees deemed acceptable by the monarch specialist and P&D shall be planted in front of the existing eucalyptus row, behind (south and east of) Miraflores to provide adequate density;

- c) The slope plantings shall be planted in a manner that will contribute to the creation of a protected circle;
- d) Additional eucalyptus or a combination of sycamores, tall coast live oak trees or other tall trees identified in b) above shall be incorporated to increase the density of trees in this area;
- e) Trimming of trees and shrubs near Miraflores to allow ocean views shall be prohibited, given this area's designation as a butterfly enhancement area. Trimming in this area would run counter to this goal. Trimming shall only be allowed to address mandatory Fire District requirements and/or to address imminent health threats to the trees (as identified by an arborist report). In the unlikely event that trees must be substantially trimmed or removed to address imminent health threats (e.g., concern that the tree likely to fall on the structure), replacement trees shall be planted;
- f) The enhancement area shall be planted in a manner which provides for a perimeter of dense, tall trees;
- g) Some of the new trees in the enhancement area (5-10% of total trees in this area, or as determined appropriate by P&D biologist) shall be larger, 24-inch box trees that have been shaped for height to accelerate immediate replacement of foraging and nesting habitat on-site for smaller bird species and roosting habitat for monarch butterflies. It is understood that the majority of trees planted would be from smaller containers, which provide benefits over the long-term. The restoration plan shall specify the type and size of trees to be planted, taking into account the proposed planting location and species;
- h) Where space permits, the landscape plan shall be modified (and expanded in area) to include more clusters or groves of native plantings to enhance their habitat value. This is particularly applicable on the slope areas south and east of Miraflores, where there may be room to cluster more oaks adjacent to existing oaks. In addition, native under-story plants (e.g., groundcovers and low-growing shrubs) could be used to increase habitat complexity and diversity (i.e. value to wildlife) and to help compensate for the fact that space will not allow a replacement ratio of 3:1 for non-native trees. It is possible to accommodate this goal as well as maintaining a butterfly enhancement area that includes tall trees on the perimeter and a sort of opening in the center, a typical component of monarch aggregation sites. The density, species, and long-term maintenance in this area should ensure this area would not become overgrown, consistent with the goal of re-establishing habitat for monarch butterflies in this area;
- i) A P&D qualified arborist or biologist shall oversee such installation;
- j) The applicant shall meet with the Park Department to determine the feasibility of providing off-site plantings (e.g., at Lookout Park) to address cumulative loss of monarch butterfly habitat. This could potentially involve planting of both trees and milkweed; and
- k) Long-term maintenance requirements shall be specified to include on-going, periodic monitoring and weeding out of detrimental invasive species in the butterfly enhancement area.

Plan Requirements and Timing: The applicant shall submit the revised Landscape Plan, including the Butterfly Habitat Restoration and Enhancement Plan component for P&D and MBAR review and approval prior to approval of CDP for grading.

MONITORING: Permit Compliance shall site inspect to ensure implementation of plan as approved.

Attachment 3

14. A tree protection and replacement program, prepared by a P&D-approved arborist/biologist shall be implemented. The program shall incorporate all protection and mitigation measures identified in the Bill Spiewak reports dated January 30, 2003, September 7, 2003, April 2, 2004 and May 18, 2004. These measures include, but are not limited to requirement for root pruning and irrigation in the winter of 2004 for trees with grading to occur within the critical root zone, such as some trees north of the new instructional building, Miraflores, Abravanel Hall, the new parking areas and south of The Rack). Tree removal shall be minimized wherever possible. The plan shall further include, but not be limited to, the following components:

A. Program elements to be graphically depicted on final grading and building plans:

- a) The location and extent of dripline for all trees and the type and location of any fencing. Trees located beyond 50 feet of proposed construction and staging activities may be shown with overall canopy and then size, type and number of trees simply listed for the canopy area). The critical root zones of trees located within 50 feet of construction activities shall be determined by an arborist and indicated on plans. The existing tree disposition plan shall be updated accordingly.
- b) Construction envelopes shall be designated (fenced or otherwise clearly demarked in the field) to clarify the boundaries of the development area and to avoid damage to protected trees¹² and other vegetation on-site. All ground disturbances including grading for buildings, access-ways, easements, subsurface grading, sewage disposal and well placement shall be prohibited outside construction envelopes.
- c) Equipment storage and staging areas shall be designated on approved grading and building plans, preferably within existing paved areas of the site (but outside of the easement along the exit drive) to avoid damage to protected trees. Special consideration shall be given to proposed construction access for trucks using the UPRR right of way with regard to protection of the eucalyptus trees.
- d) Paving shall be pervious material wherever possible (e.g., gravel, brick without mortar) where access roads or driveways would be extended to encroach within the critical root zones of protected trees, except where roots will already be cut for project development and would be unlikely to grow back into these areas (e.g., the northern parking lot) as determined by the arborist.
- e) Permanent tree wells or retaining walls to protect trees in proximity to grading work, new fill material, or changes in drainage shall be specified on approved plans and shall be installed prior to approval of Coastal Development Permits for project grading/construction activities. A P&D qualified arborist or biologist shall oversee such installation.
- f) Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding. These plans shall be subject to review and approval by P&D or a P&D qualified biologist/arborist.
- g) All utilities shall be placed in construction envelopes or within or directly adjacent to roadways and driveways or in a designated utility corridor in order to minimize impacts to trees.

¹² "Protected" trees are defined as those not identified for removal or transplanting.

- h) All access improvements (e.g., along the allee, northern parking area, new service turn-out, etc.) shall minimize tree removal to the maximum extent possible. If a new return lane to Fairway is ever added pursuant to direction at MPC compliance hearings (to address CTRP), this lane would have specifically limited use (for returning vehicles unrelated to the Music Academy back onto the public road) and, therefore, would not be subject to standard roadway design standards. Therefore any future lane construction shall be designed to absolutely minimize any tree removal.

B. Program elements to be printed as conditions on final grading and building plans:

- a). All replacement trees shall be identified as to species, size and location on the final landscape plan. Any performance securities required for installation and maintenance of the replacement trees identified in the proposed landscape plan will be released by P&D after its inspection and approval of such installation. 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). The plantings shall be protected as necessary (e.g., gopher fencing) during the maintenance period.
- b). It is acknowledged that the standard tree replacement ratios of 10:1 for native trees and 3:1 for non-native trees cannot be accommodated on-site given the extensive tree removal proposed on-site. However, the landscape plan shall maximize the number of replacement trees to be replanted on-site as well as the size of the replacement trees (only where immediate visual screening is an issue). Non-native trees removed can also be replaced with natives, except in area(s) proposed for restoration for monarch habitat or where specific non-native species have been identified as replacement trees to address specific aesthetic or historic impacts (as identified in the aesthetic and historic resource sections' mitigation measures). If unanticipated damage or loss of trees results from construction activities, these trees shall be replaced at the standard ratios identified above.
- c). Tree removal shall be timed to avoid the period of peak breeding activity for birds. Therefore tree removal shall be limited to late July through early February. This condition shall be re-visited in the unexpected event that monarch butterflies return to roosting on-site. If this occurs, the site would need to be carefully monitored to determine the extent to which trees on-site are providing habitat for birds and monarch butterflies and tree removal timing revised accordingly.
- d). No grading (any earthwork activities) or development shall occur within the critical root zones of protected¹³ trees that occur in the construction area, except as identified in the ~~MPC Board of Supervisors~~ approved plans. Where grading, trenching, or other earthwork activities would occur within the critical root zone (as established by a qualified arborist and indicated on the grading plans), the arborist shall be present during earthwork to determine the best way to accomplish necessary grading, while protecting the health of the tree to the maximum extent feasible. Where it is possible to minimize damage to trees identified for removal, protection and retention of these trees shall also be attempted.
- e). All protected trees within 25 feet of proposed ground disturbances shall be temporarily fenced with chain-link or other material satisfactory to P&D throughout all grading and construction activities. The fencing shall be installed outside the critical root zone of each protected tree unless infeasible consistent with the approved grading plan (e.g., tree numbers 42 and 43 located north and west of existing Wood 2)

¹³ Protected trees are those not specifically proposed for removal on the approved tree disposition plan.

and shall be staked every six feet. Where fencing cannot be accommodated outside of the critical root zone, alternate maximum protection shall be provided pursuant to arborist recommendation, including but not limited to fencing with or without stakes closer to the tree, placement of straw bales between the construction area and trees to be protected, etc.

- f). No construction equipment shall be parked or stored within any protected tree critical root zone. No construction equipment shall be operated within six feet of any protected tree critical root zone, except as allowed pursuant to the approved final grading plan and tree protection plan (e.g., grading would occur within the critical root zone of several trees such as the Moreton Bay Fig and a swamp mahogany near the new service entry to the instructional building as identified on the project plans). The tree protection plan shall identify which trees would fall within this exception.
- g). No fill soil, rocks, or construction materials shall be stored or placed within the critical root zone of all protected trees unless such fill is identified on the final grading plan. Any approved fill shall be minimized to the maximum extent feasible in these areas. The tree protection plan shall identify which trees would fall within this exception.
- h). No artificial surface, pervious or impervious, shall be placed within the critical root zone of any protected tree, except as allowed pursuant to the approved final grading plan (e.g., grading and building construction would occur within the critical root zone of several trees such as the Moreton Bay Fig tree as identified on the project plans). Where this would occur, arborist recommendations shall be incorporated to minimize degradation to affected trees. The tree protection plan shall identify which trees would fall within this exception.
- i). Any roots encountered that are one inch in diameter or greater shall be cleanly cut. This shall be done under the direction of a P&D approved arborist/biologist.
- j). Any trenching required within the critical root zone or sensitive root zone of any specimen tree shall be done by hand, except as allowed in d) above.
- k). No permanent irrigation shall occur within the critical root zone of any existing oak tree, unless irrigation has historically occurred in this area.
- l). Any construction activity required within three feet of a protected tree's critical root zone shall be done with rubber wheeled equipment or hand tools, (the latter for oaks), except as allowed in d) above.
- m). Only designated trees shall be removed.
- n). Any trees which are unintentionally or accidentally removed and/or damaged (more than 25% of root zone disturbed) during construction activities shall be replaced and maintained for the life of the project. Posting of a performance security may also be required as well as hiring of an outside consultant biologist to assess the damage and recommend mitigation. The required mitigation shall be done immediately under the direction of P&D prior to any further work occurring on site.
- o). Maintenance of proposed replacement trees and shrubs shall be accomplished through water-conserving irrigation techniques.

- p). The four oak trees scheduled for transplanting on the tree disposition plan shall be boxed and replanted as proposed on-site. These trees shall be maintained and monitored until clearly established or replaced.
- q). All trees located within 25 feet of proposed buildings shall be protected from stucco or paint during construction.
- r). A P&D approved arborist shall be onsite throughout all grading and construction activities which may impact trees proposed for protection that are located near the northern property line, near the new secondary access road, north of the new instructional and practice studio buildings, east of the student services building and in other locations where protected trees would be located within 25 feet of the edge of heavy equipment. With regard to field changes affecting trees north of the instructional building and east of the student services building, the arborist shall provide recommendations on all such field changes, which recommendations will be adhered to by the Building Inspector. The arborist shall notify the owners of 87 Butterfly Lane to report his recommendations once he has made the same. The arborist shall also provide a copy of the Building Inspector's determination regarding field changes to said owners.
- s). The contract with the construction contractor shall include specific provisions for payment of substantial penalties for failure to protect trees on-site consistent with related project conditions (sample of the included contract language shall be submitted to P&D).

Plan Requirements: Prior to approval of Coastal Development Permit for grading, the applicant shall submit a copy of the tree protection plan to P&D for review and approval. All aspects of the plan shall be implemented as approved. Prior to approval of Coastal Development Permit for grading, the applicant shall successfully file and receipt evidence of posting a performance security which is acceptable to P&D. **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 evaluate all tree protection and replacement measures. Release of performance security requires Permit Compliance staff signature.

- 15. Excavation work within or adjacent to protected trees shall be avoided to the maximum extent feasible. Where excavation must be performed within sensitive areas (as determined by P&D), it shall be performed with hand tools only unless determined infeasible and alternate method approved by arborist pursuant to condition 12Bd above. If the use of hand tools is deemed infeasible by P&D, excavation work may be authorized by P&D to be completed in another manner (e.g., with rubber-tired construction equipment weighing five tons or less. If significant large rocks are present, or if spoil placement will impact surrounding trees, then a small tracked excavator (i.e., 215 or smaller track hoe) may be used as determined by P&D staff (e.g., to accommodate grading for the new service entry -not a vehicle driveway- into the instructional building). Trenching routes for installation or extension of new utilities shall be reviewed and approved by P&D and shall be shown on project grading plans prior to approval of CDPs for grading. **Plan requirements and Timing:** The above measure shall be noted on all grading and construction plans prior to approval of related CDPs.

MONITORING: P&D shall ensure compliance on site during construction.

16. The final landscape plan shall be reviewed to ensure that the new plantings around the Miraflores outdoor terrace would not include non-native invasive species (except eucalyptus), particularly species that could compromise the success of the monarch butterfly enhancement area. Long-term monitoring to address removal of detrimental, non-native species shall also be addressed in the final landscape plan. **Plan Requirements and Timing:** The applicant shall submit the final landscape plan consistent with this measure. P&D shall review and approve this component prior to approval of CDP for grading.

MONITORING: P&D shall ensure compliance on site during construction and follow-up compliance evaluations.

17. The final landscape plan shall include a component which identifies the various project conditions that address the project landscaping from the tree protection plan to the butterfly enhancement plan to measures specific to maintaining the integrity of the historic designed landscape. This shall be referenced and used to guide on-going maintenance activities on the project grounds and to facilitate compliance with project conditions that are designed to protect the aesthetic, historic and biological values of the site's natural vegetation and historic designed landscape plantings. **Plan Requirements and Timing:** This component shall be submitted as part of the final landscape plan. P&D shall review and approve this component prior to approval of CDP for grading.

MONITORING: P&D shall ensure compliance on site during construction

Fire Protection

18. The applicant shall work with MFPD to define in greater detail acceptable quantities and types of rummage and/or resale items which can be stored on-site as well as specific locations for storage. However, in no case shall this be interpreted to override limitations imposed by other project condition(s) regarding where rummage/resale items may be stored. **Plan Requirements and Timing:** A plan which describes the agreement with MFPD (in text and graphic depiction on plans), with regard to on-site storage of rummage and resale items shall be submitted prior to approval of CDPs for structural development. The Fire Department shall sign-off on plans prior to approval of CDPs for structural development.

MONITORING: Permit compliance shall field check proposed storage areas in coordination with MFPD following occupancy to ensure compliance with the above-referenced agreement.

19. The applicant shall work with MFPD to ensure access and design of the Master Plan complies with MFPD requirements. **Plan Requirements and Timing:** Prior to approval of a CDP for grading or development, the plans shall be reviewed and approved by the MFPD to ensure the project circulation design, fire suppression water, and sprinklers are consistent with Fire District requirements.

MONITORING: Permit compliance and building inspectors shall field check to ensure compliance during the construction phase.

Historic Resources

20. The following recommendations in the Final Phase 1-2 Historic Resources Study submitted by Lex Palmer (January 7, 2000; Update Letter April 6, 2000) shall be incorporated into the project design:
- a) Completion of the appropriate California Department of Parks and Recreations Forms 523 (Primary, Location, and Building, Structure, and Object) for submission to the UCSB Department of Anthropology's Central Coast Information Center for all historic structures;
 - b) Historic American Building Survey (HABS) documentation consisting of HABS Level II drawings and photographs shall be performed on the Music Academy property to show the spatial relationships between the buildings and existing landscape features; preparation of HABS Level 1 documentation of Miraflores consisting of measured drawings and large format photographs, history and description of the building, courtyard, and surrounding landscaping;
 - c) The Miraflores extension shall replicate the original construction techniques, all original configurations, and shall utilize the original window and door hardware. The change must be documented and plans detailing this placed in the Music Academy archive;
 - d) Preliminary and Final Working drawings, including landscape plans for the project shall be reviewed by a Santa Barbara County approved architectural historian and an expert in historic landscape design to insure compliance with mitigation measures addressing historic resources.
 - e) The character-defining elements of the Miraflores west elevation are the plain wall surfaces, low-massing, fenestration, doorways, and building hardware such as downspouts, door latches and locks. The new construction associated with the student services building link to existing Miraflores shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. The introduction of a visual gap in the wall created by a plaster reveal 2-4 inches deep on the exterior and interior junction of the new student services building hallway and Miraflores north elevation achieves this goal. The interior reveal shall be accentuated by the use of different floor tile or a metal seam in the floor. The Final Plans should be placed on file with Kurt Heifrich, Curator of the Architectural Drawing Collection, University Art Museum, University of California Santa Barbara, CA 93106 893-5354

Plan Requirements and Timing: All construction techniques and other recommended measures related to historic resources (e.g., landscape plan) shall be incorporated into design of the project and detailed on building plans. The final grading, landscape, and building plans shall be reviewed and approved by P&D, a P&D approved architectural historian, an expert in historic landscaping design and the MBAR prior to approval of CDPs for grading or construction. The Historic Resources Reports and Addenda shall be made available to each of the afore-mentioned parties prior to their review of the final plans. The final plans shall also be brought to the County Landmarks Committee for their comments prior to approval of CDPs for grading. Prior to approval of CDPs for grading, the applicant shall submit to P&D written confirmation that all applicable forms and documentation of historic structures have been prepared and submitted consistent with these measures. Special emphasis, including photo-documentation of all elevations, shall

be given to Miraflores, as this historic structure would be physically altered as a result of project implementation.

MONITORING: Building Inspectors shall ensure that all elements have been installed according to the approved plans. If another Historic Resources survey (showing that appropriate materials have been utilized) is determined by P&D to be required, P&D will ensure recommended materials and architectural elements have been incorporated prior to occupancy clearance.

21. The applicant shall contract with an architectural historian (with input, as necessary from an expert in historic landscape design) who shall review and consult with P&D to ensure project plans (grading, landscape, structural development, any signs or commemorative plaques, etc.) are appropriately revised pursuant to project conditions that address historic resources.. The contracted specialists shall also be required to attend at all MBAR, and Historical Landmark Committee meetings and to monitor construction and consult with P&D as necessary during construction to ensure development's consistency with approved plans. **Plan Requirements and Timing:** The applicant shall submit the proposed contract to P&D for review and approval with applications for CDPs. The architectural historian shall be available to answer questions raised by P&D, MBAR, and the Landmark Committee and shall sign-off on all final plans prior to approval of CDPs.

MONITORING: The architectural historian and historic landscape expert shall periodically monitor site development and shall sign off that development has been implemented consistent with the conditions of approval and approved plans, prior to occupancy clearance for the historical structures. Building Inspectors and Permit Compliance shall inspect to ensure that grading and other improvements are consistent with approved plans.

22. The new courtyard shall be modified to include replacement trees for those removed. In addition, the alignments of the historic axial path system should be represented by embedding original materials (e.g., random cut stone, cast concrete textured to give the impression that they are stone, brick). New hardscape materials shall follow the historic design wherever possible, with the exception that the spaces between concrete pavers may be a gravel-textured concrete instead of the original gravel matrix (to better conform to ADA standards). **Plan Requirements and Timing:** The applicant shall submit a revised landscape for P&D and BAR review and approval, prior to approval of CDPs for grading. The revised plan shall include the above changes.

MONITORING: Building Inspectors and Permit Compliance shall inspect to ensure compliance with the approved landscape and grading plans. The hardscape materials in the new courtyard shall be installed and planting of replacement trees in this area shall be initiated prior to occupancy clearance for the student services building.

23. The existing pathway shall be retained across the new secondary access road (near Miraflores) and the plants and shrubs shall be retained on either side of the road. The surface of this emergency-only access road shall be planted if a surface that can be planted is acceptable to Montecito Fire Protection District. A botanical specialist should monitor cut and compaction activities associated with installation of this emergency access road to avoid/minimize damage to trees. **Plan Requirements and Timing:** Prior to approval of the CDP for grading, the tree disposition, grading and landscape plans shall be revised to address the above changes.

MONITORING: Permit Compliance shall site inspect to ensure construction of the secondary access road, as approved.

24. The landscape plan shall be revised to reduce impacts to the historic designed landscape, including adverse changes to spatial relationships, views between various site features, views from off-site, and to provide offsetting enhancement of altered historic landscape features.
- a) Existing vegetation shall be retained or, if replacement plantings are necessary, new vegetation of a similar character shall be planted that would screen the new construction from the pool/terrace area.
 - b) The Reflecting Pool Garden shall retain its original design.
 - c) More sky-line eucalyptus trees (or other skyline trees that are acceptable from a historic landscape perspective) shall be included in the landscape plan.
 - d) The pittosporum hedge along the allee shall be revised to be continuous, (e.g., not open for views into the new "Encore Society Garden.")
 - e) Perennial flowers should not be planted as a linear feature along the (allee) hedge.
 - f) The hardscape and landscape design of the central courtyard shall reflect Thiene's design approach (geometric and axial alignment of features).
 - g) A few rose bushes typical of the period, shall be reintroduced into the garden to partially restore the garden originally conceived by Thiene as a rose garden.
 - h) A plaque to both Reginald Johnson and Paul Thiene shall be located on the original Miraflores building and a plaque to Yoch shall be placed in the Don Quixote courtyard (with 1992 redesign noted). An alternative would be a plaque to all three on the entry gate walls on The Fairway. The language and design of the plaques shall be reviewed and approved by an architectural historian acceptable to P&D.
 - j) Skyline trees of a similar character and height should be planted (maximum number feasible) to replace the approximately 20 eucalyptus trees planned for removal.
 - j) The Encore Society Garden, shall be screened from the allee and the Reflecting Pool Garden and path leading to it.
 - k) The newly rendered topiary accents in the Octagon Forecourt shall be removed.
 - l) A qualified historic landscape architect shall review the final plans for the landscape design and monitor the work as it proceeds in order to assure that Thiene's original landscape design is adhered to as closely as possible.

Plan Requirements and Timing: Prior to approval of the CDP for grading, the plans shall be revised to address the above changes. The plan shall be approved by the MBAR, and P&D in consultation with the contracted historic landscape architect prior to approval of CDPs for grading.

MONITORING: Permit Compliance shall site inspect to ensure installation of landscaping consistent with approved plans.

Land Use Compatibility

25. The developer shall clear the project site of all excess construction debris. If the improvements are developed in phases, the debris shall be removed at the completion of each phase, at a minimum. **Plan Requirement:** This requirement shall be noted on final building plans prior to approval of CDPs for structures.. **Timing:** Debris clearance shall occur prior to occupancy clearance for each phase of development.

MONITORING: P&D shall site inspect prior to occupancy clearance.

- a) On-site resale/retail sales and viewing of merchandise shall be limited to merchandise located in Treasure House and The Rack only. Under no circumstances shall resale items be available for viewing or sale if they are located in another location on-site. Resale merchandise may be stored at the Rack, Treasure House and any excess merchandise which cannot be accommodated in Treasure House or The Rack may also be stored in the new Storage building between Treasure House and The Rack and in the new Storage/Maintenance building. May Madness rummage may be stored without time limitation in areas specifically designated for storage on the building plans.

Plan Requirements and Timing: Project plans shall specify the restrictions and exceptions for storage of rummage and resale as indicated above. The plans shall be reviewed and approved by P&D and MFPR prior to approval of CDPs for structures.

MONITORING: Permit Compliance shall monitor periodically for compliance.

27. All construction related vehicles (including construction worker vehicles), equipment, and supplies shall be located within the project site. In addition, waiting trucks (supply delivery trucks, vehicles transporting fill, etc.) shall wait on-site (and outside the portion of the exit drive which is actually off-site and within an access easement to the MAW¹⁴), rather than on neighborhood streets. The contractor shall control vehicle traffic through the site (as part of the CTRP) using traffic control personnel at both the entrance and exit gates. In the event that the project gate(s) are closed during construction, contractor shall otherwise control vehicle entry.

Plan Requirements and Timing: The project grading and construction plans shall graphically specify the locations (on-site) for all construction related vehicle parking, staging/equipment storage areas, and waiting areas for supply trucks and vehicles transporting excess fill material. This information shall be indicated on the plans and shall be reviewed and approved by P&D prior to approval of CDPs for grading., to ensure the staging and parking areas do not impact the site's biological or historic resources. In addition, contractor shall ensure that access through the site is controlled to minimize cut-through traffic.

MONITORING: Permit Compliance shall monitor periodically for compliance.

28. Music Academy fundraisers on campus shall be subject to the any given time, daily and seasonal attendance caps. The exception to this shall be limited to one, 1-day event per year, held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).

¹⁴ The exception shall be that trucks with supplies for specific areas (e.g., new trees to be planted north of the instructional building location) shall be allowed to park and unload/load supplies here.

29. Indoor amplification shall be located where doors and windows can (and shall) be closed to reduce spill-over of noise onto adjacent properties. Construction design shall take this into account by ensuring alternate air circulation in areas where windows may need to remain closed for extended periods. To avoid potential nuisance complaints, non-opening windows may be incorporated into areas of the building(s) where indoor amplification is expected **Plan Requirements and Timing:** Air circulation method(s) shall be identified on the project plans for portions of the building(s) which may include indoor amplification prior to approval of CDPs for applicable structures.

MONITORING: Building & Safety shall check for appropriate inclusion on plans and proper construction methods in the field to accomplish this condition.

30. The applicant shall submit a Cut-through Traffic Reduction Program (CTRP) to minimize land use compatibility impacts associated with any increased traffic in the surrounding residential neighborhood prior to approval of CDPs for the first phase of grading. The plan shall be implemented prior to occupancy clearance (with the exception of occupying the Miraflores remodel). The plan shall be designed consistent with, but not limited to, the description in the ATE traffic study dated 9/17/03. Some of the components from the ATE study are detailed below and some additional requirements have been added. The components identified below may be modified if it is determined that such modifications would still result in an effective CTRP.
- a) Provide a “ticket-spitter” before arriving at the fork in the entrance drive, where the driver would receive a ticket and provide signage that indicates that validation of the ticket will be required or a minimum \$10.00 fee will be charged upon exiting the site.
 - b) An access card, pass or sensor installed on the windshield to open the gate (rather than punching in a code) shall be issued to Music Academy staff, faculty, for up to 10 student vehicles and others who are regularly on-site when the gates are normally closed. There shall be a protocol for either confirming the card holder at the kiosk (through information on the card) or for regularly checking to see which cards have been used and how often (to ensure access cards have not been duplicated or otherwise used improperly). In addition, such access card, pass or sensor shall be valid for no more than 12 months from the date of issue.
 - c) Whenever the entrance gates are open, a kiosk on the exit segment shall be manned to collect validated tickets or the exit fee (for non-validated tickets). If cut-through vehicles are found to be cutting through at other times (by following other cars in through the gate or because access cards are being inappropriately reproduced), the kiosk shall be manned during these times of known cut-through traffic. A computer system shall be used to track cut-through vehicle data for the CTRP.
 - d) Others who frequent the site intermittently, but who do not have access cards, would access the site by using an intercom system at the entrance, (like the existing system), to contact administrative personnel, the caretaker, etc. to allow entry.
 - e) If the CTRP is not found to be successful in substantially reducing cut-through traffic, the MPC shall consider the need for and specific modifications to improve the program’s effectiveness (as necessary) at their regular compliance hearing(s). The MPC shall determine the need to implement modifications to the program, including, but not limited to the options identified below:
 - i) Increasing the times and times of day when the kiosk is manned;

- ii) Increasing the fee to \$20.00 or more for cut-through vehicles;
 - iii) Adding a manned presence (second kiosk) at the entrance near the ticket spitter;
 - iv) A narrow, chip-sealed CTRP return lane shall be installed between the existing entrance road and the reflection pool garden. A kiosk shall be placed prior to the fork in the entrance road. There shall be a mechanical arm or gate on the access road continuing north past the kiosk to allow kiosk personnel to stop cut-through vehicles and turn them back to Fairway using the return lane. There shall also be two mechanical arms or gates, controlled by kiosk personnel, installed at both ends of the return lane to: 1) keep vehicles parked in the allee from using the return lane as an exit back to Fairway and 2) keep vehicles from trying to enter this lane from Fairway when the entrance gates are closed.
 - v) One of the other access options;
 - vi) Any other measure determined to be appropriate, including the modification of permitted attendance levels. The MPC shall determine the need for and type of modifications to the program at their compliance hearing(s).
- f) The plan shall include a recommended protocol for determining the effectiveness of the CTRP;
 - g) The plan shall include the times when the entrance gates will remain open and closed and shall maximize the periods when the gates remain closed to facilitate a reduction in cut-through traffic.
 - h) A protocol shall be proposed for continuously changing tickets and validation stamps to ensure the system is not abused.
 - i) The resale shops shall be open Monday-Saturday from 12:00-3:00 p.m., allowing the gates to be closed during the peak cut-through traffic period unless they would otherwise be open to accommodate other MAW activities (e.g., summer Master Classes).
 - j) As weekend activities would be limited during the summer (no Sunday public events and only five public Saturday public events), the gates shall typically be closed (except the five Saturdays) on the summer weekends. If the gates are open on Saturday afternoons to accommodate the resale shops, the kiosk shall be manned throughout this time period;
 - k) The plan shall incorporate use of driveway counts to assist in better determining cut-through traffic periods and to improve the on-going CTRP).

Plan Requirements and Timing: The Program shall be submitted to Public Works and P&D for review and approval prior to approval of the first CDP for grading (as kiosk and return design may affect driveway details). The plan shall be implemented prior to occupancy clearance (with the exception of occupying the Miraflores remodel). Prior to approving the CDP for the first phase of project grading, P&D shall bring the CTRP to the MPC for an informational briefing and receive MPC comments on the program. This briefing shall also include a report on the applicant's interim CTRP and its effectiveness.

MONITORING: Permit Compliance shall monitor periodically for compliance.

Attachment 3

MPC Final Conditions of Approval for Board of Supervisors Hearing 10/26/04

31. Prior to increasing attendance under the permit, the CTRP shall be in effect and all proposed parking shall be completed and available.
32. The hours of operation of Treasure House and The Rack shall be Monday - Saturday from 12:00-3:00 p.m. This change to the resale shop operations is required to facilitate the effectiveness of a cut-through traffic reduction program and thereby offset increased traffic and related land use impacts on the neighborhood. (This condition in no way requires that the resale shops must remain on-site). **Plan Requirements and Timing:** These changes to resale shop operations shall be noted on relevant Music Academy hard copy and website informational materials and at the entrance to the resale shops. Examples of the changed hours on materials shall be submitted to P&D prior to issuance of CDPs for structures.

MONITORING: Permit Compliance shall monitor periodically for compliance

33. Within one year after the first phase of Master Plan operations have been operational, the project shall return to the Montecito Planning Commission for a report on compliance with, and effectiveness of, all project conditions, with a special focus on compliance with attendance caps, the cut-through traffic reduction program and other traffic related conditions (e.g., parking, construction or delivery traffic, etc.). This hearing shall take place sooner if a sufficient number of complaints received prior to this time period necessitate an earlier hearing (at the discretion of the Director of P&D). If the CUP is implemented over a number of years, more than one hearing may be appropriate as determined by P&D. Following this hearing, the project shall return to the Montecito Planning Commission for compliance updates every two years for a minimum ten year period. At the last required compliance hearing, the Montecito Planning Commission shall determine whether or how often to continue having compliance hearings on the CUP or whether an alternative method for evaluating on-going compliance would be appropriate. The MPC may also alter the schedule for compliance hearings as part of their compliance hearings. Project conditions may be modified or new conditions added to ensure effective compliance. **Plan Requirements and Timing:** The applicant shall be required to fund staff time and any specific evaluations necessary to bring the project forward for the Montecito Planning Commission (or Director of P&D) consideration. Refusal to fund work necessary to return to the Montecito Planning Commission would be considered a violation of the CUP. (Previous conditions 35, 40 and 64 have been incorporated into this condition).

MONITORING: Permit Compliance shall ensure that the project receives required review by the MPC as directed by this condition.

34. The MAW shall be required to provide monitoring reports twice annually.
 - a) Monitoring shall cover individual event attendance (ticket sale records from ticketing company including the number of tickets per event for public, students, and faculty/staff), daily attendance, and seasonal attendance. Attendees shall include all regular guests as well as any students, faculty, staff, or other employees who are not performing or working at the event and attendance for these different sub-groups shall be provided.
 - b) The monitoring shall include a specific break down of seminars, conferences, non-profit events, educational programs in the arts and conservatory activities.
 - c) The monitoring shall include the results of the periodic monitoring of parking required to determine adequacy of on-site parking in meeting project demand.

- d) Accompanying the annual monitoring reports shall be a signed statement from the President of the Music Academy of the West stating that a copy the Conditional Use Permit has been distributed to and reviewed with the Music Academy Board and staff in order to ensure compliance with the conditions.

Plan Requirements and Timing: The applicant shall submit a methodology for monitoring per the above requirements to P&D for review prior to approval of CDP for construction.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) during events to perform manual counts on-site () during both the summer and non-summer periods. Manual counts for events shall be compared with the event attendance data submitted in the project monitoring reports . The data will not be exact as Permit Compliance will not be able to differentiate who is a public vs. non-public member. However, the data will still be useful for comparison purposes as the monitoring data will break out the number of public attendees. ..

35. Consistent with historic levels, there shall be no more than five public Saturday events during the summer¹⁵. **Plan Requirements and Timing:** Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the year's summer calendar.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) to determine compliance with this measure.

36. Consistent with historic levels, there shall be no Sunday public events during the summer¹⁶. **Plan Requirements and Timing:** Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the summer calendar.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) to determine compliance with this measure.

37. Picnic concerts shall be limited to no more than ten per summer. **Plan Requirements and Timing:** Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the summer calendar.

MONITORING: Permit Compliance shall review summer schedule information (e.g., on the MAW website or local newspapers) to confirm scheduled picnic concerts.

38. Rentals for seminars and meetings shall continue to be limited to 175 participants with a maximum end time of 10:00 p.m. **Plan Requirements and Timing:** The MAW shall include notice of this requirement in all rental contracts for events and other activities on-site along with a meaningful financial penalty for transgressions. This requirement shall also be posted on-site during applicable evening events to facilitate compliance. Examples of the contract language and the language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development.

¹⁵ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends. Summer students and faculty practicing on-site (not performances), staff doing office or grounds work and other basic administrative activities would still be allowed.

¹⁶ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends. . Summer students and faculty practicing on-site (not performances), staff doing office or grounds work and other basic administrative activities would still be allowed.

MONITORING: Permit Compliance shall note compliance with this measure during periodic, unannounced visits to the site to field check event attendance (the largest events are often evening events).

39. All events and activities shall begin no earlier than 9:00 am and shall end no later than 10:00 pm throughout the year. The exception to this shall be allowance for events on Thursdays and Fridays during the summer season only to end by 10:30 p.m. Once an evening event has ended, guests are expected to leave within approximately 30 minutes. If approximately 30 minutes becomes insufficient for guests to leave the premises, the MPC, as part of their compliance hearings, shall consider the requirement to move end times to earlier in the evening, sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 10:30 (11:00 for Thursday and Friday events in the summer season).

Plan Requirements and Timing: The MAW shall include notice of this requirement in all rental contracts for events and other activities on-site along with a meaningful financial penalty for transgressions. This requirement shall also be posted on-site during applicable evening events to facilitate compliance. Examples of the contract language and the language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development.

MONITORING: Permit Compliance shall note compliance with this measure during periodic, unannounced visits to the site to field check event attendance (the largest events are often evening events).

40. The primary use of the catering kitchen and dining facilities shall be to provide lunch and dinner to summer music students, faculty, and staff. The secondary use of these facilities shall be for the use of non-summer staff to heat up (microwave) and refrigerate their lunches and for use by caterer for rental activities in non-summer. Therefore, the kitchen and dining facilities shall be limited as follows:
- a) The facilities shall not be available to resale shops customers.
 - b) The facilities shall not be open as a snack bar or restaurant for the public or for public on-site for non-event activities or non-catered events/activities, such as musical instruction or other lessons, or rehearsals.
 - c) The facilities shall not be used to provide food for picnic concerts, except to supply a "coffee cart" with drinks, cookies, etc. typical of fare available during a concert intermission.
 - d) The kitchen shall not be used as a cafeteria for food preparation, except for activities typical of an office employee lounge (e.g., coffee maker, microwave and refrigerator to heat up/keep cool meals and snacks brought by employees).
 - e) Food preparation and service for events and the summer program students shall be limited to caterers (no permanent chef or other kitchen staff). Food service for events and summer student meals shall be designed to minimize necessary deliveries.
 - f) Except for food used by a caterer for an event or summer student/staff meals, food stuffs shall be limited to those typical of an office employee lounge (coffee, popcorn, etc.) as well employee access to refrigerator and microwave.
 - g) The kitchen shall not be designed as a commercial or industrial kitchen. Rather, it shall be designed for catering purposes only, with an assumption and requirement for minimal food preparation on-site.

Plan Requirements and Timing: These restrictions regarding the kitchen and dining area uses shall be posted to avoid confusion and to facilitate compliance with this measure. Sample language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development

MONITORING: Permit Compliance shall evaluate compliance with this measure during periodic, unannounced visits to the site.

41. Following project implementation, and for the life of the project, if trees or screening shrubs along Butterfly Lane or other perimeter areas of the site are lost (either intentionally or due to natural causes), the trees and shrubs shall be replaced (with comparably sized plantings, up to 24-inch box), within one month, to minimize loss of screening provided by such tree loss. The applicant shall make every effort to replace lost screening vegetation with large plantings that reduce the amount of time necessary to provide screening. Following installation, to the maximum extent feasible, when the property is viewed from off-site, it should retain the appearance of a landscaped residential estate. This measure shall be incorporated into the Tree Protection Plan. **Plan Requirements and Timing:** This requirement shall be incorporated into the project landscape plan, including inclusion of notes to this effect on the landscape plan itself. The plan shall be reviewed and approved by P&D, the MBAR and architectural historian (under contract to P&D) prior to approval of CDPs.

MONITORING: Permit Compliance shall evaluate compliance with this measure during periodic visits to the site.

42. The instructional building shall incorporate the following:

- a) Window treatment on the north side of the instructional building shall be determined by the MBAR to ensure privacy of neighbors. Window treatment shall be designed so that it is not possible to see from the building into the yard area of the property at 87 Butterfly Lane, which design the Music Academy shall present to MBAR with a request for approval. County shall mail notice to owners of 87 Butterfly Lane ten (10) calendar days prior to the MBAR hearing.
- b) The balconies on the north side of the instructional building shall be ornamental only.

Plan Requirements and Timing: These changes (and confirmation of MBAR consideration and approval of these components) shall be shown on the project building plans for review and approval by P&D prior to approval of CDPs for these structures.

MONITORING: Permit Compliance shall evaluate compliance with this measure during construction and prior to occupancy clearance.

43. The student services building shall incorporate the following:

- a) Window treatments on the east side of the student services building shall be determined by the MBAR to ensure privacy of neighbors. Window treatment shall be designed so that it is not possible to see from the building into the yard area of the property at 87 Butterfly Lane, which design the Music Academy shall present to MBAR with a request for approval. County shall mail notice to owners of 87 Butterfly Lane ten (10) calendar days prior to the MBAR hearing.

- b) The rooftop area of the student services building (especially the lower rooftop on the east side of the structure) shall not be accessible, other than to maintenance personnel for landscape or building maintenance purposes.

Plan Requirements and Timing: These changes (and confirmation of MBAR consideration and approval of these components) shall be shown on the project building plans for review and approval by P&D prior to approval of CDPs for these structures.

MONITORING: Permit Compliance shall evaluate compliance with this measure during construction and prior to occupancy clearance.

44. Window coverings shall be installed on the windows on the east and north facing sides of the proposed new instructional and student services buildings and the north side of the proposed new practice studio building in order to reduce visibility of lighting at night when the buildings are viewed from off-site. In addition, the ~~drapes~~ window coverings shall be installed with a timer, to automatically close during night-time hours. Alternative window treatments which are proven to accomplish the same goal as determined by P&D in consultation with MBAR, would also be acceptable. **Plan Requirements and Timing:** This requirement shall be identified on the building plans and submitted for MBAR and P&D review and approval prior to approval of CDPs for these structures.

MONITORING: Permit Compliance shall evaluate compliance with this measure prior to occupancy clearance.

45. When practice rooms are used for activities which would likely generate nuisance noise for neighbors (e.g., any type of amplification, brass band practice, etc.), any north or east facing windows in the room shall be closed. Therefore, the instructional building shall be designed with an air circulation system that does not rely on opening windows in these rooms. **Plan Requirements and Timing:** Project plans consistent with this requirement shall be submitted for P&D review and approval prior to approval of CDPs for construction.

MONITORING: Permit Compliance shall evaluate compliance with this measure during construction and prior to occupancy clearance.

46. The proposed storage building between The Rack and Treasure House shall not result in removal of any trees. **Plan Requirements and Timing:** Project plans consistent with this requirement shall be submitted for P&D review and approval prior to approval of CDPs for grading or construction.

MONITORING: Permit Compliance shall evaluate compliance with this measure during grading and construction.

47. The rooms/spaces in the new practice studio/instructional/student services building complex shall be used for musical practice, instruction, auditions, rehearsals and meetings associated with music only. Rental of these spaces to others for these same activities would also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes.. **Plan Requirements and Timing:** A note identifying these restrictions shall be included on the project building plans for this structure and the applicant shall submit future activity calendars to permit compliance staff along with other monitoring data to ensure compliance with this measure.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of review of monitoring reports and site visits.

48. In addition to the 300 fixed seats in Abravanel Hall, during the summer season only, 50 removable seats are allowed. No more than 300 seats shall be used for the public. Ticketing shall incorporate tickets for all in attendance at an event and shall include different types of tickets for students, faculty/staff and public attendees (public is anyone who is not a student, faculty or staff). There shall be no removable seats in Abravanel Hall during the non-summer season. **Plan Requirements and Timing:** Project plans showing Abravanel Hall shall specify that Abravanel Hall will have a total of 300 fixed seats and that an additional 50 temporary, not for sale seats shall be allowed in the summer season. The applicant shall specify a method for ensuring that no more than 300 seats are sold to/used by the public, for review and approval by P&D prior to approval of CDPs for construction. This shall include a ticketing plan for the various types of attendees and an example of a monitoring report that would indicate the ticket sales information.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events in the summer season.

49. Summer music students shall access the site using buses provided to and from the site. The exception to this shall be an allowance for up to ten student vehicles on-site. These vehicles shall have designated student permits, which may be transferable between the students and which must be visible in their cars when on campus. No additional student vehicles shall be parked on neighborhood streets to evade this restriction. Walking or bicycling to the site would also be acceptable, as the intent of this condition is to ensure adequate parking on-site. To facilitate compliance, the Music Academy may wish to make a MAW vehicle available for use by students on an as-needed basis. **Plan Requirements and Timing:** This restriction shall be identified in student information materials, a sample of which shall be submitted to P&D for review and approval of CDPs for structures.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events in the summer season and as part of review of parking data monitoring reports.

50. All project related parking demand shall be accommodated on the project site¹⁷. **Plan Requirements and Timing:** This requirement shall be printed on project plans, rental contracts and shall be included on the MAW website associated with activities on-site.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events and as part of review of parking data monitoring reports.

51. During the non-summer, musicians/other performers shall not be counted toward the attendance maximums if they are actually performing at a concert or other event. However, if the activity involved is really instruction or rehearsal with members of the public or students (i.e., not faculty or staff) observing, the performer and audience shall be counted toward the attendance maximums. The intent of this condition is to ensure compliance with the attendance caps and to not allow extension of the summer music program, with an unlimited number of students, in the non-summer, consistent with the Music Academy's letter to Natasha Heifetz Campbell dated June 10, 2004.

¹⁷ The exception to this would be the one, 1-day fundraiser per year, held during the non-summer season, which is unrestricted with regard to attendance caps (e.g., May Madness).

Noise

52. 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. Construction vehicles arriving prior to 7:00 a.m. shall not wait on neighborhood streets. In addition, 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. **Plan Requirements:** Signs stating these restrictions shall be provided by the applicant and posted on site at both the Fairway and Butterfly Lane driveways, in a location visible from the street. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.

MONITORING: Building Inspectors and Permit Compliance shall spot check and respond to complaints.

53. Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded to P&D's satisfaction and shall be located as far as possible from occupied residences. **Plan Requirements:** The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. **Timing:** Equipment and shielding shall remain in the designated location(s) throughout construction activities.

MONITORING: Permit Compliance shall perform site inspections to ensure compliance.

54. Construction routes shall be limited to those shown on the proposed construction route plan. The Music Academy shall make a best effort to receive approval for use of the railroad right-of-way for grading/construction related vehicle traffic for a 90-day period and, if available, an extension at a reasonable cost. If this approval is granted, trucks used to transport fill material shall be routed along the railroad right-of-way to Channel Drive and Highway 101 and this same route shall be used when entering the site. The applicant shall provide all adjacent property owners with a construction activity schedule and construction routes 10 days in advance of construction activities. Any alterations or additions shall require a minimum one day advance notification unless this is not possible due to an unanticipated event that would not allow for one day advance notice (e.g., road closure due to a traffic accident). **Plan Requirements and Timing:** The applicant shall submit a copy of the schedule and mailing list to County Permit Compliance and the City of Santa Barbara Community Development and Public Works Departments 14 days prior to initiation of any earth movement.

MONITORING: Permit Compliance shall perform periodic site inspections to verify compliance with activity schedules.

55. All use of amplified sound on-site in indoor locations shall occur with closed windows during periods when amplification is being used. The Music Academy shall provide a telephone number for members of the public to use to communicate with the Academy regarding amplified sound should amplified sound be audible outside the Music Academy boundaries. Amplified sound in outdoor locations shall be limited to the following:

- a) Location: the "cloistered outdoor courtyard".
- b) Frequency: Two times per year.
- c) Duration: No more than 2 hours per event.
- d) Level: Shall not be audible outside MAW property boundaries.

- e) Time of Day: Beginning no earlier than 9:00 a.m. and ending no later than 9:00 p.m.
- f) Limited to the spoken voice.

Plan Requirements and Timing: This requirement shall be included on the project plans. The cloistered courtyard area of the plans shall refer to a note stating the specific restrictions for outdoor amplification in this area. The plans shall be submitted to the County for review and approval prior to approval of CDPs for construction.

MONITORING: Permit Compliance shall site inspect as necessary to confirm compliance with this condition.

56. All proposed structures shall be designed to reduce interior noise levels to 45 dBA CNEL with doors and windows closed. **Plan Requirements and Timing:** An acoustical engineer shall sign-off project building plans confirming that the proposed construction design will attenuate noise levels inside the structure accordingly. All construction techniques and recommendations of the acoustical engineer shall be incorporated into design of the project and detailed on building plans. Prior to occupancy clearance, indoor noise levels shall be measured by an acoustical engineer to confirm adequacy of construction design (or additional measures shall be incorporated to reduce indoor noise levels to 45 dBA).

MONITORING: Building Inspectors shall ensure that all noise control measures have been implemented according to the approved plans. If an acoustical survey is required, P&D will ensure recommended levels have been reached prior to occupancy clearance.

Solid Waste

57. The applicant shall refine their existing Solid Waste Management Plan (SWMP) for the expanded facilities on-site. The SWMP shall be implemented during the life of the CUP, unless a modification to the plan is approved by County P&D, in consultation with Public Works, Solid Waste Division. **Plan Requirements:** The program shall include, but not be limited to, the following:
- a) On-site provision of adequate space and/or covered bins for storage of recyclable materials generated throughout the site and in no case shall these be located within the easement along the exit drive.
 - b) Designation and/or expansion of a central recyclable material pickup area on-site.
 - c) Continued and expanded participation in the County's recyclables and greenwaste collection programs.
 - d) Development of a plan for accessible collection of increased volumes of recycle materials, particularly during peak use periods.
 - e) Implementation of a monitoring program (quarterly, bi-annually) to ensure participation in recycling efforts and requiring written documentation in the form of receipts.
 - f) Encourage the use of reusable cups and place settings at special events held onsite to minimize solid waste generation.

- g) Development of a plan for recycling/reuse of yard waste on-site. This shall include on-site mulching and use of the mulch on-site as well as location of adequate green waste pick-up containers acceptable to area collection service.

Timing: The applicant shall submit a Final Solid Waste Management Plan for the expanded facilities to P&D for review and approval prior to approval of CDP for grading. Program components shall be implemented prior to occupancy clearance and throughout the life of the project.

MONITORING: P&D shall site inspect periodically during construction, prior to occupancy, and after occupancy to ensure solid waste components are established and implemented.

58. Demolition and/or excess construction material shall be separated for reuse/recycling or proper disposal (e.g., concrete and asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. Bins shall not be located within the exit drive easement area. **Plan Requirements:** This requirement shall be printed on the grading and construction plans. Permittee shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. All applicable materials shall be recycled prior to occupancy clearance.

MONITORING: P&D shall review receipts prior to occupancy clearance.

Geology/Drainage/Water

59. The final grading, drainage and erosion control plan(s) shall be designed to minimize grading requirements, minimize erosion, properly convey runoff water across the site to appropriate off-site drainage infrastructure, and filter pollutants and sediment from runoff waters prior to drainage leaving the site. The plan(s) shall include, but not be limited to, the following:
- (a) Bio-filtration shall be incorporated into the drainage plan wherever feasible, such as in the northern swale and in appropriate landscaped areas¹⁸. Additional mechanical/chemical or other filters shall also be installed in paved areas to further reduce oil and grease pollution from entering drainage channels and the storm drain system along Butterfly Lane. The plan shall include specifications for all proposed filtering mechanisms (biological and other) as well as on-going and periodic maintenance requirements to ensure proper working order.
 - (b) Best available erosion and sediment control measures (also known as water quality best management practices or BMPs) shall be implemented during grading and construction. BMPs such as, but not limited to, the use of geo-textile fabrics, gravel bags, erosion control blankets, jute net, silt fences, straw bales, temporary berms and sediment trapping/retention basins, drainage diversion structures and spot grading shall be used to reduce erosion and siltation into adjacent/nearby water bodies or storm drains during grading and construction activities and until graded areas have been stabilized by structures, long-term erosion control measures or landscaping. Design of BMPs and filters shall ensure appropriate location, size, and maintenance to maximize intended performance.
 - (c) The plans shall take into consideration potentially differing requirements for all phases of site development.

¹⁸ This shall also be incorporated and graphically depicted on the landscape plan.

- (d) Wherever possible, details of erosion control techniques and filters shall be shown graphically on the plans along with notes, (e.g., location of filters, landscape areas serving as filters, straw bales, siltation fencing, temporary berms, notes addressing siltation fencing installation and dust suppression requirements, etc.
- (e) Drainage plans shall contain specifications and maintenance procedures. The applicant shall enter into a maintenance agreement for drainage improvements (for all private drainage improvements) and may be required to bond for long-term maintenance of specific filtering techniques/devices (or other BMPs), per Flood Control District conditions and Project Clean Water review to ensure proper maintenance. The applicant shall maintain maintenance records as part of this agreement.
- (f) The applicant shall limit excavation and grading on the project site to the dry season of the year (i.e., April 15 to November 1) unless a Building and Safety approved erosion control plan is in place and all measures therein are in effect.
- (g) Native vegetation is recommended for mulch as protection for both soil blowing and water erosion over the long-term.
- (h) 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.
- (i) To minimize pollutants impacting waterbodies, storm drain filters, inserts, inline clarifiers, or separators shall be installed in the project area storm drain inlets and/or paved areas. The storm drain 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.
- (j) Graded areas shall be revegetated within two weeks of completion of grading activities, for areas that are not to be constructed on, with deep rooted, native, drought-tolerant species (unless alternative, equally effective non-native species have been approved in the landscape plan) to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- (k) Grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff.
- (l) A detailed geological and/or soils engineering study addressing structure sites and the access roads shall be prepared to determine structural design criteria, as recommended by the Planning and Development Building & Safety Division. The study shall be submitted for review and approval by Public Works.

Plan Requirements: The applicant shall submit final grading, drainage and erosion control plan(s) for review and approval by P&D and the FCD prior to approval of a Coastal Development Permit for grading. The plans shall include sign-off from the Montecito Sanitary District and the City of Santa Barbara prior to approval of the CDPs for grading in the northern and western portions of the site. **Timing:** The applicant shall notify Permit Compliance prior to commencement of grading. Components of the grading plan shall be implemented throughout all grading activities as specified on the plan. The erosion control plan shall be implemented within two weeks after the completion of grading activities, with the exception of surfaces graded for the placement of structures.

Attachment 3

MPC Final Conditions of Approval for Board of Supervisors Hearing 10/26/04

These surfaces shall be reseeded if construction of structures does not commence within 8 weeks of grading completion.

MONITORING: Permit Compliance will photo document revegetation and ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities. Prior to construction, installation shall be photo-documented and submitted by the applicant to P&D. P&D shall site inspect and ensure filters are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to and during construction. The Flood Control District would monitor the post-construction period via the maintenance agreement.

60. Energy dissipaters shall be installed along drainage improvements emptying into the swale along the northern property line. This swale shall be designed as a bio-swale to assist in filtering out pollutants and sediment prior to reaching the drain outlet near Butterfly Lane. The applicant shall coordinate with the Union Pacific Railroad to ensure that portions of the swale located in the railroad right-of-way can be used as a bio-swale. If permission cannot be acquired for this use, bio-filtration shall be considered elsewhere in the northern portions of the Music Academy property in a manner which does not impact the northern eucalyptus windrow. **Plan Requirements:** Prior to approval of CDPs, the applicant shall submit to P&D and the FCD for review and approval, detailed plans and a report prepared by a licensed geologist or engineer for any proposed permanent drainage and erosion control components. Design of bio-filtration measures shall be coordinated with a biologist/arborist to ensure this would not damage the northern eucalyptus windrow or result in other significant biological impacts. **Timing:** Erosion control components shall be installed prior to grading permit issuance, except where components cannot be installed until completion of grading.

MONITORING: P&D shall require submittal of photo-documentation of installed structures or shall site inspect for compliance prior to issuance of CDP for grading.

61. Drainage shall be consistent with approved drainage plans. Wherever feasible, plans for site drainage shall incorporate bio-filtration, pervious surfaces (particularly in parking surface parking and patio areas) and other methods of filtering contaminants from runoff water (e.g., mechanical filters). **Plan requirements and Timing:** Prior to approval of a Coastal Development Permit for grading, a final drainage plan shall be submitted to P&D and FCD for review and approval. The plan shall include the location of all proposed pipelines, the entire length of all proposed pipelines, trees located within 15 feet of the pipelines, vegetation proposed to be planted for bio-filtration purposes, the use of pervious surfaces for parking, patio, walkways, and other short and long-term water quality filtering methods etc., pipe diameters, and amount of water that would flow from each pipeline.

MONITORING: P&D shall site inspect for compliance during grading.

62. 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 and Safety Division.

MONITORING: Building inspectors shall site inspect prior to occupancy clearance.

63. To prevent illegal discharges to the storm drains, all on-site storm drain inlets, whether new or existing shall be labeled to advise the public that the storm drain discharges to the ocean and that dumping waste is prohibited (e.g., "Don't Dump – Drains to Ocean"). The information shall be provided in English and Spanish. **Plan Requirements and Timing:** Location of storm drain inlets shall be shown on site building and grading plans prior to

approval of CDPs for grading (on building plans as well prior to approval of CDPs for structures). Labels shall be installed prior to occupancy clearance. Standard labels are available from Public Works, Project Clean Water, or other label designs shall be shown on the plans and submitted to P&D for approval prior to approval of CDPs.

MONITORING: Permit Compliance shall site inspect prior to occupancy clearance.

64. During construction, washing of concrete, trucks, paint, equipment or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site and in no case shall these activities take place within the easement (along the exit drive) Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate a wash off area, acceptable to P&D, and this area shall be shown on the construction plans and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to approval of Coastal Development Permits. The wash off area shall be in place and maintained throughout construction.

MONITORING: P&D staff shall check plans prior to approval of Coastal Development Permits and compliance staff shall site inspect throughout the construction period to ensure proper use and maintenance of the washout area(s).

65. Outdoor water use shall be limited through the measures listed below.

- a) Landscaping shall generally be with native and/or drought tolerant species to reduce water demand. However, exceptions are expected as identified in (but not limited to) the preliminary landscape plan, to address specific screening, historic resource, and biological issues.
- b) Drip irrigation or other water-conserving irrigation shall be installed.
- c) Plant material shall be grouped by water needs.
- d) Extensive mulching (2" minimum) shall be used in all landscaped areas to improve the water holding capacity of the soil by reducing evaporation and soil compaction.
- e) Soil moisture sensing devices shall be installed to prevent unnecessary irrigation.
- f) Permeable surfaces such as turf block or intermittent permeable surfaces such as French drains shall be used to minimize runoff and maximize recharge and filtering of runoff water.
- g) Wherever feasible, the landscape plan shall incorporate bio-swales or other landscaped areas which serve to filter run-off water from the site. These components shall be graphically depicted on the landscape/irrigation plan(s).

Plan Requirements: Prior to approval of CDPs for grading, a landscape and irrigation plan shall be submitted to P&D for review and approval. The applicant/owner shall enter into an agreement with the County to install required landscaping/irrigation and maintain required landscaping for the life of the project.

Timing: The applicant shall implement all aspects of the landscape and irrigation plan prior to occupancy clearance and shall maintain the landscaping components in the landscape plan for the life of the project.

MONITORING: Permit Compliance shall conduct site visits to ensure installation and maintenance of landscape and irrigation. Any part of irrigation plan requiring a plumbing permit shown on building plans shall be inspected by Building Inspectors.

66. Indoor water use shall be limited through the following measures:

- a) All hot water lines shall be insulated.
- b) Recirculating, point-of-use, or on-demand water heaters shall be installed in all new or renovated structures..
- c) Water efficient clothes washers and dishwashers shall be installed.
- d) Lavatories and drinking fountains shall be equipped with self-closing valves

Plan Requirements: Prior to approval of Coastal Development Permits, indoor water-conserving measures shall be graphically depicted on building plans, subject to P&D review and approval. **Timing:** Indoor water-conserving measures shall be implemented prior to occupancy clearance.

MONITORING: P&D shall inspect for all requirements prior to occupancy clearance.

Sewer

67. The applicant shall remove all portions of the existing maintenance building which are currently located within the MSD sewer easement. **Plan Requirements and Timing:** At the earliest possible date, but in no case later than prior to approval of CDPs for the first phase of development, project plans shall identify this requirement as well as the location of the sewer easement and existing sewer lines. Prior to submitting applicable plans to P&D for review, the applicant shall receive confirmation (sign-off on plans) from MSD regarding agreement on removal of this structural consistent with their easement. This structure shall be removed prior to occupancy clearance for the first phase of the Master Plan.

MONITORING: P&D shall perform site inspections to ensure compliance with the approved plans.

68. The applicant shall coordinate with MSD and the City of Santa Barbara regarding the specific location and design of the new parking area in the northern portion of the site (and within their easements) and the proposed landscape plan (as it relates to plantings proposed within or in proximity to the sewer easement). **Plan Requirements and Timing:** Prior to submitting applicable plans to P&D for review, the applicant shall receive confirmation from MSD and the City of Santa Barbara (sign-off on plans) that the proposed location and design of parking area and plantings is acceptable, to avoid impacts to their respective pipelines. In addition to design specifications, this may include other measures such as in-pipeline video documentation before and following completion of construction to ensure that no unanticipated damage occurred to the pipelines as a result of construction activities. Structural engineering shall also consider the effects of future maintenance or repair activities on the pipelines that could impact the parking area (e.g., such activities may involve a deep, wide trench in proximity to the edge of these structures). P&D shall confirm sign-offs prior to approval of applicable CDPs. Plans

shall identify the surveyed location of the northern property line, the sewer easement, sewer manholes and existing sewer lines.

MONITORING: P&D shall perform site inspections to ensure compliance with the approved plans.

Traffic

69. Parking demand generated by project activities shall be accommodated within the on-site parking supply (285 passenger vehicle spaces with ability for 5 additional spaces using stacked parking, and two bus spaces, consistent with approved plans). The parking shall be in place prior to any increases in attendance. This parking supply is consistent with application of a conservative parking demand rate of 0.76 spaces/seat¹⁹, the project would generate demand for 289 spaces.). In order to ensure that project generated parking demand can be accommodated on-site, once the Master Plan is operational, the applicant shall monitor event parking during large events (300 plus attendees) to determine whether parking is indeed adequate to accommodate on-site parking for the proposed any given time maximum public attendance. The parking monitor shall specifically evaluate parking for days when high attendance is expected for consecutive Master Classes to determine whether there is adequate time between event start and end times to allow exiting vehicles (from a large event) to leave the site in time for entering vehicles (for a large event) to backfill the vacated parking spaces without waiting. Project conditions, which affect parking (including, but not limited to a reduction in the any given time public attendance maximum attendance cap, increased or decreased minimum time required between consecutive events, etc.), may be modified at the required compliance report hearings with the Montecito Planning Commission if the results of these surveys indicate insufficient parking is available to accommodate project demand. The MAW also has the ability to control administrative and volunteer activities on-site to ensure adequate parking will be available to accommodate other activities and events. **Plan Requirements and Timing:** The applicant shall fund preparation of periodic surveys (four times per year, although more often during the summer season and possibly less often during the non-summer season would also be acceptable) of the total number of vehicles associated with large events on-site and where they park. The applicant shall submit a draft monitoring plan to P&D for review and approval prior to approval of CDPs for new structures. Depending on project phasing, the monitoring plan may require modification for future phase(s). The monitoring plan may be modified by the MPC, as determined necessary, at the project's compliance hearings. The parking surveys shall specifically evaluate large consecutive events. The surveys shall be performed by professionals experienced in collection of traffic data. Given the potential ramifications of the survey results and to avoid any perception of conflict of interest, the survey personnel shall be funded by the applicant under contract to the County. The surveys shall account for all cars associated with Music Academy activities, including those associated with students, faculty, other employees, volunteers, customers and sales people at the resale shops, and others attending administrative activities on-site. (Surveys required by this condition may be performed in conjunction with mitigation monitoring requirements identified in other traffic mitigation measures). In the first year of regular operations, survey data shall be available for a week which includes peak attendance classes/events/picnic concert during the summer season and for a week which includes peak events during the non-summer period. Therefore, the Academy's event calendar shall be used to identify appropriate monitoring periods.

MONITORING: Permit Compliance shall ensure implementation of contract for parking monitoring and shall review parking monitoring reports for compliance.

¹⁹ Based on ATE summer afternoon, high attendance event data

70. Until such time as the improvements to the Cabrillo/Los Patos-Channel intersection and the Cabrillo/U.S. 101 interchange/ramps are completed (and found to achieve LOS C with future traffic assumptions), the following measure shall be implemented:

The MAW shall schedule Master Classes with more than 250 public attendees to start and end outside of the 4:00-6:00 p.m. peak commute period (such as a 4:00 P.M. start and a 6:00 P.M. end or a 1:00 start and a 2:50 end) to mitigate potential traffic impacts. **Plan Requirements and Timing:** Music Academy staff shall be made aware of this requirement prior to scheduling events and other activities MAW shall submit activity calendars to P&D on an annual basis showing the schedule for events accordingly. The applicant shall maintain a copy of the CUP in a location where it is physically accessible to the public as well as on their web-site. At such time as the intersection improvements are completed, the applicant shall submit evidence of completion to P&D for concurrence and may alter its schedule of events accordingly.

MONITORING: Music Academy shall maintain event/rental records of ticket sales for all attendees including students, faculty, staff or other employees (unless they are only performing/working at the event) t. MAW shall also maintain event calendars for reference.

71. The applicant shall contribute \$17,400.00 (the project's proportional share of a \$200,000.00 round-about, as the project EIR concludes that the project would contribute 8.7% or 18 PHT out of 208 cumulative PHT to the intersection) to design and implement the necessary improvements at the Los Patos/Cabrillo Boulevard/Channel Drive intersection. If a round-about is not determined to be the appropriate method for addressing cumulative traffic, then these funds shall go toward alternate City approved mitigation for this intersection.

Plan Requirements and Timing: Prior to approval of CDPs, the applicant shall submit written confirmation from the City of Santa Barbara that acceptable arrangements have been made to address the applicant's contribution to this intersection improvement.

MONITORING: Permit Compliance shall confirm that all arrangements have been completed with the City of Santa Barbara.

72. The applicant shall contribute funds representing the project's proportional share of the approved improvement at Hot Springs/Cabrillo/Highway 101 ramps, as the project EIR concludes that the project's contribution to cumulative PHT increases to this intersection would equate to 5.6% of the \$150,000.00 cost to implement the planned interim traffic signal at this intersection. This contribution shall only be required if the applicant no longer wishes to limit public attendance to 250 attendees for events from 4:00-6:00 pm until the improvements have been completed.

73. The applicant shall prepare and submit a construction traffic plan to the County and the City of Santa Barbara prior to approval of a CDP for grading. The plan shall:

- a) Designate a construction traffic coordinator;
- b) Identify the truck routes, which minimize effects on pedestrians and bicyclists and nuisance to neighbors. This shall include use of the UPRR right of way as/if permitted by UPRR for a 90-day period and, if available, an extension at a reasonable cost. ;
- c) Require prompt clean up of dirt/other debris spilled from construction vehicles on neighborhood streets. Dry-cleaning methods shall be preferred to avoid flushing dirt and pollutants into the storm water system.

Attachment 3

- d) Vehicles transporting excess fill from the project site shall avoid the p.m. peak hour period (4:00-6:00 p.m.) to minimize impacts on the Cabrillo/Hot Springs/Highway 101 intersection.
- e) During the construction period, a gate control program shall be implemented to eliminate cut-through traffic during the construction period.

Plan Requirements and Timing: The applicant shall review the construction traffic plan with the Montecito Association and the MSD and obtain their comments on the plan for inclusion and later submittal to the County. The plan shall be reviewed and approved by County Public Works and P&D as well as the City of Santa Barbara prior to approval of a CDP for grading. The plan shall be implemented throughout the construction period.

MONITORING: Permit Compliance shall inspect for implementation of plan during the construction period.

74. Project generated parking demand shall be accommodated by on-site parking (285 passenger vehicle spaces, 5 additional stacked parking spaces and two bus spaces). To facilitate on-site parking and avoid project generated parking demand on neighborhood streets, the MAW shall:

a) Deploy an adequate number of parking attendants for the larger events to ensure that identified parking is maximized (and parking on neighborhood streets is avoided or minimized). An adequate number of attendants shall also be present for events to ensure that entering vehicles are not blocking traffic on Fairway in front of the Music Academy entrance. Parking attendants shall be responsible for directing vehicles to appropriate parking areas and open spaces and facilitating circulation throughout the site(s). If it is confirmed by P&D that MAW attendees, staff or students are consistently parking on neighborhood streets, the MAW will be required to utilize an increased number of parking attendants. If this problem persists, information regarding this situation will be forwarded to the Montecito Planning Commission as part of their compliance update hearing(s). If the monitoring indicates that on-site parking supply cannot accommodate peak parking demand for maximum attendance events, the MPC shall consider reducing the maximum any given time attendance to a level at which the on-site parking supply can accommodate peak attendance.

b) In the non-summer period, performers shall be bused to the site if there would be more than 95 staff/performers at an event (with attendees)²⁰.

Plan Requirements and Timing: The applicant shall prepare a typical plan for use by attendants at various large events to facilitate operations. This plan shall be submitted to P&D and Public Works prior to issuance of CDPs.

MONITORING: Permit Compliance shall periodically inspect for implementation of plan during large events. Permit Compliance may also review related monitoring reports required pursuant to other project conditions.

²⁰ This is required to ensure there would be adequate on-site parking for a high attendance event in the non-summer season, when performers would not normally be arriving by bus (as the students do during the summer).

75. The applicant shall deposit funds to cover on-going staff review and compliance efforts. In addition to regular compliance review, this shall also include the cost for staff to attend (unannounced) events on-site periodically²¹ and to perform manual counts of attendees at such events for general comparison with applicant submitted monitoring reports regarding attendance. Precise comparison will not be possible for some events (e.g., summer concerts) as some of the attendees will include students and faculty. However, the monitoring data submitted by the MAW will break out the number of public attendees. **Plan Requirements and Timing:** The applicant shall submit necessary funds for long-term compliance with P&D prior to approval of CDPs. The amount shall be determined following review of project plans for CDPs, including, but not limited to, the manner in which the project operations propose to comply with project conditions.

MONITORING: Permit Compliance shall confirm that funds were deposited prior to issuance of CDPs.

76. The Music Academy shall ensure adequate breaks between the start and end times of events to avoid concurrent demand for available parking. At least 40 minutes shall be scheduled between the start and end times of larger events on-site (those involving combined consecutive event attendance of 550 or more public attendees, such as 300 at the first afternoon Master Class and 250 at the second Master Class).

MONITORING: Permit Compliance shall periodically review Music Academy schedules of events for compliance.

77. Although not an option at this time, project egress for west-bound traffic would be acceptable using either Monte Cristo Lane or the Montecito Sanitary District driveway (subject to Public Works review and approval of the driveway access design onto Channel Drive. Maintaining this option (although unlikely to effectuate), would serve to reduce neighborhood traffic volumes and provide a more direct route for west-bound traffic leaving the Music Academy.

Project Specific Conditions

78. No signs of any type are approved with this action unless otherwise specified. All signs require a separate Coastal Development Permit and Montecito Board of Architectural Review approval and shall comply with the Santa Barbara County Code Chapter 35, Article I (Sign Regulations). The exception to this shall be temporary signs associated with the interim CTRP. The applicant will bring the temporary signs forward for MBAR review and approval, but will be permitted to install temporary CTRP signage prior to MBAR approval, in order to effectuate traffic reduction at the earliest possible date. If MBAR recommends changes to the signs, within one week the MAW shall replace the signs, consistent with the MBAR directed change(s).
79. If trash storage is located in view of a public roadway, the trash area shall be installed which is architecturally compatible with the project design. The storage area shall be enclosed with a solid wall of sufficient height to screen the area and shall include a solid gate. Trash storage shall not be located in the easement portion of the exit drive (at the eastern end of the internal roadway). The trash storage area shall be maintained in good repair. **Plan Requirement:** Location and design of trash storage area shall be denoted on project plans. **Timing:** Trash storage area shall be installed prior to occupancy clearance.

²¹ During the first year of operations this shall involve visits once/week during the summer and at least once per month during the non-summer period. At the first scheduled compliance hearing (one year after operations under the first phase of the Master Plan begin), the schedule for monitoring may be re-evaluated.

80. During the non-summer period, unless the recording is secondary to an actual on-site performance those persons being recorded and related assistants on-site ~~for~~ shall be counted toward the attendance limits. During the summer season, only summer school students, faculty, and related assistants shall use the recording facilities.
81. Consistent with the intent of the Master Plan project description, the renovated recital hall shall be designed to accommodate chamber music (generally smaller musical groups). Therefore, it shall not include features which would allow additional types of performances to be re-located and/or expanded onto the project site (e.g., from the Lobero and other downtown locations used historically). Therefore:
 - a) Only the necessary off-stage and back-stage space shall be provided;
 - b) There shall be no fly gallery;
 - c) Lighting pipes shall be the minimum necessary to accommodate the basic instrumental and vocal performances associated with chamber music and other small group performances. A full complement of lighting pipes (downstage to upstage) shall not be incorporated.

CONDITIONAL USE PERMIT CONDITIONS

82. The conditions of this Conditional Use Permit replace and supersede the conditions of the previous CUP permit, 90-CP-111 RV01. This permit covers all existing and proposed development and uses on the project site.
83. This Conditional Use Permit is not valid until a Coastal Development Permit for the development and/or use has been obtained. Failure to obtain said Coastal Development Permit shall render this Conditional Use Permit null and void. The component of this CUP addressing new construction is valid for a period of 3 years. (CDPs for construction must commence within 3 years of approval of the CUP). Prior to the issuance of the Coastal Development Permit, all of the conditions listed in this Conditional Use Permit that are required to be satisfied prior to approval of Coastal Development Permits must be satisfied. Upon issuance of the Coastal Development Permit, the Conditional Use Permit shall be valid. The effective date of this Permit shall be the date of expiration of the appeal period to the Board of Supervisors, or, 10 working days after the California Coastal Commission (CCC) receipt of Board of Supervisor's final action, if appealed to the Board of Supervisors. If appealed to the CCC, the date shall be measured from CCC final action).
84. If the Montecito Planning Commission determines at a noticed public hearing that the permittee is not in compliance with any permit condition(s), pursuant to the provisions of Sec. 35-172.10 of Article II of the Santa Barbara County Code, the Montecito Planning Commission is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.
85. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Coastal Development Permit issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit.
86. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.

87. Within three years after the effective date of this permit, construction and/or the use shall commence. Construction or use cannot commence until a Coastal Development Permit has been issued. Failure to commence the construction and/or use pursuant to a valid Coastal Development Permit shall render the Conditional Use Permit null and void.
88. All time limits may be extended by the Montecito Planning Commission for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.
89. 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 coastal development permit issuance.

COUNTY RULES & REGULATIONS/LEGAL REQUIREMENTS

90. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Coastal Development and Building Permit from Planning and Development. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Montecito Planning Commission Board of Supervisors. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
91. Prior to approval of Coastal Development Permits for the project, the owner shall sign and record an agreement to comply with the project description and all conditions of approval.
92. Two performance securities shall be provided by the applicant prior to approval of Coastal Development Permits, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for 5 years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. The installation security shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security 5 years after installation. 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 plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:
 - a. Installation of landscaping, including the butterfly enhancement area, tree replacement and transplanting, and all of other components of the landscape plan including plants, irrigation, hardscapes, vine support structures, and screening walls or fences consistent with the approved tree protection and preservation plan, butterfly enhancement plan, and grading and drainage plans, prior to occupancy clearance.

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

93. Landscaping shall be maintained for the life of the project.

Attachment 3

94. Prior to approval of Coastal Development Permits, the applicant shall notify in writing all property owners and occupants of parcels within 300' of the project site of its approval and conditions. Proof of mailing the notices shall be provided to Planning and Development.
95. **Compliance with Departmental letters required as follows:**
- a. Air Pollution Control District dated November 12, 2003
 - b. Environmental Health Services dated November 6, 2003
 - c. Flood Control dated November 19, 2003
 - d. Transportation Division (Public Works) dated June 16, 2004
 - e. Montecito Sanitary District dated November 19, 2003 and April 19, 2004
 - f. Montecito Fire Protection District dated November 20, 2003 and May 27, 2004
96. All applicable final conditions of approval 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.
97. The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:
- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
 - b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
 - c. Pay fees prior to approval of Coastal Development Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.
98. Prior to approval of Coastal Development Permits, the applicant shall provide evidence that an Agreement to Comply with Conditions has been recorded on a form acceptable to Planning and Development. Such form may be obtained from the P&D office.
99. Prior to issuance of Coastal Development Permit, the applicant shall pay all applicable P&D permit processing fees in full.
100. Any change of use in the existing or proposed building or structure shall be subject to environmental analysis and appropriate review by the County including building code compliance.

101. 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 Conditional Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
102. 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.
- III. This permit is issued pursuant to the provisions of Section 35-315 of Article III of the Code of Santa Barbara County and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:
- a. If any of the conditions of the Conditional Use Permit are not complied with, the Montecito Planning Commission, after written notice to the permittee and a noticed public hearing, may in addition to revoking the permit, amend, alter, delete or add conditions to this permit at a subsequent public hearing noticed for such action.
 - b. A Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.
 - c. Said time may be extended by the Montecito Planning Commission one time for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.


JACKIE CAMPBELL
Deputy Director, Development Review South Division
For VAL ALEXEEF, DIRECTOR

Attachments:

Departmental/Agency condition letters
Bill Spiewak letters dated 1/30/03, 9/03, 4/2/04, and 5/18/2004

G: GROUP\PERMITTING\CASE FILES\CP\1990S\90S CASES\90CP111\90CP111RV01\BOS\CONDITIONS FOR 102604 BOS



Our Vision  Clean Air

Santa Barbara County
Air Pollution Control District

TO: Department of Planning and Development - South Co.
ATTN: Natasha Heifetz
FROM: Vijaya Jammalamadaka *VJ*
DATE: November 12, 2003
CASE #: 90-CP-111RV01 Music Academy of the West-Master Plan Rev.
(APN 009-282-029)
(APN 009-281-030)

The Air Pollution Control District has reviewed the referenced case and offers the following:

- The APCD has no comment on this project at this time.
- Applicant must be issued an APCD permit prior to construction or operation of this project.
- Applicant must apply for an APCD permit exemption prior to land use clearance.
- The applicant should determine whether the structure(s) proposed for demolition contains asbestos that is friable or has the potential to become friable during demolition or disposal. If the structure does contain friable asbestos, the asbestos should be removed by a contractor that is state certified for asbestos removal.
- Applicant is required to complete the attached "Asbestos Demolition/Renovation Notification" form. The completed form should be mailed to the Santa Barbara APCD and EPA Region IX no later than the date specified in number 2 of the instructions.
- Standard dust mitigation measures (dated September 1996) are recommended for all construction and/or grading activities. The name and telephone number of an on site contact person must be provided to the APCD prior to issuance of land use clearance.

cc:

Suzanne Elledge, Agent
Project File
TEA Chron File

RECEIVED

NOV 13 2003

S.B. COUNTY
PLANNING & DEVELOPMENT

SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT
STANDARD DUST CONTROL REQUIREMENTS

1. Dust generated by the development activities shall be retained onsite and kept to a minimum by following the dust control measures listed below. Reclaimed water shall be used whenever possible.
 - a. During clearing, grading, earth moving or excavation, water trucks or sprinkler systems are to be used in sufficient quantities, after each day's activities cease, to prevent dust from leaving the site and to create a crust.
 - b. After clearing, grading, earth moving or excavation is completed the disturbed area must be treated by watering or revegetating; or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
 - c. During construction, water trucks or sprinkler systems are to be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

2. Importation, Exportation and Stockpiling of Fill Material:

Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

Trucks transporting fill material to and from the site shall be tarped from the point of origin.

If the construction site is greater than five acres, gravel pads must be installed at all access points to minimize tracking of mud on to public roads.

3. Activation of Increased Dust Control Measures:

The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

4. Recordation of Mitigation Measures:

Prior to land use clearance the applicant shall include, as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.

PUBLIC Health
DEPARTMENT

Environmental Health Services

2125 S. Centerpointe Pkwy., #333 • Santa Maria, CA 93455-1340
805/346-8460 • FAX 805/346-8485

Roger Heroux, MPA Director
Elliot Schulman, MD, MPH Health Officer/Medical Director

TO: Natasha Heifitz Campbell, Planner
Planning & Development Department
Development Review Division

FROM: Paul Jenzen
Environmental Health Services

DATE: November 6, 2003

SUBJECT: Case No. 90-CP-111 RV01 Montecito Area

Applicant: Music Academy of the West
1070 Fairway Road
Santa Barbara, CA. 93108

Property Location: Assessor's Parcel No. 009-282-029, 030, zoned 1-E-1, located at
1070 Fairway Road.

Case No. 90-CP-111 RV01 represents a request for a major remodel of the facilities at the subject site. New facilities would include a practice building, an instructional building and student services building. Also included in the project is a kitchen remodel. In addition, the number of summer attendees would increase.

Domestic water supply is proposed to be provided by the Montecito Water District.

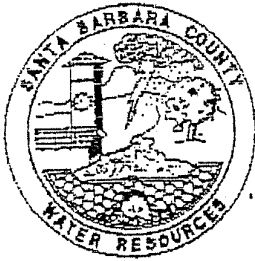
Sewage disposal is proposed to be provided by the Montecito Sanitary District.

The project site is currently connected to the Montecito Water District and the Montecito Sanitary District but because of the new services connections a "Can and Will Serve" letter will be required.

Providing the Planning Commission grants approval of the applicant's request, Environmental Health Services recommends the following be included as Conditions of Approval:

1. Prior to Issuance of Zoning Clearance, Environmental Health Services shall receive and approve written notice from the Montecito Water District indicating that said district can and will provide domestic water service upon demand and without exception.
2. Prior to Issuance of Zoning Clearance, Environmental Health Services shall approve written notice from the Montecito Sanitary District indicating that said sanitary district can and will provide municipal sewage collection and disposal upon demand and without exception.

RECEIVED
NOV 9 7 2003



Santa Barbara County Flood Control & Water Conservation District and Water Agency

123 E. Anapamu Street, Santa Barbara, California 93101
(805) 568-3440 Fax: (805) 568-3434
Web: <http://www.countyofsb.org/pwd/water>

Phillip M. Demery
Public Works Director

Thomas D. Fayram
Deputy Public Works Director

November 19, 2003

Montecito Planning Commission
S.B. County Planning & Development Department
123 E. Anapamu St.
Santa Barbara, CA 93101

Reference: 90-CP-111RV01; Music Academy of the West
APN: 009-282-029, -030/Montecito

Dear Commissioners:

This District recommends that approval of the above referenced project be subject to the following conditions.

1. Prior to issuance of Land Use Clearance, the applicant shall comply with the Flood Control Standard Conditions of Approval.
2. Prior to issuance of Land Use Clearance, the applicant shall submit grading & drainage plans to the District for review and approval. Said plans shall convey site drainage to an acceptable watercourse or drainage facility in a non-erosive manner, and shall include Clean Water Best Management Practices (BMP's).
3. The applicant will be required to pay the current plan check fee deposit at the time the grading & drainage plans are submitted for District review and approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale W. Weber".

Dale W. Weber, P.E.
Development Engineer

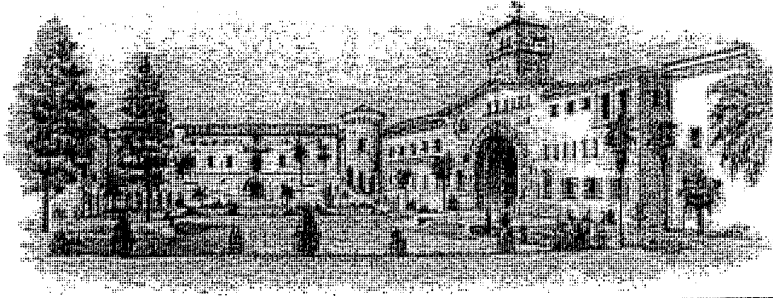
RECEIVED

NOV 19 2003

**S.B. COUNTY
PLANNING & DEVELOPMENT**

cc: Natasha Campbell, Planning & Development
Suzanne Elledge, 800 Santa Barbara Street, Santa Barbara, CA 93101
Music Academy of the West, 1070 Fairway Rd., Santa Barbara, CA 93108
Steve Metsch, 2020 Alameda Padre Serra, Santa Barbara, CA 93103

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



June 22, 2004

TO: Natasha Heifetz, Planner
Development Review

FROM: William Robertson, Transportation Planner
Public Works, Transportation Division

SUBJECT: Conditions of Approval (3 pages)
The Music Academy of the West Master Plan
90-CP-111 RV01
APN: 009-282-029, -030
1070 Fairway Road, Montecito

Traffic Mitigation Fees

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

Based on the current fee schedule, the total estimated fee for the proposed project is \$40,527 (27 newly generated PHT's x \$1,501/PHT). Fees are due prior to land use clearance and shall be based on the fee schedule in effect when paid. This office will not accept payment or process a check received prior to project approval.

Fees are payable to the County of Santa Barbara, and may be paid in person or mailed to: Santa Barbara County Transportation Division, 123 E. Anapamu St., 2nd Floor, Santa Barbara, CA 93101 or Santa Barbara County Transportation Division North, 2400 Professional Parkway, Suite 150, Santa Maria, CA 93455. Please phone this office prior to payment if unsure as to the final fee required.

Sight Distance

2. Prior to land use clearance, the developer shall design, and prior to occupancy, the developer shall provide intersection sight distance in a manner acceptable to the Department of Public Works Traffic Section.

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

Driveways/Drive Aisles

3. Prior to land use clearance or tract/parcel map approval the developer shall design, and prior to occupancy the developer shall construct, all site ingress and egress points in a manner acceptable to the both Department of Public Works Traffic and Permit Sections. All driveway accesses shall be improved to include all necessary pavement or cross gutters to match adjacent improvements as required by the Department of Public Works Traffic and Permit Sections.
4. Prior to land use clearance the, developer shall design, and prior to occupancy, the developer shall construct all driveway ingress and egress points to conform to the appropriate County of Santa Barbara Engineering Design Standard Detail, as determined by the Public Works Traffic and Permit Sections. All Interior drive isle widths shall be to the satisfaction of the Public Works Traffic Section.

Street Sections/Pavement Traffic Index

5. Prior to land use clearance or tract/parcel map approval, the developer shall design, and prior to occupancy, the developer shall construct pavement for all roadwork based on the appropriate road detail provided in the Santa Barbara County Engineering Design Standards. All designs and/or modifications shall be reviewed and approved by the Department of Public Works Traffic and Permit Sections.

Encroachment/Excavation Permit

6. Prior to recordation and/or zoning clearance, the developer shall apply for an Encroachment Permit for all proposed work within the public road right of way. Prior to building permit issuance, the developer shall obtain approval of the required encroachment permit. Approval shall be granted after submittal of an application, plans, agreement(s), bond(s), and fees, as required by the Public Works Permit Section, are determined to be acceptable.

The developer shall comply with all applicable Public Works Standard Conditions of Approval and Engineering Design Standards, as determined by the Public Works Traffic or Permit Sections, before issuance of the Encroachment Permit.

An Excavation or Encroachment Permit shall be required for any work performed in the County right of way. Permitted work and necessary documents shall include, but are not limited to: Erosion and traffic control, landscaping, lighting, road construction, sidewalks, curbs, gutters, driveways, utility connections, cost estimates, construction safety documents or anything determined necessary to fully review the proposed work and determine its value.

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

North County Permits Section
2400 Profession Parkway, Suite 150
Santa Maria, CA 93455
805-739-8788

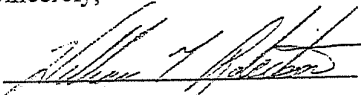
South County Permits Section
4417 Cathedral Oaks Road
Santa Barbara, CA 93110
805-681-4967

Traffic Controls

7. Prior to land use clearance, traffic circulation and control on adjacent streets shall be designed as required by the Department of Public Works Traffic Section. This shall include, but is not limited to, curb openings, turn lanes and control signs for regulation, warning, and guidance of traffic.
8. Prior to land use clearance, traffic circulation and control onsite shall meet the approval of the Department of Public Works Traffic Section.
9. Prior to occupancy, all signs shall be installed, and prior to final clearance, the County may require the developer to add traffic safety devices, such as signing and striping, the need for which are not apparent at time of plan approval but which are warranted due to actual field conditions. The developer shall install the traffic safety devices prior to final clearance.

If you have any questions, please contact me at 739-8785.

Sincerely,



William T. Robertson

6/22/04

Date

cc: 90-CP-111 RV111
Bret Stewart, Transportation Manager, County of Santa Barbara, Public Works Department
L:\Montecito\The Music Academy of the West 90-CP-Cond.doc



Montecito Sanitary District

1042 Monte Cristo Lane
Santa Barbara, CA 93108
General Manager: Jerry D. Smith

A Public Service Agency

PHONE: (805) 969-4200
FAX: (805) 969-8049

November 18, 2003

Ms. Natasha Heifetz Campbell
County of Santa Barbara
Planning & Development Department
123 E. Anapamu Street
Santa Barbara, CA 93101

SUBJECT: Music Academy of the West Master Plan

Dear Ms. Campbell:

The District has completed review of the latest version of the Music Academy of the West Master Plan, and we request that the following conditions be included in the County's consideration of the project.

Proposed Parking Structure:

The District has discussed the final plan location of the proposed parking structure with the project architect and engineer, and it is our understanding that the structure will be located no closer than 10 feet from the southerly edge of the District's easement through the Music Academy property. This separation from the critical facilities located in this easement is essential. In addition, the project engineer assured the District that when the parking structure is eventually designed, it will be designed to assure that there will be no damage to the District's main trunk sewer or the effluent outfall line during or after construction of the proposed parking structure. In order to assure compliance with these requirements, the District requests that the applicant obtain District approval for the location and construction of the parking structure before building permits are issued by the County.

Landscaping:

Due to the fact that roots from trees and large plants can cause damage to pipelines and obstruct gravity flow, the District has requested that trees and large plants not be planted in or near the District's easement. There are two pipelines in this easement that are of critical importance to the District and a third line that belongs to the City of Santa Barbara, and all of them are susceptible to root intrusion and subsequent damage. For long-term public health and safety reasons, the District requests that future landscape plantings exclude any trees or large plants from any location in the District's easement or within fifteen feet of the easement.

New Project Permits:

Since the future uses proposed in the master plan will be different than those currently permitted, all future projects must be reviewed and approved by the District. Therefore, the District requests that the applicant obtain District permits for all projects before building permits are issued by the County.

Board of Directors • Charles C. Arnold • Robert B. Begley • Deirdra M. Carrara • Peter S. Clark • James McKenzie

000203

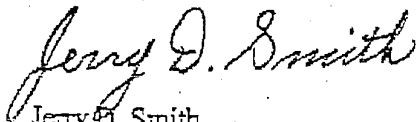
Ms. Campbell
November 19, 2003
Page 2

Existing Violations:

There are two violations that currently exist on the Music Academy property. Two of the District's access manholes have been buried by previous grading activities on the property. These two manholes must be raised to the existing grade immediately. There is also an existing maintenance building constructed partially over the District's easement. This structure must be removed from the easement. The District has previously notified the Music Academy of these requirements, but to date nothing has been done. To the extent possible, the District requests that the County withhold approval of any applications from the Music Academy until these violations are corrected.

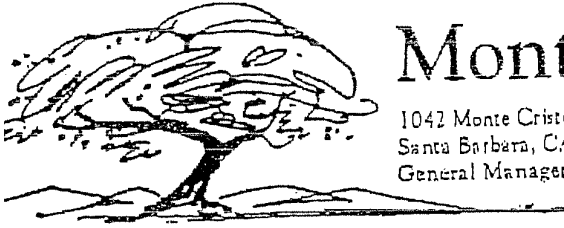
The District requests the County's cooperation with the conditions requested in this letter, and we appreciate the opportunity to review the Music Academy's proposed master plan. Should you have any questions or need any additional information, please contact Diane Gabriel or me.

Sincerely,



Jerry D. Smith
General Manager/District Engineer

cc: Peter N. Brown, Esq. - Music Academy of the West
Eric Hvolboll, Esq. - Price, Postel & Parra
Suzanne Elledge



Montecito Sanitary District

1042 Monte Cristo Lane
Santa Barbara, CA 93108
General Manager: Diane M. Gabriel

A Public Service Agency

PHONE: (805) 969-4200
FAX: (805) 969-9049

*Submitted by
N. Heifetz Campbell
at 5/19/04
Aug.*

April 19, 2004

FILE COPY

Ms. Natasha Heifetz Campbell
County of Santa Barbara
Planning & Development Department
123 E. Anapamu Street
Santa Barbara, CA 93101

SUBJECT: Music Academy of the West Master Plan

Dear Ms. Campbell:

This letter is to clarify the District's requirements for the proposed work at the Music Academy. We have discussed the following requirements with Suzanne Elledge and Bob Cunningham.

We understand that the County is requiring screening of the site. We were informed by Bob Cunningham that the proposed screening would be done with pitosporum hedges, located near the District's easement, on the northerly side of the site. Given the shallow root structure of pitosporum, the District will allow them to be planted within the vicinity of the existing pipelines. However, it should be noted that if at anytime in the future, the District needs to trench in the area to access the existing pipes, the hedge may need to be cut back extensively or possibly be removed entirely. Access to the existing pipeline manholes will need to be made possible as part of the proposed project. The most recent landscape and grading plans do not show the location of the District's existing manholes. We have requested that the existing manholes be shown on the plans with appropriate access indicated and notes identifying that the manholes be raised to the grade of the proposed surface. Depending on the new depth of the manholes, they may need to be retrofitted to meet current safety standards as set by Cal OSHA.

The District appreciates the County's cooperation in including these items as a condition of the project. Should you have any questions or need any additional information please contact me.

Sincerely,

Diane Gabriel

Diane Gabriel
General Manager/District Engineer

cc: Peter N. Brown, Esq. - Music Academy of the West
Suzanne Elledge

RECEIVED

APR 22 2004

S.B. COUNTY
PLANNING & DEVELOPMENT

000205

Clark & James McKentis



MONTECITO FIRE PROTECTION DISTRICT

595 San Ysidro Road • Santa Barbara, California 93108 • (805) 969-7762 • FAX (805) 969-3598

November 20, 2003

Ms. Natasha Heifetz-Campbell
Planning & Development
County of Santa Barbara
123 E. Anapamu St.
Santa Barbara, CA 93101

Re: 02NEW-00000-00124, Music Academy of the West
90CP111RV01

Dear Natasha,

The abovementioned project is within the jurisdiction of the Fire District. For the past several years the District has met with agents of the Academy for the purpose of addressing how the new Master Plan could better meet the fire protection needs for the facility. The last conditions letter from the District for this plan was dated December 26, 1991. Obviously, the various iterations of the plan warrant some revision of the District's requirements however that which is listed below is done with the intent of remaining as consistent as possible with prior District stipulations.

Fireflow requirements of the Fire District shall be satisfied for all facilities on the campus. This is to be accomplished through two particular approaches. First, hydrants are to be reconfigured and relocated as shown on the Master Plan Emergency Access Study developed by Phillips, Metsch, Sweeney & Moore Architects as approved by the District. This work is to be completed prior to the issuance of land use permits for further site improvements. Second, automatic fire sprinklers shall be fitted and/or retrofitted into all structures on campus in keeping with the duly adopted ordinance of the District. Such sprinkler work will be required as a part of any building permits necessary to effect further construction improvements to all structures on campus.

Emergency access is to be maintained as per the requirements stipulated on the District approved Access Study described above. It will be incumbent upon the Academy to maintain all required emergency access consistent with this document at all times unless, temporarily permitted to do otherwise by express written agreement of the District. Any such deviations would reasonably be considered in the case of construction or special events which would occur on campus from time to time.

The District has expressed its concern with the past experience of warehousing combustible items that the Academy tends to accumulate for its fundraising events. This concern has been addressed through stipulations on combustible storage which shall be strictly limited to those areas described in the Draft Environmental Impact Report dated August 1, 2003.

RECEIVED

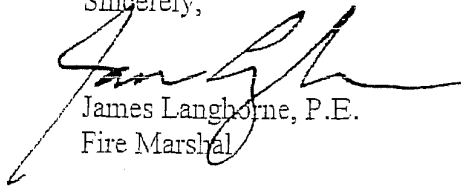
DEC 04 2003

000206

The Fire District is optimistic that the Master Plan, as presented, will more fully bring this valuable local institution into compliance with the duly adopted requirements of the Montecito Fire Protection District Board of Directors for the prudent and reasonable fire protection of its facilities and the surrounding community.

Please don't hesitate to refer any questions or concerns on the aforementioned issues to me for further clarification or consideration.

Sincerely,



James Langhorne, P.E.
Fire Marshal



MONTECITO FIRE PROTECTION DISTRICT

595 San Ysidro Road • Santa Barbara, California 93108 • (805) 969-7762 • FAX (805) 969-3596

May 27, 2004

Ms. Natasha Heifetz-Campbell
Planning & Development
County of Santa Barbara
123 E. Anspanu St.
Santa Barbara, CA 93101

Sent Via Facsimile: 568-2030

Re: Music Academy of the West

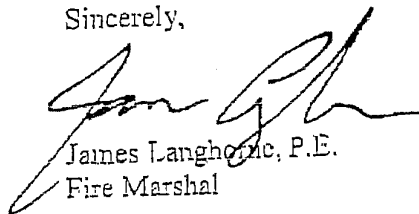
Dear Natasha,

As per your request, I am submitting the following language to reflect the intentions of the Fire District with regards to the hazard abatement maintenance to be required for the vegetation situated to the north of the proposed instructional building:

"MFPD will limit fuel modification north of the instructional building to removal of dead, decadent vegetation and to limbs of live foliage which extend to within ten feet of the building."

This finding was made consequent to a site visit with Jason Currie of PMSM on May 11, 2004.


Sincerely,


James Langhorne, P.E.
Fire Marshal

RECEIVED

MAY 27 2004

S.B. COUNTY
PLANNING & DEVELOPMENT



Bill Spiewak

CONSULTING ARBORIST

Registered Consulting Arborist #381 • American Society of Consulting Arborists

January 30, 2003

Natasha Heifetz Campbell
Planning Department
County of Santa Barbara
123 East Anapamu St
Santa Barbara, CA 93101

Assignment

I have been assigned to evaluate the proposed development plans for the Music Academy of the West at 1070 Fairway Road in Santa Barbara. My assessment addresses potential impacts to trees designated to be preserved and offers guidelines for their protection.

Overview

There are six areas of concern discussed in this report. They include:

1. The large Monterey Cypress at the entrance to the Music Academy
2. Two Black Acacia and one Melaleuca adjacent to the motor court at the ninety-degree turn north of the entrance
3. A Morton Bag Fig and Bottle tree on the west side of Abravanel Hall
4. Two large Blue Gum Eucalyptus at the northwest corner of the motor court by Mira Flores
5. Two oaks at the northwest side of Mira Flores adjacent to the proposed pathway and courtyard
6. The row of Blue Gum Eucalyptus trees at the north property line adjacent to the proposed parking structure and maintenance building

All trees discussed in this report can be protected and preserved with appropriate tree protection measures presented below. The protection recommendations incorporate biological and mechanical aspects of tree health/stability and construction activities adjacent to the trees.

Monterey Cypress at the entrance to the Music Academy

Observations/Comments

1. This large tree is adjacent to the driveway that will be removed and replaced slightly to the west (not listed in the tree survey).
2. There are no grade changes proposed on the plan. However, demolition and replacement can be damaging to roots beneath the existing surface.

Protection Recommendations

1. Demolish and remove asphalt by hand within a fifty-foot radius of the tree.
2. Inspect area for roots and hand excavate/grade (if necessary prior to applying new surface). Wintertime is the best time of the year for this work when the water requirements of the tree are reduced due to cooler temperatures.
3. The project arborist should supervise all activities involving this tree.

000209

Two Black Acacia and one Melaleuca adjacent to the motor court at the turn

Observations

1. These trees are not listed in the inventory, however there are some slight grade changes adjacent to their roots.

Protection Recommendations

1. Install tree protection fencing at the edge of the dripline adjacent to work areas.
2. If grading becomes necessary within the protection zone, then excavate soil by hand and carefully cut roots as necessary.
3. The project arborist should supervise all activities involving these trees.

Morton Bay Fig and Bottle tree on the west side of Abravanel Hall

Observations/Comments

1. The Morton Bay Fig is at the edge of the southwest corner of the proposed building, tree #89 on the survey. The existing stonewall retains soil and tree roots. I can assume that behind the wall is a mat of tree roots that grow downward and possibly beneath the existing concrete walkway. The new building will replace the wall, expose tree roots and damage any roots that grow beneath the existing concrete. The construction will also require canopy pruning to obtain clearance and replacement of the existing brick walkway. Ficus trees are every resilient but can be damaged by inadequate care.
2. The Bottle Tree, tree #87 on the survey, will incur damage to roots from construction and grading very close to its trunk. Removal may be considered.

Protection Recommendations

1. The stone wall and concrete walkway adjacent to the tree should be demolished by hand. Roots will most likely need to be cut further back from the edge of the building (closer to the tree) to allow some room to work and to provide an area for new root growth. This area should be kept to a minimum.
2. The exposed soil and roots should be kept moist and covered until completion of the project. Irrigation may be necessary after project completion to supplement the water needs of the tree. This cannot be determined at this time.
3. A chemical root barrier (*bio barrier*) should be installed near the building edge to control new root growth.
4. The old brick walkway should also be demolished by hand, roots cleanly cut and kept moist.
5. Also install a chemical root barrier in this area.
6. Canopy pruning should be in accordance with the International Society of Arboriculture's publication *Best Management Practices for Tree Pruning*. Visual balance of the canopy should also be achieved.
7. Consider removal of the Bottle Tree due to the grade changes and root cutting.
8. Tree protection fencing should be installed at the maximum distance from the trees as possible, outer edge of dripline where possible. Fences may be moved to open the permitted work zone, for required construction activities. However, materials and equipment may not be stored or stock piled in the tree protection zone.
9. Any scaffolding used during construction should be carefully placed to avoid damage to surface roots. The root area should be covered with tarps to avoid spilling materials and damaging roots. Construction workers should not cut tree limbs.
10. The project arborist should supervise all activities involving these trees.

Two Blue Gum Eucalyptus at northwest corner of the motor court by Mira Flores

Observations/Comments

1. A walkway and handicap ramp was proposed to the west of these two trees. A revised plan has moved these improvements from twelve feet from the trunks to twenty-four feet from the trunks.
2. There are also grade changes in this area that require a slope down to a lower courtyard.

Protection Recommendations

1. Rather than cutting soil level adjacent to the eucalyptus, retain soil at its original grade with walls at the edge of the adjacent walkways on the north, east and west sides of the trees.
2. Any demolition to remove and replace existing hardscape (the driveway and wall) should be done by hand. Potential root damage (if any) should be assessed at that time and determinations made to minimize damage that may include hand excavation, pier construction and above ground grade beams for rebuilding the wall.
3. Install tree protection fencing at the start of the project.
4. The project arborist should supervise all activities involving these trees.

Two oaks at the northwest side of Mira Flores

Observations/Comments: oak #64

1. This tree is circumvented by walkways on the north, east and west sides and the motor court to the south. Although the tree is relatively young (14" DBH) some of its roots will more than likely be damaged when walkways are constructed within the critical root zone.
2. This oak should be treated like a transplant prospect without the final cutting of the bottom and moving of the tree.

Protection Recommendations

1. Roots should be cut on each side of the tree (north, south, east and west) over the next two years (or divided into equal time periods from time of the project approval to actual start date). The cutting should be at the inside edge of the proposed walkways. In asphalt covered driveways, cut asphalt and roots, then install a root barrier (physical or chemical) and replace an asphalt patch until start of the project.
2. Irrigate the tree to encourage new root growth.
3. Spray the lower 10' of trunk with a pesticide (*Aspro* or *Talstar*) in April and August to help the tree resist attacks by oak bark beetles.
4. Install tree protection fencing at the start of the project.
5. The project arborist should supervise all activities involving this tree.

Observations/Comments: oak #90

1. This tree mature oak has a DBH of 28".
2. It has been growing in an area surrounded by a walkway to the south, an asphalt driveway to the north and west, and a parking area and stucco wall to the east. Ivy is growing beneath its canopy in the limited soil area.
3. The project calls for removal of the stucco wall and expansion of Mira Flores to the east, and walkways to a lower courtyard on the north and west sides. Although there is already a root-inhibiting situation, the tree has adapted to the area and is growing vigorously.

Protection Recommendations

1. Prepare the tree with root pruning and hand grading, divided over the time span between project approval and commencement.
2. Start in the driveway, remove asphalt at the inside edge of the proposed walkway to the west side of the tree and root prune to the depth of the proposed soil preparation elevation. Install a chemical root barrier and cover with an asphalt patch until commencement of project. Repeat on

- the north, west and south sides with several months between root pruning. Irrigate root area after root pruning and repeat every couple of weeks or as determined by the project arborist.
3. Remove ivy by hand and cover area with mulch. Irrigate.
 4. Prune limbs that will conflict with the building.
 5. Winter is the best time for pruning live limbs.
 6. Spray the lower 10' of trunk with a pesticide (*Astro or Falstar*) in April and August to help the tree resist attacks by oak bark beetles.
 7. Install tree protection fencing at the start of the project.
 8. The project arborist should supervise all activities involving this tree.

The row of Blue Gum Eucalyptus trees at the north property line

Observations/Comments

1. There are approximately 40 Blue Gum eucalyptus trees along the property line that range in size from small to over 100' tall.
2. The condition of the trees is good to poor. Most are growing vigorously although many are structurally weak. This is due to abundance of maturing sprout growth resulting from broken limbs, old damaged tops and lack of maintenance. Many limbs are long and heavy and overhang the Music Academy property and railroad tracks.
3. The trees provide a visual barrier between the freeway and the Music Academy.
4. An old concrete wall has fallen on the north side of the tree line (at the east side of the row) from diameter growth of the trunks.
5. Surface roots can be seen approximately 20' from the trees along the north side of the row. Soil and debris has accumulated around the base of many of the trees.
6. The density of the low sprout growth has also provided a homeless encampment site.
7. Historically, the ground at the west end of this row becomes saturated in the winter and many trees have fallen over the years. Maintenance in this area has been limited to the clean up of fallen trees and pruning of heavy limbs that overhang their parking lot. Many years ago, several large, dead treetops were removed to reduce risk. This was after the late 1980's early 1990's drought when eucalyptus trees were severely damaged by *Eucalyptus Longhorn Beetles*.
8. The proposed project includes a two story parking structure and a maintenance building adjacent to the tree line. Caissons will support the upper level of the parking structure. The lower level will require new ground preparation, except at the north side of the property where the existing parking area will be used as a driveway (see site plan). This driveway will be covered with pervious concrete pavers. The Montecito Water District's sewer line is below this driveway and excavation is not permissible. The actual earthwork is 20'-25' from the trees. The maintenance building and additional parking area (to the east) is approximately 25' from the tree line and appears to be adequate.
9. There are two large diameter trees by the proposed parking structure that lean to the south. The rest of trees in this section are more vertical. At the east end of the row, the trees are bushier.
10. Regardless of the proposed project, the trees need care to sustain their health. Despite a woodland philosophy where the strong survive and the weak die, in urban areas trees need supplemental care to reduce risk and enhance health. Broken limbs provide entryways for disease and decay. New sprout growth at the end of damaged limbs, is weakly attached and creates a hazardous situation. These trees can be pruned to improve their health and structure without damaging the visual barrier. Supplemental care will strengthen the group and ultimately improve the beneficial attributes they provide. However, poor construction and pruning techniques can be damaging to the grove.

Protection Recommendations

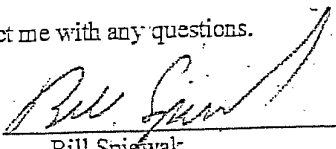
1. Crown clean the trees to remove deadwood and weakly attached branches and sprout growth.
2. Crown thin the canopies to reduce the weight of heavy limbs without over thinning.
3. Avoid topping the trees and transforming them into to a hedgerow.
4. Do not allow the use of climbing spikes when working in these trees.
5. Remove stump sprouts at the ground.

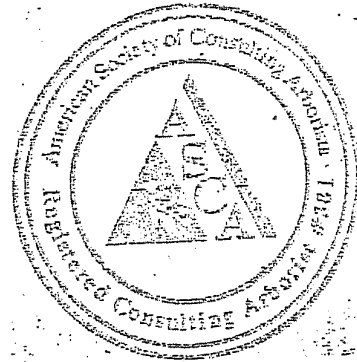
January 30, 2003


6. Encourage young volunteers to grow as eventual replacements for the older decaying trees and remove dangerous trees as they become hazardous.
7. Remove accumulated debris around the trunks of the trees but leave a layer of organic material.
8. Remove accumulated soil around the base of the trees (at least three feet from the trunk) back to the natural grade.
9. Remove the fallen concrete wall without allowing heavy equipment to enter the buffer zone. A crane or tire loader will limit damage to trees.
10. The north end of the parking lot (area to be used as the driveway) should not be removed and graded in order to prevent damage to roots along the fence line. If the elevation needs to be raised, pervious materials may be added to the existing surface. This may include pervious concrete paving. It is possible that construction of the lower parking area could result in decline of some eucalyptus trees in that area. Trees should be monitored annually and pruned or possibly removed if they become hazardous as determined by a qualified arborist.
11. Do not allow work on the trees during the autumn season unless an emergency arises.
12. The project arborist should supervise all activities involving the trees.

Please contact me with any questions.

Prepared by:


Bill Spiewak
Registered Consulting Arborist #381
American Society of Consulting Arborists





Bill Spiewak

CONSULTING ARBORIST

Registered Consulting Arborist #381 • American Society of Consulting Arborists

April 2, 2004

Natasha Heifetz Campbell
Planning Department
County of Santa Barbara
123 East Anapamu St
Santa Barbara, CA 93101

MEMORANDUM

This memo addresses the proposed plans at the Music Academy of the West and address any new changes regarding trees. I looked at two different design concepts. The first plan shows the relocation of the main property entrance further to the east. The second plan is consistent with previous proposed designs but shows alternative structures by the Rack and the practice studios. This memo is based on my site visit during 3/24/04.

Overview

This memo addresses:

1. The large Monterey Cypress at the entrance to the Music Academy (#167) and three adjacent smaller oak trees (#176, #177 & #178).
2. Two large Blue Gum Eucalyptus (#165 & #166) at the northwest corner of the motor court by Mira Flores and two oaks (#64 & #90) at the northwest side of Mira Flores adjacent to the proposed pathway and courtyard.
3. The row of Blue Gum Eucalyptus trees at the north property line (#68-#83) adjacent to the proposed parking structure and maintenance building.
4. A row of Swamp gum eucalyptus (*Eucalyptus robusta*) (#42-#54) along the north side of the existing practice rooms.
5. Oaks #135, #164 & #164) on the north side of the exit road and parking lot for the Rack.

Discussion/Recommendations

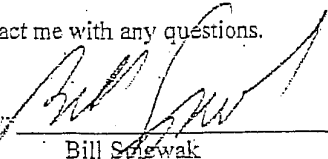
1. Monterey Cypress at the entrance to the Music Academy (#167) and three adjacent smaller oak trees (#176, #177 & #178). The driveway changes in plan one will significantly impact the Monterey Cypress and include removal of several young oaks. These oak trees have been hidden by surrounding brush for many years. Their loss would not be noticed and can easily be mitigated. However, I am particularly concerned about impacts to the Cypress tree. The roots of this tree are within this proposed driveway area and will be severely impacted by this design. Although the Cypress is quite mature and branches die back each year, it is the largest California native on the property. The large root zone has been growing for decades in this rich soil. Grading will undoubtedly damage roots. However if this is the only option, concrete poured at ground level supported by caissons and above grade beams, (without any sub level grading) may reduce impacts. The second alternative (not moving the driveway) will not cause impacts.
2. Blue Gum Eucalyptus (#165 & #166) at the northwest corner of the motor court by Mira Flores and two oaks (#64 & #90) at the northwest side of Mira Flores adjacent to the proposed pathway and courtyard. It does not appear that plans have changed around the oaks and eucalyptus by the front of Mira Flores since the previous report. However, in order to reduce

and minimize damage to all of these trees, preparatory measures (root pruning) should be performed six to twelve months in advance as directed in my previous report. Prune roots in the late fall or early winter when the tree's water requirements are lowest. I have often observed in other construction projects that the preparatory root pruning is not done until a few days before the start of the entire project and damage occurs. Root pruning in warm months could significantly increase impacts to the trees.

3. The row of Blue Gum Eucalyptus trees at the north property line (#68-#83) adjacent to the proposed parking structure and maintenance building. The revised plans have adequately distanced construction from the row of blue gum eucalyptus along the railroad tracks.
4. A row of Swamp gum eucalyptus (*Eucalyptus robusta*) (#42-#54) along the north side of the existing practice rooms. The Swamp gum eucalyptus trees behind the existing practice rooms are a hot topic. Although they provide a screen from the adjacent property, I have concerns about their structural integrity. These trees were topped many years ago and the resultant branch growth is weakly attached (as opposed to strongly attached natural branch growth). It is conceivable that branches will continue to break each winter. Although pruning can reduce the breakage potential (and I'm not convinced all of the trees should be removed), the structure of these canopies is far from ideal. Other trees should be planted that will eventually replace these eucalyptus. It is also possible these trees could be removed and mitigated with new trees (perhaps giant timber bamboo - very tall clumping bamboo). The landscape architect should be consulted regarding the practicality of this suggestion. The proposed construction is within the critical root zone of several of these trees and below ground excavation could cause their decline.
5. Oaks #135, #164 #164) on the north side of the exit road and parking lot for the Rack. The proposed maintenance shed is outside of the critical root zone of these trees.

Please contact me with any questions.

Prepared by


Bill Spiewak
Registered Consulting Arborist #381
American Society of Consulting Arborists



May 18, 2004

Natasha Heifetz Campbell
Planning Department
County of Santa Barbara
123 East Anapamu St
Santa Barbara, CA 93101

MEMORANDUM

This memo addresses the Swamp Gum eucalyptus trees (*Eucalyptus robusta*) at the north side of the proposed remodel of *Wood 2* (trees #42-#54 on the landscape Plan) and also reiterates previous recommendations that will reduce potential impacts to other trees from construction.

Observation/Comment

A computer-generated image indicates a loss of screen between the Music Academy and the northern neighbors if trees are removed between the two properties. Observations on site reveal that a large portion of the existing screen is composed of tall Pittosporum and smaller shrubs. These woody plants are growing on the slope above the driveway (south side of the driveway) and will not be impacted by construction thus protecting a majority of the screening. The slope is at a significantly higher elevation than the neighbor's property and adds height to smaller shrubbery and smaller trees.

Observation/Comment

a) According to historic plans of the existing structure, there is a 38" retaining wall and footing that extends below grade on the north side of the building. This essentially acts as a root barrier. The proposed structure will utilize the existing building footprint and not require any further encroachment into the critical root zone.

b) I also observed a below ground drain line along the north side of the building (approximately 2' from the wall) that would have required root cutting during its installation. This indicates that roots between the drain-line and building have been cut. Although the depth of the drain is unknown, I speculate it to be 12" to 24" below ground. Scientific research says the majority of roots are found in the upper 36" of soil and tend to be shallow in heavy soils such as this one. Therefore, it is highly unlikely there are roots between the building and drain line (24" away). However, hand excavation of a trench at the edge of the building prior to demolition will allow any roots (if encountered) to be cleanly cut and minimize damage.

Conclusion

Based on my observation of the site I am confident that no damage will occur to these trees from the proposed construction provided that contractors avoid encroaching into the critical root zone beyond the limitations stated above.

Recommendations

1. The project arborist should monitor all activities adjacent to these trees including installation of tree protection fencing, demolition of the building, excavation, grading and root pruning.
2. Small young trees (15-gallon size) should be planted on the slope as soon as possible to insure long term screening from the building.
3. Use a soaker hose to deep-water eucalyptus trees close to the project site, now through the summer and into the project period. This will invigorate growth and improve their vitality. Soil should be moistened to a depth of at least 12" throughout the root zone and repeated monthly (except during the rainy season).
4. Any limbs that conflict with the proposed building should be pruned by a qualified arborist prior to demolition.
5. During the winter of 2004, hand excavate a trench along the north side of Wood 2 to insure that if any roots are encountered, they are carefully cut by the project arborist.
6. All other trees to be preserved that require construction within their critical root zone, should be root pruned and well irrigated in winter 2004. This includes the two oaks by Mira Flores, the Blue Gum eucalyptus at the motor court where the driveway will be widened, the Morton bay Fig by Abravenal Hall and any other trees where there is encroachment into the critical root zone.

Please contact me with any questions.

Prepared by: _____

Bill Spiewak
Registered Consulting Arborist #381
American Society of Consulting Arborists

09/25/2003 14:15

8059662759

SEPPS

PAGE 02/03

Bill Spiewak

CONSULTING ARBORIST
Registered Consulting Arborist #381 • American Society of Consulting Arborists

September 7, 2003

Suzanne Elledge
Planning & Permitting Services
800 Santa Barbara Street
Santa Barbara, CA 93101

(805) 966-2758
(805) 966-2759 fax

RE: Music Academy of the West

The report addresses changes in the updated proposed landscape plan relative to the six items of concern discussed in my report of January 30, 2003. Please refer to that report addressed to Natasha Heifetz Campbell representing the County of Santa Barbara Planning Department.

I was initially concerned with the six items listed below:

1. The large Monterey Cypress at the entrance to the Music Academy
2. Two Black Acacia and one Melaleuca adjacent to the motor court at the ninety-degree turn north of the entrance
3. A Morton Bay Fig and Bottle tree on the west side of Abravanal Hall
4. Two large Blue Gum Eucalyptus at the northwest corner of the motor court by Mira Flores
5. Two oaks at the northwest side of Mira Flores adjacent to the proposed pathway and courtyard
6. The row of Blue Gum Eucalyptus trees at the north property line adjacent to the proposed parking structure and maintenance building

There are no changes in the plan regarding items #1, #2 and #5. The protection measures outlined in the previous report should be followed, although I doubt there will be any impacts to #1 and #2. The oak trees discussed in item #5 will still be impacted and following guidelines will be very important. I stress the importance of root pruning long before the major part of the project begins.

The plan for Abravanal Hall has been altered so the protection zone on the west side of the building adjacent to the Morton Bay Fig and Bottle Tree (item #3) has been increased. Included with that benefit, a large Anacardium tree will also be preserved. This is a great improvement. The hardscape improvements adjacent to these trees should not be overlooked. Tree protection guidelines that include hand pruning of roots, irrigation and root barriers should still be followed as discussed in the previous reports as well as any other protection measures that may apply. This can be controlled in the field. The new design of the building is a significant improvement relative to tree protection.

There is an improvement in the design surrounding the Blue Gum Eucalyptus trees (item #4). The undisturbed area around the trees has been increased from the previous plan. However care should still be taken and protection measures should be followed. In the area where the driveway width increases, preparation to the root zone (possible root pruning) should be performed well before the major work begins. These trees should be minimally impacted from proactive care, the establishment of protection zones and monitoring construction activities.

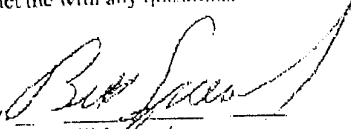
Music Academy Tree Report

The design of the parking lot adjacent to the row of Blue Gums (item #6) has also been altered to significantly reduce damage to the roots of these trees. Pruning and protection guidelines should still be followed as previously stated in the original report.

One final comment regarding the tree protection specifications on the plan, root scalers are not affective and should not be required.

Please contact me with any questions.

Prepared by



Bill Spiewak
Registered Consulting Arborist #310
American Society of Consulting Arborists

ATTACHMENT 4

FINDINGS

1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CEQA GUIDELINES SECTIONS 15090 AND 15091:

1.1 CONSIDERATION OF THE EIR

The Final Environmental Impact Report (EIR), 03-EIR-06, was presented to the ~~Montecito Planning Commission~~ Board of Supervisors and all voting members of the ~~Commission Board~~ have reviewed and considered the EIR, 03-EIR-06, its appendices and the revision letters dated April 20, 2004 and June 7, 2004 prior to approving this proposal. In addition, all voting ~~Commissioners~~ Supervisors have reviewed and considered testimony and additional information presented at or prior to public hearing[s] on December 11, 2003, April 21, 2004 ~~and June 16, 2004, and October 26, 2004~~. The EIR as revised by the revision letters dated April 20, 2004 and June 7, 2004, as revised by the Montecito Planning Commission on June 16, 2004, reflects the independent judgment of the ~~Montecito Planning Commission~~ Board of Supervisors and is adequate for this proposal.

1.2 FULL DISCLOSURE

1.2.1 The ~~Montecito Planning Commission~~ Board of Supervisors finds and certifies that the Final EIR as revised by the revision letters dated April 20, 2004 and June 7, 2004, as revised by the Montecito Planning Commission on June 16, 2004, constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The ~~Commission Board~~ further finds and certifies the Final EIR has been completed in compliance with CEQA.

1.2.2 Most of the mitigation measures from the project EIR, 03-EIR-06, have been incorporated as conditions of approval with no changes. However as identified in the revision letters dated April 20, 2004 and June 7, 2004, as revised by the Montecito Planning Commission on June 16, 2004, as well as the revised condition language approved by the Board on October 26, 2004, the language of some measures has been changed and some measures have been eliminated. These changes fall into one or more of the following categories:

- The changes are minor in nature and are intended to clarify the original mitigation measures;
- The measures are no longer applicable to the current project description;
- The modified mitigation measures are equivalent or more effective than the originally proposed language;
- The modified mitigation measures are more feasible, while still mitigating the associated impact(s);
- The original language or mitigation measure is unnecessary to avoid project impacts;
- The changes better or further ensure a reduction in project impacts.

The changes/deletions do not cause additional significant environmental impacts nor do they change the conclusions of the EIR, although it is acknowledged that the impacts associated with the temporary change in views of the site from Butterfly Lane (aesthetics/land use) would be substantially reduced, even though the level of impact would not be changed.. Further, the changes would not trigger the need to re-circulate the EIR.

EIR mitigation measures which have been modified or eliminated are indicated below (by EIR section and mitigation measure numbers or by reference to applicable mitigation measures added in the April 20, 2004 EIR Revision Letter).

Aesthetics:

3. This measure has been supplemented in the project conditions to apply special consideration (for night-lighting) to the proposed northern parking area.
- 4a. The requirement addressing tree and other vegetation maintenance is modified to also be included in landscape/arborist maintenance contracts (in addition to being identified in the landscape plan).
- 4b. The requirement for vine planting on buildings is modified to exclude reference to the no longer proposed parking structure and language is added to take into account increased views to the interior (from the north) due to proposed regular trimming of the eucalyptus windrow.
- 4c. The requirement for more screening landscaping in the north is modified to exclude reference to the no longer proposed parking structure and language is added to address parking lot screening and night-lighting visibility.
4. The overall landscape plan requirements have been strengthened to maximize screening of the site from off-site, including the timing for installation of some perimeter plantings, and to maintain historic aspects of the landscaping.
5. This measure addressing the wrought iron railing on the parking structure is eliminated as the parking structure is no longer proposed.
6. The requirement to not allow structures' heights, as described in the project description, to be increased is modified to also address the sizes of structures.
7. Graffiti measure: The condition eliminates "in conjunction with condition #3 above", as this language is not relevant. Additional language is added to the monitoring component: "If new graffiti is observed, Permit Compliance shall direct Music Academy to repaint this wall section".
8. The requirement to remove the outdoor patio dining area is eliminated as the outdoor dining area is no longer part of the project proposal.

Air Quality:

1. Timing requirement for the final grading plan is modified/clarified to prior to approval of CDPs for grading (rather than prior to land use permit approval).
2. The timing requirement for dust control measures to be shown on grading and building plans is supplemented to include prior to P&D approval of related CDPs.
3. The requirement to use the Railroad right-of-way during grading activities has been modified as indicated below to account for the UPRR process and to specify that large trucks should use this route while it is available as well.

The applicant shall secure a Right-of-Way Agreement from the Union Pacific Railroad, if UPRR will grant such access for a 90-day period and, if available, an extension at a reasonable cost. **Plan Requirements and Timing:** Prior to approval of a Coastal Development Permit for grading, the applicant shall provide P&D with a copy of the Right-of-Way Agreement for access purposes, indicating ability to utilize the railroad right-of-way to export fill offsite for a minimum 90 day period. Large truck deliveries of building supplies shall also utilize this access while it is available.

Archaeology:

1. Minor change in timing: monitoring requires P&D to check plans for inclusion of this condition prior to approval (not issuance) of CDPs for grading.

Biology:

1. Timing for the Butterfly Enhancement Plan submittal (and P&D approval) is modified to specify prior to approval of CDPs for grading.
2. Tree protection plan: the plan has been revised to incorporate the three arborist recommendation letters (Bill Spiewak letters dated 1/30/04, 4/2/04, 5/18/04) and some of the specific recommendation language in these letters
- 2Ac. This measure has been modified to prohibit construction staging areas from being located the easement area.
- 2Ad. This measure has been modified to allow installation of impervious surfaces in tree root zone areas, where roots will already be cut for project development and would be unlikely to regenerate into these areas (e.g., the northern parking lot) as determined by the arborist.

- 2Ah. Regarding tree removal associated with an additional lane for returning cut-through traffic back to Fairway: This measure is updated to reflect elimination of this lane from the approved project. The new lane is only one option to be considered by the MPC as part of future compliance hearings, in the event that the MPC were to first find that the cut-thru reduction program (CTRP) as approved is not effective.
- 2Bc. This measure addressing time periods appropriate for tree removal is modified to specify that if monarch butterflies do return to the site, tree removal time periods shall be revised accordingly.
- 2Bd. Language is added for clarification: No grading (any earthwork activities) or development shall occur within the critical root zones of protected trees*.

The added footnote reads, "Protected trees are those not specifically proposed for removal on the approved tree disposition plan."

- 2Bd/e. The requirements to limit grading and development and to install fencing within critical root zones are modified to allow exception to these, consistent with the MPC Board of Supervisors approved tree disposition plan.
- 2Br. Language has been added to require the need for arborist monitoring to specifically address the trees in proximity to the student services, instructional, and new practice studio buildings and trees near the northern parking area.
- 2 - **Plan Requirements:** This component of the condition has added language to specify prior to approval of CDPs for grading.
- 3. This measure addressing excavation work is modified to address specific situations, like excavation for the service entry, where it may be necessary to use equipment in proximity to trees. Language is also added to refer back to specific Tree Protection Plan requirements.
- 4. This mitigation measure is incorporated as two separate conditions of approval. The first addresses non-native, invasive plantings. The second condition requires the landscape plan to incorporate all of the various landscape related measures (designed to address aesthetics, historic resources, etc, as well as biological resources).

Fire Safety:

- 1. Incorporation of the rummage storage mitigation as project conditions includes additional language. This language is added to clarify that the allowances for storage pursuant to Montecito Fire Protection District concerns do not override other project conditions, which may require further limitations on rummage storage on-site (to address land use compatibility issues).

Historic Resources:

1. The Plan Requirements and Timing section has been supplemented with a requirement for a historic landscape expert to review plans, in addition to the previously required landscape architect, given the importance of the historic designed landscape in the estate's overall historic value. References to "prior to approval of CDPs" now includes specificity regarding CDPs for grading.
2. The reference to project plans has been supplemented to specify that the project plans to be reviewed include grading, landscape, building plans and any signs (e.g., commemorative plaques). In addition, language is added to require that the historical experts attend MBAR and HLAC meetings and monitor construction activities to ensure compliance with approved plans (with regard to the historic structures and landscape).
3. The timing for review and approval of a revised landscape plan now specifies prior to approval of CDPs for grading.
- 5d. The requirement to provide more sky-line eucalyptus replacement trees (to off-set proposed removal) is revised to allow either eucalyptus or other sky-line trees acceptable from a historic landscape perspective.
5. The timing component now specifies prior to approval of CDPs for grading.

EIR Land Use Mitigation Measures:

2. This measure, requiring elimination of the outdoor terrace dining area, is not included in the project conditions of approval as this project component is no longer proposed.
3. This measure, which addresses on-site storage of resale merchandise/rummage, is revised to reflect the current storage and maintenance/storage buildings (previous versions of these buildings were located elsewhere and were of different sizes). The MPC further revised this measure to eliminate restrictions on the duration of the storage of resale shop merchandise in the new storage/maintenance building and modified the language addressing May Madness rummage to allow May Madness rummage to be stored on-site without time limitation in areas specifically designated for storage on the building plans, as these components were not determined to be necessary to ensure the effectiveness of the mitigation measure in reducing land use impacts to less than significant levels.
4. This measure addresses where construction related vehicles, equipment, and supplies shall be located (on-site) and where waiting trucks shall wait on-site (outside the exit drive easement area).

The MPC included additional language allowing an exception for trucks with supplies for specific areas (e.g., new trees to be planted north of the instructional building location), to ensure feasibility of this measure. The MPC also added language requiring the contractor to control vehicle traffic through the site (as part of the CTRP) using traffic control personnel to control vehicle entry. This would reduce cut-through traffic in the neighborhood during the construction period.

5. The MPC modified the allowance for unrestricted (attendance) fundraisers to once per year, for one day, during the non-summer season as follows: “Music Academy fundraisers on campus shall be subject to the any-given-time, daily and seasonal attendance caps. The exception to this shall be limited to one, 1-day event per year, held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).
6. This measure addresses use of indoor amplification and requirement that doors and windows be closed to reduce spill-over of noise onto adjacent properties when amplification is in use. Language was added to this measure (in the EIR Revision letter dated April 20, 2004) requiring construction design to account for closing of windows, by ensuring alternate air circulation in areas where windows may need to remain closed for extended periods, including the option of non-opening windows in areas of the building(s) where indoor amplification is expected. The MPC made no further changes to this measure.
7. This CTRP measure from the EIR is revised as a project condition of approval to exclude the requirement for a “reject vehicle” return lane (although this is still one of several options for the MPC consider and potentially require at future compliance hearings, in the event that the MPC then finds that the CTRP is not sufficiently effective). The CTRP is also revised to include more specificity for CTRP components and a requirement that the MPC review the program’s effectiveness at their regular compliance hearings on the project as well as allow the MPC to modify the CTRP to improve effectiveness as part of their compliance hearings. The MPC added language to this measure to change the resale shop hours to 12-3:00 p.m. and added more specific language with regard to timing (CTRP details approved prior to CDP for first phase of grading, CTRP implemented prior to occupancy clearance). The changes would facilitate the operation and effectiveness of the CTRP in reducing vehicle trips in the neighborhood.
8. Hours of operation for the resale shops have been modified from those proposed in the original EIR mitigation. The MPC requirement for the hours to be changed from the existing 1-4:00 p.m., Monday – Saturday to 12-3:00 p.m., Monday-Saturday would better ensure neighborhood compatibility by allowing the Fairway entrance gates to be closed more often during the peak cut-through traffic period of 3:30-6:30 p.m. (thereby reducing traffic in the neighborhood). Language is also added to require MFPD review and approval of storage areas. The MPC modified the language that was added as part of the 4/20/04 EIR Revision Letter (Land Use mitigation measure #21) that would have required resale shop operations during the non-summer to be “by appointment only”. Elimination of this restriction is more

feasible for the operations and still enables implementation of an effective CTRP and still assists in mitigating traffic impacts to less than significant levels.

9. The mitigation requiring a compliance hearing after one year has been modified to require subsequent compliance hearings every two years for a ten year period, unless the MPC decides to modify this requirement at one of their compliance hearings (e.g., increased or decreased frequency, elimination of this requirement or continuation of this requirement beyond the identified 10 year period). Two other mitigation measures have also been combined into this condition. The MPC further modified this measure to require the first compliance hearing one year after operation of the first phase of Master Plan operations. In addition, the MPC made the following language changes: Project conditions may be modified or new conditions added to ensure effective compliance. These changes clarify and do not alter the intent or requirements of the original language of this measure.
10. This monitoring condition has been revised to specify submittal of the methodology (for P&D approval) prior to approval of CDPs for structures. In addition, the MPC added language regarding ticket sale records from the ticketing company including the number of tickets per event for the public, students and faculty/staff, as well as a requirement that the monitoring reports be accompanied by a signed statement from the Director/President of the Music Academy stating that the Academy Board and staff have read, understand, and will ensure compliance with the CUP conditions.
11. This measure, which addresses complaints and a trigger for MPC review of compliance with CUP conditions, has been incorporated into the condition requiring regular compliance hearings.

Changes to Land Use Mitigation Measures included in the 4/20/04 EIR Revision Letter: The conditions of approval also incorporate new mitigation measures added after completion of the proposed final EIR document to further address land use impacts particularly compatibility/quality of life impacts, to the surrounding neighborhood (see EIR revision letter dated April 20, 2004). These measures include:

4/20/04 EIR Revision Letter Land Use Mitigation Measures 9 and 10: These measures required that during the summer, there shall be no more than 5 events held on Saturdays and no events held on Sundays. The measures were modified to specify no public events and a footnote was added stating that summer students and faculty practicing on-site (not performing), staff doing office or grounds work and other basic administrative activities would still be allowed.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 11: This measure established a limit on the number of picnic concerts (7) during the summer. This measure was modified to allow up to 10 picnic concerts, consistent with the historic levels and the intent of the original language, which was to maintain (not increase) historic levels.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 13: This measure required that all Music Academy events and activities begin no earlier than 9:00 am and end no later than 10:30 pm. Once an evening event has ended, guests must leave premises within 30 minutes. If 30 minutes becomes insufficient for guests to leave the premises, end times shall be moved to earlier in the evening sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 11:00. This measure has been revised as follows:

“All events and activities shall begin no earlier than 9:00 am and shall end no later than 10:00 pm seven days a week throughout the year. The exception to this shall be allowance for events on Thursdays and Fridays during the summer season, only, to end by 10:30 p.m. Once an evening event has ended, guests are expected to leave within approximately 30 minutes. If approximately 30 minutes becomes insufficient for guests to leave the premises, the MPC, as part of their compliance hearings, shall consider the requirement to move end times to earlier in the evening, sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 10:30 (11:00 for Thursday and Friday events in the summer season).”

The Plan Requirements, Timing, and Monitoring components have also been revised to include more specificity for effective compliance.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 14: This measure identifies allowances and limitations for the new dining and kitchen facilities. New language was added to specify that, “The kitchen shall not be designed as a commercial or industrial kitchen. Rather, it shall be designed for catering purposes only, with an assumption of, and requirement for, minimal food preparation on-site.”

4/20/04 EIR Revision Letter Land Use Mitigation Measure 15: This measure addresses required replacement of screening perimeter vegetation. Language has been added to this measure to require that screening shrubs (in addition to trees) be replaced if lost and that replacement plantings be with comparably sized plantings, up to 24-inch box size.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 16: This measure addressed recommended changes to the instructional building. 16a and 16b have already been accomplished in the revised project plans. The MPC modified the requirement for frosted or other window material on the north and east sides of the structure (for privacy concerns) to allow the MBAR to determine appropriate window materials or treatments prior to approval of CDPs for structures (16c).

4/20/04 EIR Revision Letter Land Use Mitigation Measure 17: This measure addressed recommended changes to the student services building. 17a has already been accomplished in the revised project plans. The MPC modified the requirement for frosted or other window material on the north and east sides of the structure (for privacy concerns) to allow the MBAR to determine appropriate window materials or treatments prior to approval of CDPs for structures (17b).

4/20/04 EIR Revision Letter Land Use Mitigation Measure 18: "Drapes or curtains shall be installed on the windows on the east and north facing sides of the proposed new instructional and student services buildings and the north side of the proposed new practice studio building in order to reduce visibility of lighting at night when the buildings are viewed from off-site. In addition, the drapes shall be installed with a timer, to automatically close during night-time hours." The MPC modified this language to allow the type of window treatments/coverings to be determined by P&D and MBAR.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 21: Resale shops: see discussion of EIR Land Use Mitigation Measure #8 above.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 22: "Limiting use of the practice studio, hall and instructional spaces in the new practice studio, instructional building and student services buildings to musical practice and instruction. These spaces could not be used for performances. Exceptions to this would be allowance for up to 25 public attendees (total in these buildings) to view instruction/performance to accommodate donor and Compeer program viewing of student instruction."

The MPC modified the language of this measure as follows:

"The rooms/spaces in the new practice studio/instructional/student services building complex shall be used for musical practice, instruction, auditions, rehearsals and meetings associated with music only. Rental of these spaces to others for these same activities would also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes. **Plan Requirements and Timing:** A note identifying these restrictions shall be included on the project building plans for this structure and the applicant shall submit future activity calendars to permit compliance staff along with other monitoring data to ensure compliance with this measure."

While public attendance will still be limited by mandatory attendance caps on activities throughout the entire campus, the revised language will provide greater flexibility for the Music Academy operations during their busy summer season. The revised language still mitigates impacts to less than significant levels

4/20/04 EIR Revision Letter Land Use Mitigation Measure 23: "The 50 removable seats in the front of Abravanel Hall shall be for the exclusive use of the summer music students. If the students wish to sit with non-students (instructors, friends, family), they shall be seated in the regular fixed seating area, but in no case shall the removable seats be used by non-students. Only those removable student seats that will be occupied at a given performance shall be set-up, as it may be confusing and awkward to try to keep audience members out of un-used front and second row seats. (Perhaps students could bring out their own chairs)."

The MPC altered the language of this measure to allow flexibility in who sits where during performances within Abravanel Hall during the summer. However, the revised language requires that only 300 of the total 350 seats (50 removable seats for summer only use and 300 fixed seats) can be sold to/used by the public, consistent with the intent of the prior language.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 25: “During the non-summer, musicians/other performers shall not be counted toward the attendance maximums if they are actually performing at a concert or other event. However, if the activity involved is really instruction or rehearsal with others observing, the performer and audience shall be counted toward the attendance maximums. The intent of this condition is to not allow extension of the summer music program, with an unlimited number of students, in the non-summer.”

The MPC added language to clarify that the intent of this measure is to ensure compliance with the attendance caps.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 26: “All events open to the public shall be subject to the public attendee caps in the project description. Therefore, the May Madness weekend fundraiser, open to the public, shall be moved off-site (e.g., to Earl Warren Show grounds).”¹ The MPC modified this measure to allow a May Madness type of event to be held on-site, as it would be limited to only one, one-day event per year, to be held during the less busy (traffic) non-summer season.

As indicated above, as part of project approval, the MPC modified or eliminated some of the above measures. The CUP conditions, as revised, would continue to mitigate the previously identified Class II potential land use compatibility/quality of life impacts to a less than significant level. Conditions (specifically, condition 2) also include an advisory statement that the CUP as conditioned would constitute the maximum intensity of use appropriate to avoid significant long-term neighborhood compatibility and quality of life impacts and to reduce short to mid-term impacts to the maximum extent feasible.

Noise:

2. The stationary construction equipment referenced “shall be located as far as possible from occupied residences and.” The hanging “and” is deleted
4. The EIR measure addressing allowance for outdoor amplification limited the frequency to 4 times per year. The EIR Revision letter dated April 20, 2004 recommended that no outdoor amplification be allowed to address land use compatibility impacts. The MPC revised the language of these measures to allow for outdoor amplification subject to the following restrictions:
 - a) Location: the “cloistered outdoor courtyard”.
 - b) Frequency: Two times per year.

¹ See other project conditions addressing permitted storage on-site for May Madness event.

- c) Duration: No more than 2 hours per event.
- d) Level: Shall not be audible outside MAW property boundaries.
- e) Time of Day: Beginning no earlier than 9:00 a.m. and ending no later than 9:00 p.m.
- f) Limited to the spoken voice.

The limited use of a hand-held microphone, to be inaudible outside the MAW property, limited to use for the spoken voice, in the cloistered courtyard, for no more than two hours, two times per year would not result in significant noise or land use compatibility/quality of life impacts, particularly because this amplified sound will be inaudible off-site.

- 5. This measure addressing noise complaints is incorporated into the broader condition requiring regular compliance hearings.

Public Services - Solid Waste, Sewer, Water/Drainage (Geology incorporated with Water Drainage for conditions):

Solid Waste:

- 1. The timing for submittal of the Solid Waste Management Plan is revised to specify "prior to approval of CDPs for grading."
- 2. The timing component is revised to specify that "All applicable materials shall be recycled prior to occupancy clearance."

Water:

- 3. The timing component requires that the water-conserving measures be graphically depicted prior to approval of CDPs for structures.

Sewer:

- 2. This measure addressing coordination with MSD and the City regarding sewer lines is modified to specify the *northern parking area* (rather than the parking structure) as well as the *approved new maintenance/storage and storage buildings*. The sentence beginning with, "Structural engineering shall..." is deleted as there are no longer structures proposed in close proximity to the edge of the sewer easement.

Traffic:

1. This measure limits activity levels on-site commensurate with the ability of the on-site parking supply to accommodate project generated parking demand. The condition is revised from the EIR mitigation language to reflect the reduction in the any-given-time attendance cap and related peak parking demand. The first three paragraphs of the EIR mitigation measures are replaced with the following language: Parking demand generated by project activities shall be accommodated within the on-site parking supply (285 passenger vehicle spaces, 5 additional stacked parking spaces and two bus spaces). In addition, the condition is revised such that the requirement to provide survey data for peak attendance weeks shall not be limited to the first year of regular operations or for 10 consecutive days, but shall be done annually during periods with events associated with peak attendance (most popular day-time Masters classes, etc.) and when high attendance is expected at consecutive events to ensure there is sufficient parking on-site and that the interval between events is adequate to allow vehicles to exit spaces in time for in-coming vehicles to park.. The portion that requires a return to the MPC for consideration of parking is eliminated as this aspect of the project would be evaluated regularly by the MPC in their project compliance hearings.
2. The mitigation specifying requirements for an off-site parking lot is eliminated as all parking would now be provided on the project site.
4. Regarding the Los Patos intersection future improvements, the applicant would still be required to contribute to the improvements at this intersection. However, the language detailing timing constraints is eliminated as the impact would only occur in the cumulative setting. Because attendance and related vehicle trips for the approved project have been reduced since preparation of the EIR document, the financial contribution has also been reduced to reflect the project's reduction in the percentage of cumulative traffic that would be sent to this intersection. The City of Santa Barbara has confirmed that the revised vehicle trip estimates and percentage contribution to the intersection improvements are acceptable (Rob Dayton, City of Santa Barbara Public Works e-mail 6/14/04).
5. The requirement to contribute funding to the Hot Springs/Cabrillo Highway 101 ramps is modified, such that the need to contribute funds for this improvement is triggered with a lower (more conservative) attendance maximum of 250 public attendees, rather than the previous trigger of 370 attendees (baseline). Because attendance and related vehicle trips for the approved project have been reduced since preparation of the EIR document, the financial contribution has also been reduced to reflect the project's reduction in the percentage of total traffic that would be sent to this intersection. The City of Santa Barbara has confirmed that the revised vehicle trip estimates and percentage contribution to the intersection improvements are acceptable (Rob Dayton, City of Santa Barbara Public Works e-mail 6/14/04).

7. The reference to an off-site parking lot is eliminated as this is no longer proposed. The ability to return to the MPC to evaluate adequacy of on-site parking, etc., is described as an item for discussion at the MPCs compliance hearings on the project.
8. This measure requiring applicant funding of on-going County compliance efforts (post approval), is supplemented to require unannounced permit compliance staff attendance at events on-site. The purpose of these visits includes performing manual attendance counts for comparison with submitted attendance data. Submittal of funds is also supplemented to occur prior to approval of CDPs for each new phase of development (CDP for grading unless no grading is necessary for a specific phase being permitted).
9. This measure is incorporated into the condition of approval which addresses adequacy of parking attendants. Given the reduction in any-given time attendance, the requirement for busing/carpooling is triggered when 95, rather than 80 staff/performers are present for a maximum capacity non-summer event (as discussed in the April 20, 2004 EIR Revision letter).
10. This measure requiring adequate time between sequential events on-site has been revised to require more time between events and a higher attendance trigger for this requirement.
11. The ability to return to the MPC to evaluate parking or other traffic related issues is discussed in condition #74, which addresses parking, but is also incorporated into the broader condition requiring MPC compliance hearings on the project after one year of operation and thereafter every two years for a ten year period, unless the MPC chooses to modify, extend or eliminate this schedule at one of these compliance hearings.

The language changes approved by the Board of Supervisors to conditions of approval nos. 1, 6, 14, 30, 42, 43, 51, and 55 at the October 26, 2004 hearing do not reduce the effectiveness of mitigation or alter the level of impact of any of the identified project environmental impacts.

1.3 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Planning Commission, Ms. Jackie Campbell of Planning and Development located at 123 E. Anapamu St., Santa Barbara, CA 93101.

1.4 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

The Final Environmental Impact Report and revision letters dated April 20, 2004 and June 7, 2004 on the Music Academy of the West Revised CUP project identify two temporary environmental impacts that cannot or may not be fully mitigated and are

therefore considered unavoidable. The project has substantially lessened these impacts by the incorporation of changes or alterations into the project where feasible. reduced the impacts to a level of insignificance. To the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations included herein. The "Class I" impacts identified by the Final EIR ~~is~~are discussed below, along with the appropriate findings as per CEQA Section 15091:

- 1.4.1 *Aesthetics; Land Use:* The following aesthetic impact and land use impact are considered significant and unavoidable in the short to mid-term (until proposed landscaping reaches sufficient height/size to provide screening from off-site public viewing areas particularly from the north, 10-15years). From Butterfly Lane and its residences these impacts would be substantially lessened with regard to both the degree of impact and the duration of the impact, to primarily during construction, due to the revised project's lower elevation for the new student services building and resulting reduction in time needed for supplemental trees to reach screening heights, changes to the instructional building and associated service entry, retention of mature trees south of the exit drive previously proposed for removal, and planting of additional perimeter screening vegetation prior to initiation of Master Plan improvements. The interim aesthetic impact is associated with the change in views, and the interim land use impact is associated with the change in visual character, when the project is viewed from north of the project site (Hwy. 101 and further north) and to a lesser extent from the east². For such views, the project's appearance will change from a predominantly landscaped estate to views of major construction (and later increased structural development), with substantial removal of mature, screening trees, more visible night-lighting and, overall, a more institutional setting. Development and related construction activities would be most noticeable from the north and to a lesser extent and duration from the east, due to the location of proposed development. Night-lighting and any unintentional loss of eucalyptus trees in the northern windrow, from natural or project-related causes, would exacerbate this impact in the short-term as these trees are located in the Montecito Sanitary District (MSD) sewer easement and cannot be replanted due to MSD concerns regarding operation and maintenance of the district's main inflow and outflow pipelines.

The project has provided for retention of numerous mature screening trees previously proposed for removal and planting of screening shrubbery, which at maturity (and sooner as viewed from Butterfly Lane and from residences to the east) will provide substantial screening of the site from off-site. Over the long-term, it is expected that project structures and night-lighting would be substantially, but not totally, screened from off-site viewing areas by virtue of proposed new plantings and the long-term impact would be mitigated to a less than significant level. Mitigation to address these impacts would include the same mitigation identified to address Class II, potentially significant aesthetic and land use impacts that can be feasibly mitigated or avoided (discussed below). No other feasible measures are known which would further reduce the impact.

² The change in views from the Butterfly Lane and its residences would be primarily during the construction period.

1.5 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY CONDITIONS OF APPROVAL

The Final EIR, 03-EIR-06 and the revision letters dated April 20, 2004 and June 7, 2004, identified several subject areas for which the project is considered to cause or contribute to significant, but mitigable environmental impacts. As to each impact area, the project has incorporated conditions of approval³ which will reduce the impact to a level of insignificance. Each of these impacts is discussed below along with the appropriate findings as per CEQA Section 15091:

1.5.1 Aesthetics:

Potentially significant aesthetic impacts that can be feasibly mitigated or avoided are associated with:

Extensive tree removal, which would allow new public views into the site during construction, and until screening plantings reach sufficient heights, would negatively alter public views of the site.

Substantial increase in overall development as well as new structures, which are either closer to the perimeter of the property or of much greater size, massing and scale than existing structures on-site, would change views of what appears currently as a landscaped estate to a more institutional setting.

Night-lighting of new development would potentially spill onto adjacent properties and increase visibility of new development from public viewing areas. Visibility of night-lighting itself would also increase over the existing setting when viewed from off-site.

Various project components would contribute to expansion of public views of non-residential uses in the neighborhood.

Mitigation

- a. Compliance with the Tree Protection Plan (Condition 14). The following shall be added to the Tree Protection Plan to reduce aesthetic impacts:

The TPP shall emphasize the protection (and retention, where feasible) of existing trees and shrubs that are critical to screening the property from off-site public viewing areas (e.g., particularly those trees that provide screening of the site when viewed from the north). In addition, the primary goal of tree maintenance activities (trimming, pruning) shall focus on maintaining the long-term health (and retention) of the trees. However, wherever possible, the maintenance activities shall also consider the goal of maintaining maximum screening provided by tree foliage.

³ Conditions identified below under mitigation are summarized. For the full language of the conditions, refer to the final CUP Conditions of Approval as modified by the MPC Board of Supervisors on ~~June 16, 2004~~ October 26, 2004.

- b. Night-lighting and its intensity shall be minimized to the extent feasible for security and safety purposes and night-lighting should be reduced following the close of activities on-site any given day.
- c. Use and approval of earth-tone colors (i.e., colors which blend with surrounding vegetation, soils, rocks, etc.,) and muted colors for structural development, walls, signs, etc., unless the MBAR and P&D (with architectural historian input) conclude that alternative colors would be more compatible with the historic estate setting for specific structures.
- d. The landscape plan and tree disposition plan shall be revised to maximize the screening ability of site vegetation and to minimize the timeframe for new landscaping to provide such screening. At a minimum, the revised landscape and tree disposition plan shall include the following (see landscape plan and tree protection plan conditions in approved CUPP).
- e. Future structures shall not exceed the heights or sizes of individual structures identified in the project description and on the project plans.
- f. The graffiti on the remaining section of the northern wall shall be removed and the wall shall be painted in a color which blends in with the surrounding landscape.

In addition to measures specifically identified to address aesthetic impacts, the land use mitigation measures that address physical changes to the site, as well as the measures addressing the tree preservation plan, landscape plan and butterfly enhancement plan would also be required to address aesthetic impacts. These measures along with, but not limited to, those identified above have been found to mitigate these impacts to less than significant levels.

1.5.2 Archaeology:

Potentially significant archaeology impacts that could be feasibly mitigated or avoided are associated with the potential for significant, unknown buried cultural remains to be encountered within the project site during grading.

Mitigation

- a. In the event that archaeological remains are encountered during grading, work shall be stopped and the applicant shall fund evaluation of the resources encountered and shall implement recommended mitigation, consistent with County Archaeological Guidelines.

This mitigation measure has been found to mitigate this impact to less than significant levels.

1.5.3 Biological Resources:

Potentially significant biological impacts that can be feasibly mitigated or avoided are associated with the project would result in the removal of approximately ~~61~~ 60 specimen trees on-site, including, but not limited to, numerous eucalyptus trees which formerly supported roosting areas for monarch butterflies and 5 coast live oaks (4 of which would be transplanted on-site). No sensitive species of wildlife, including raptors or smaller bird species, have been identified on the project site. Re-establishment of the autumnal monarch roosting habitat in the northwest corner of the site is considered speculative due to a variety of factors (refer to the biological resources section of the EIR for expanded discussion of this issue).

Mitigation

- a. Implementation of an expanded tree protection and preservation plan, including replacement of trees removed with additional native trees.
- b. Implementation of a revised Butterfly Enhancement Plan for the area east of Miraflores on the slope above Butterfly Lane with a goal of re-establishing monarch butterfly habitat in an area under the control of the applicant (the northwest corner is subject to tree removal or restricted planting due to proximity to MSD and the MSD sewer easement along the northern property line).

Mitigation measures, including, but not limited to the measures stated above, have been found to mitigate this impact to insignificant levels, except for those impacts identified in section 1.4.1 above, which are substantially lessened by these measures.

1.5.4 Fire Protection:

Potentially significant fire safety impacts that can be feasibly mitigated or avoided with possible development and implementation of the Master Plan in a manner inconsistent with Montecito Fire Protection District (MFPD) requirements for on-site access, circulation, interior and exterior fire suppression, and storage of rummage/resale store merchandise.

Mitigation

- a. The applicant shall prepare a plan acceptable to the MFPD, which specifies the acceptable quantities, types, locations and duration of stored rummage and/or resale items.
- b. Access, circulation, design, and fire suppression water shall comply with all MFPD requirements. The MFPD shall review and approve final grading and building plans prior to CDPs.

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate this impact to less than significant levels.

1.5.5 *Geology*

Potentially significant geologic impacts that can be feasibly mitigated or avoided are associated with ground shaking from potential earthquakes (potential structural impacts). Project implementation and long-term operation could also result in increased erosion, sedimentation and runoff of other polluted surface water, as a result of grading and construction activities as well as runoff from increased impervious surfaces on-site, including parking areas, throughout the life of the project.

Mitigation

- a. The applicant shall prepare grading, drainage and erosion control plans for review and approval by P&D and the Flood Control District.
- b. Energy dissipaters shall be installed at the northern drainage improvements that empty into a swale, which would be used as a bio-filter.
- c. Buildings shall be designed consistent with Uniform Building Code Seismic Zone 4 requirements.
- d. Implementation of bio-filtration and other methods (water quality BMPs) on-site to minimize unfiltered runoff draining from the site to the ocean via storm drains with maintenance provisions for perpetuity.

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate these impacts to less than significant levels.

1.5.6 *Historic Resources:* Potentially significant historic impacts that can be feasibly mitigated or avoided are associated with historic structures and the historic designed landscape due to extensive tree removal, alteration of circulation and garden pathway features, modifications to Miraflores, and alterations to views of and within the site.

Mitigation

- a. Completion of the appropriate California Department of Parks and Recreation's Forms 523 for submission to the UCSB Department of Anthropology's Central Coast Information Center.
- b. Historic American Building Survey (HABS) documentation to show the spatial relationships between the buildings and existing landscape features.
- c. The Miraflores extension shall replicate the original construction techniques and the change must be documented and plans detailing this placed in the Music Academy archive.
- d. Working drawings, including landscape plans for the project shall be reviewed by a Santa Barbara County approved architectural historian and an expert in historic landscape design to insure compliance with mitigation measures addressing historic resources.

- e. The new student services building link to existing Miraflores shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect, the historic integrity of the property and its environment. The Final Plans should be placed on file at UCSB.
- f. The applicant shall contract with an architectural historian (with input, as necessary from an expert in historic landscape design) to ensure that project plans (grading, landscape, structural development, any signs, etc.) are appropriately revised pursuant to project conditions that address historic resources and the architectural historian (and historic landscape expert) shall attend at all MBAR, and Historical Landmark Committee meetings.
- g. The new courtyard shall include replacement trees for those removed. In addition, the alignments of the historic axial path system shall be represented by embedding original materials.
- h. The existing pathway shall be retained across the new secondary access road (near Miraflores) and the plants and shrubs shall be retained on either side of the road. The surface of this emergency access road shall be planted if acceptable to MFPD.
- i. The landscape plan shall minimize impacts to the historic designed landscape, including adverse changes to spatial relationships, views between various site features, views from off-site, and to provide offsetting enhancement of altered historic landscape features.

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate historic impacts to less than significant levels.

1.5.7 Land Use Compatibility:

Potentially significant land use compatibility impacts that can be feasibly mitigated or avoided are associated with short-term construction impacts (including the transport of excess cut and fill soil to and from the site, previously identified as a Class I impact when this was estimated to involve 9,000 cubic yards of material requiring transport versus the revised project's need to transport approximately 420 cubic yards of fill material, a 95% reduction), change in views into the site and site development, increased traffic and parking demand during peak traffic periods (both standard and neighborhood peak traffic hours), the proposal to allow limited outdoor amplification, the proposal for increased attendance during the eight-week summer season, the potential allowance for two, one-day fundraisers instead of one⁴, two-day fundraiser, expanded resale activity from potential increased viewing and storage of resale items on-site and resale shop hours, the proposed construction and use of a new maintenance/storage building, the potential for substantially greater use of the larger and improved facilities throughout the site if the proposed attendance limitations were not enforced, as well as potential for the larger and improved kitchen and dining facilities to become a destination separate from Music Academy events similar to the situation experienced at Glen Annie Golf course. With regard to the short-term grading period land use impact associated with transport of fill material to and from the site

⁴ MPC modified this conclusion by determining that there could be only one, one-day fundraiser.

on neighborhood streets (if UPRR right-of-way access is unexpectedly not granted), the MPC Board of Supervisors finds that this impact is hereby reduced to a potentially significant, but mitigable level (Class II), given the reduction in fill necessitating transport, from the original estimate of 9,000 cubic yards to approximately 420 cubic yards (a 95% reduction) with the approved project. The project changes and alterations have not otherwise

Mitigation

- a. The developer shall clear the project site of all excess construction debris prior to occupancy clearance for each construction phase and shall submit a construction traffic plan to the County and City for review and approval prior to issuance of CDPs.
- b. Requirement for perimeter screening in perpetuity, including requirement for replacement plant materials (whether trees, shrubs are lost either intentionally or due to natural causes).
- c. The instructional building shall be modified to reduce views from off-site of institutional development and to address privacy and potential nuisance concerns, including relocation of the service driveway/access to the northwest corner of the building, elimination of the northeast corner of the building to reduce visibility from off-site and to preserve 13 mature trees (and screening), requirement for MBAR to approve windows on north and east sides to address neighbor privacy concerns, and requirement that all balconies on instructional building be ornamental only. (Structural revision accomplished in approved project).
- d. The student services building shall be modified to reduce views from off-site views of institutional development and privacy concerns, including elimination of the top level of the northeast corner of the student services and requirement for MBAR to approve east facing windows to address neighbor privacy concerns. (Structural revision accomplished in approved project).
- e. Windows on the east and north sides of the instructional and student services buildings shall have window coverings installed with a timer to automatically close during night-time hours (or alternate window treatment), to reduce visibility of lighting at night.
- f. When practice rooms in the instructional building are used for activities likely to generate nuisance noise for neighbors (e.g., any type of amplification, brass band practice, etc.), any north or east facing windows in the room shall be closed and the air circulation system shall accommodate this requirement.
- g. The proposed storage building shall not result in any tree removal due to screening value.
- h. The Rack and Treasure House hours shall be 12:00-3:00 p.m., Monday-Saturday throughout the year to minimize periods when the entrance gates must remain open to reduce cut-through traffic trips, and facilitate CTRP.

- i. To minimize the potential for additional traffic generation and expansion of non-residential use as well as to help offset other project effects on the neighborhood, resale/retail shop sales and viewing of merchandise shall be limited to merchandise located in Treasure House and The Rack only. Excess merchandise which cannot be accommodated in Treasure House or The Rack may also be stored in the new Storage building.
- j. The rooms/spaces in the new practice studio/instructional/student services building complex shall be used for musical practice, instruction and rehearsals only. Rental of these spaces to others for these same activities would also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes.
- k. In addition to the 300 fixed seats in Abravanel Hall, during the summer season only, 50 removable seats are allowed. No more than 300 seats shall be used for the public. Ticketing shall incorporate tickets for all in attendance at an event and shall include different types of tickets for students, faculty/staff and public attendees (public is anyone who is not a student, faculty or staff). There shall be no removable seats in Abravanel Hall during the non-summer season.
- l. To ensure adequacy of on-site parking, summer music students shall access the site using buses provided to and from Cate School. The exception to this shall be transferable permits for up to ten student vehicles/day. No additional student vehicles shall be parked on neighborhood streets to evade this restriction. Walking or bicycling to the site would also be acceptable.
- m. During the non-summer, musicians/other performers shall not be counted toward the attendance maximums if they are actually performing at a concert or other event. If the activity involved is really instruction or rehearsal with others observing, the performer and observers (audience) shall be counted toward the attendance maximums. The intent of this condition is to ensure compliance with the attendance caps and to not allow extension of the summer music program, with an unlimited number of students, in the non-summer.
- n. Music Academy fundraisers on campus shall be subject to the any given time, daily and seasonal attendance caps. The exception to this shall be limited to one, 1-day event per year, held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).
- o. Consistent with historic levels (and traffic assumptions), there shall be no more than five public Saturday events during the summer⁵.

⁵ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends.

- p. Consistent with historic levels (and traffic assumptions), there shall be no public Sunday events during the summer.⁶
- q. Picnic concerts shall be limited to no more than 10 during the summer.
- r. Rentals for seminars and meetings shall continue to be limited to 175 participants (rather than the applicant proposed 330) to avoid increased activity levels associated with increased rental activities (especially non-music related), including provision of expanded food service.
- s. All Music Academy events and activities shall begin no earlier than 9:00 am and shall end no later than 10:00 pm throughout the year. The exception to this shall be allowance for events on Thursdays and Fridays during the summer season only to end by 10:30 p.m. Once an evening event has ended, guests shall leave premises within 30 minutes. If 30 minutes becomes insufficient for guests to leave the premises, end times shall be moved to earlier in the evening sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 10:30 (11:00 for Thursday and Friday events in the summer season)..
- t. The cut-through traffic reduction program (CTRP) condition has also been revised and is based on the fee payment at the exit option, with the option for return lane or other method if proposed plan is not determined to be effective.
- u. The primary use of the kitchen and dining facilities shall be to provide lunch and dinner to summer music students, faculty, and staff. The secondary use of these facilities shall be for the use of non-summer staff to heat up (microwave) and refrigerate their lunches and for use by caterer for rental activities in non-summer. Therefore, the kitchen and dining facilities shall be limited as follows:
 - a) Not available to resale shops customers.
 - b) Not open as a snack bar or restaurant for the public or for public on-site for musical instruction, other lessons, rehearsals.
 - c) Not to be used to provide food for picnic concerts, except to supply coffee cart type fare.
 - d) Not to be used as a cafeteria for food preparation, except as typical office employee lounge.
 - e) Food preparation and service shall be limited to caterers (no permanent kitchen staff) and shall minimize deliveries.
 - f) Except for caterer supplies for specific meals, food stuffs shall be limited to those typical of an office employee lounge.

⁶ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends.

- v. Construction routes shall be limited to those shown on the proposed construction route plan. The applicant shall secure a Right-of-Way Agreement from the Union Pacific Railroad, if UPRR will grant such access for a 90-day period and, if available, an extension at a reasonable cost. The applicant shall provide all adjacent property owners with a construction activity schedule and construction routes 10 days in advance of construction activities.

In addition to measures specifically identified to address land use impacts, mitigation measures to address aesthetics, air quality, biological resources, historic resources, and traffic and noise would also be required to address land use impacts. Mitigation measures including, but not limited to, the measures stated above have been found to mitigate land use (land use compatibility/quality of life) impacts to less than significant levels except for those impacts identified in section 1.4.1 above, which impacts have been substantially lessened by these measures.

1.5.8 Noise:

Potentially significant noise impacts that can be feasibly mitigated or avoided are associated with from short-term construction noise, use of outdoor amplification, and potential exposure to excessive interior noise levels in new structures.

Mitigation

- a. The applicant shall minimize noise impacts during construction period by limiting hours of loud activities and minimizing noise from stationary construction equipment.
- b. All use of amplified sound on-site in indoor locations shall occur with closed windows during periods when amplification is being used. Amplified sound in outdoor locations shall be limited to the following:
 - Location: the “cloistered outdoor courtyard”.
 - Frequency: Two times per year.
 - Duration: No more than 2 hours per event.
 - Level: Shall not be audible outside MAW property boundaries.
 - Time of Day: Beginning no earlier than 9:00 a.m. and ending no later than 9:00 p.m.
 - Limited to the spoken voice.
- e. Buildings shall be designed to attenuate noise in interior areas to less than 45 dBA.

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate noise impacts to less than significant levels.

Public Services (Solid Waste, Sewer, Water)

1.5.9 Public Services - Solid Waste:

Potentially significant solid waste impacts that can be feasibly mitigated or avoided are associated with waste generation of approximately 53 tons/year. The project would contribute cumulatively to generation of increased solid waste going to area landfills.

Solid Waste Mitigation

- a. Implementation of an expanded solid waste reduction plan.

Mitigation measures including, but not limited to, the measure stated above have been found to mitigate solid waste impacts to less than significant levels.

1.5.10 Public Services - Sewer:

Potentially significant solid waste impacts that can be feasibly mitigated or avoided are associated with existence of existing sewer infrastructure associated with the location of the main MSD inflow and outflow pipelines and City of Santa Barbara (Coast Village Road serviced) inflow sewer line within a 30 foot easement within and paralleling the northern property line, with resulting potential for community wide interruption of sewer service and/or sewage spills in the event that project development impacts operation or maintenance and repair of the underlying pipelines. In addition, the location and design of proposed structures and landscaping, and past encroachment of development and grading could affect the pipelines and sewer service.

Sewer Mitigation

- a. Prior to submitting plans to P&D for review, the applicant shall receive confirmation from MSD and the City of Santa Barbara (sign-off on plans) that the proposed location and design of structures and plantings is acceptable, to avoid impacts to their respective pipelines. In addition to design specifications, this may include other measures such as in-pipeline video documentation before and following completion of construction to ensure that no unanticipated damage occurred to the pipelines as a result of construction activities. Structural engineering shall also ensure that future maintenance or repair activities on the pipelines would not impact the integrity of the new structures (e.g., such activities may involve a deep, wide trench in proximity to the edge of these structures.

Mitigation measures including, but not limited to, the measure stated above have been found to mitigate sewer impacts to less than significant levels.

1.5.11 Public Services - Water:

Potentially significant water quality impacts that can be feasibly mitigated or avoided are associated with increased impervious surfaces on-site and the potential for degraded water quality from runoff of construction related rinse water or unfiltered storm water runoff.

Water Mitigation

- a. Measures identified in the Geology section.
- b. Construction related wash-off areas shall be designated to ensure polluted waters do not runoff into storm drains and the ocean.

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate water quality impacts to less than significant levels.

1.5.12 Transportation

Potentially significant transportation impacts that can be feasibly mitigated or avoided are associated with potential parking demand, project specific impacts at the Cabrillo Boulevard/Highway interchange, and cumulative impacts at Cabrillo/Highway 101 interchange and the Cabrillo/Los Patos/Channel Cabrillo Boulevard intersection, and specific short-term construction impacts at the Los Patos/Cabrillo/Channel intersection and the Hot Springs/Cabrillo/Highway 101 ramps intersection.

Mitigation

- a. In order to ensure that project generated parking demand can be accommodated on-site, once the Master Plan is operational, the applicant shall monitor event parking during large events (300 plus attendees) to determine whether parking is indeed adequate to accommodate on-site parking for the proposed any given time maximum public attendance. Project conditions, which affect parking, may be modified based on the results of these surveys at the required compliance report hearings with the Montecito Planning Commission.
- c. Until such time as the improvements to the Cabrillo/Los Patos-Channel intersection and the Cabrillo/U.S. 101 interchange/ramps are completed, the following measure shall be implemented: The MAW shall schedule Master Classes with more than 250 students to start and end outside of the 4:00-6:00 p.m. peak commute period (such as a 4:00 P.M. start and a 6:00 P.M. end or a 1:00 start and a 2:50 end).
- d. The applicant shall contribute \$17,400.00 (the project's proportional share of a \$200,000.00 round-about, assuming the project would contribute 8.7% or 18 PHT out of 208 cumulative PHT to the intersection) to design and implement the necessary improvements at the Los Patos/Cabrillo Boulevard/Channel Drive intersection.

- e. The applicant shall contribute funds representing the project's proportional share of the approved improvement at Hot Springs/Cabrillo/Highway 101 ramps. This contribution shall only be required if the applicant no longer wishes to limit attendance to baseline levels for events that would generate vehicle trips from 4:00-6:00 pm .
- g. The applicant shall prepare and submit a construction traffic plan to the County and the City of Santa Barbara prior to approval of a CDP for grading.
- h. The MAW shall deploy an adequate number of parking attendants for the larger events on-site as well as at any off-site lot, as necessary, to ensure that identified parking is maximized (and parking on neighborhood streets is avoided or minimized).
- i. The applicant shall deposit funds to cover on-going staff review and compliance efforts.
- j. If more than 95 staff and performers are present for a maximum capacity non-summer event, staff or performers above this number shall be carpooled or bused to the Academy campus.
- k. At least 40 minutes shall be scheduled between the start and end times of larger events on-site (those involving combined consecutive event attendance of 550 or more public attendees, such as 300 at the first afternoon Master Class and 250 at the second Master Class).

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate transportation impacts to less than significant levels.

1.5.13 Quality of Life

Quality of life issues are specifically addressed in the land use section of the EIR, including, but not limited to, the effects of project related noise, traffic, and change in the visual character of the area. The land use section addresses these issues with regard to a neighbor/neighborhood perspective, rather than limiting discussion to whether related noise, traffic or aesthetic thresholds are exceeded. Mitigation to address these land use compatibility/quality of life issues are also included in the land use section of the EIR and the EIR Revision Letter dated April 20, 2004 as revised by the CEQA Revision Letter dated June 7, 2004 (and incorporated into project conditions of approval).

1.6 FINDING THAT MITIGATION OF CERTAIN IMPACTS IS WITHIN THE RESPONSIBILITY AND JURISDICTION OF ANOTHER PUBLIC AGENCY

Full mitigation of impacts to the Cabrillo/Hot Springs/Highway 101 ramps intersection and the Cabrillo/Los Patos intersection are within the responsibility and City of Santa Barbara's permitting jurisdiction. Staff has coordinated with planners at the City's Community Development and Public Works Departments in assessing mitigation strategies for these intersections. The project has been conditioned to ensure that significant project specific and cumulative impacts to these intersections do not occur and to provide appropriate payment for the project's proportionate share of ultimate intersection improvements.

Attachment 4 for October 26, 2004 Board Hearing

MPC Final Board of Supervisors Findings for Music Academy of the West 90-CP-111 RV01

1.7 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES ARE NOT FEASIBLE

The Final EIR, 03-EIR-06, prepared for the project evaluated the alternatives listed below as methods of reducing or eliminating potentially significant environmental impacts.

No Project Alternative;
No Project alternative, No Project with Off-Site Parking Lot;
Proposed Master Plan with Only Surface Parking On-site/Off-Site Parking Lot;
Residential On-Site (12 Units)/Relocation of Music Conservatory to Off-Site;
Residential On-Site (90 Units- Extend Adjacent DR-10 Zoning)/Relocation of Music Conservatory to Off-Site;
Residential On-Site (Assisted Living Facility)/Relocation of Music Conservatory to Off-Site;
Project Redesign I;
Project Redesign II Plus Relocate Large Events (300+ Attendees) Off-Site;
Other Off-Site Alternatives.

The April 20, 2004 EIR Revision Letter also evaluated 15 access alternatives.

After the first Montecito Planning Commission hearing, the applicant modified the project, and the project has been conditioned, to generally conform to many elements of the Project Redesign I and II alternatives. These modifications and alternatives include elimination of the parking structure (thereby allowing possible access to/from the Montecito Sanitary District property if this became feasible in the future;) reduction in the number of fixed seats in the recital hall to 300 total seats for the public (the allowance for an additional 50 removable seats, during the summer only, would provide seating capacity for 350 people in the summer, with no more than 300 of the total seats occupied by/sold to the public); further reductions in any one time, daily, and seasonal public attendance limitations; relocation of the maintenance and storage functions on campus; incorporation of the dining area into the student services building and reduction of its size; limitations for on-site storage of items for the Rack and Treasure House; and incorporation of cut-through traffic reduction plan improvements.

The Planning Commission finds that each alternative specified below is infeasible and less desirable than the proposed project, and therefore is rejected, for the following reasons:

- 1.7.1 No Project. This alternative would achieve none of the project objectives and would forego all of the project's benefits which are itemized in the Statement of Overriding Considerations. For these reasons, the no project alternative is rejected.
- 1.7.2 No Project Plus Off-Site Parking Lot. The applicant has withdrawn its application with the City of Santa Barbara for an off-site parking lot on Channel Drive, and its lease with the Santa Barbara Cemetery Association has been terminated; therefore, this site is no longer under the control of the applicant. As with the no project alternative, this alternative would achieve none of the project objectives and would forego all of the project's benefits which are itemized in the Statement of Overriding Considerations. The addition of the off-site parking lot to the no project alternative does not serve to reduce

overall impacts below those associated with the no project alternative. Accordingly, this alternative is rejected.

1.7.3 Master Plan Plus Permanent Off-Site Parking Lot Across From Santa Barbara Cemetery.

The applicant has withdrawn its application with the City of Santa Barbara for an off-site parking lot on Channel Drive, and its lease with the Santa Barbara Cemetery Association has been terminated; as a result, this site is no longer under the control of the applicant, and no permanent off-site location sufficient to provide parking for the project is available to and/or under the control of the applicant. For these reasons, this alternative is rejected.

1.7.4 Residential On-Site (12 Units)/Relocation of Music Conservatory Off-Site (Residential A).

Depending on the potential site chosen, general plan and/or zoning amendments could be required to implement the alternative. Although this alternative creates the greatest reduction in environmental impacts, it is speculative that the alternative could be feasibly accomplished. No alternative site for relocation of the Conservatory activities and facilities is under the control of the applicant. Thus, the alternative would not meet the objectives of the project and would forego all of the project's benefits, which are set forth in the Statement of Overriding Considerations. For these reasons, the Planning Commission finds this alternative infeasible and less desirable than the project and rejects it.

1.7.5 Residential On-Site (90 Units)/Relocation of Music Conservatory Off-Site (Residential B)

Depending on the potential site, general plan and/or zoning amendments could be required to implement the alternative. This alternative would not produce fewer environmental impacts than the proposed project, while at the same time meeting none of the project's objectives and providing none of the project's benefits. No alternative site for relocation of the Conservatory activities and facilities is under the control of the applicant. As with alternative 1.7.4 above, accomplishment of the alternative is speculative because of the applicant's lack of control of a properly-designated property for relocation of the Conservatory activities. The Planning Commission finds that this alternative is infeasible and therefore rejects it.

1.7.6 Residential On-Site (Assisted Living Facility)/Relocation of Conservatory Uses Off-Site.

Depending on the potential site, general plan and/or zoning amendments could be required to implement the alternative. This alternative would not produce fewer environmental impacts than the proposed project, while meeting none of the project's objectives and providing none of the project's benefits. No alternative site for relocation of the Conservatory activities and facilities is under the control of the applicant. As with alternative 1.7.5 above, accomplishment of the alternative is speculative because of the applicant's lack of control of a properly-designated property for relocation of the Conservatory activities. The Planning Commission finds that this alternative is infeasible and rejects it.

1.7.7 Project Redesign I. This alternative is identified as achieving the greatest reduction in project environmental impacts in the EIR (Section 8.8 Environmentally Superior Alternative). Many of the alternative's elements have been incorporated into the approved project including:

Alteration of the parking (structure) component to allow perimeter landscaping along the north;

Circulation design which allows for the potential future option of access using Monte Cristo or MSD access;

The size and seating capacity of Abravanel Hall have been reduced (below the level identified in this alternative);

Any-given-time attendance limits have been reduced to reflect reduction in seating capacity;

The instructional building and service drive have been revised to avoid mature trees, including oaks near the former northeast corner of the building;

The outdoor patio eating area has been relocated, not to the cloistered courtyard, but away from the property perimeter; and

A CTRP incorporating kiosk personnel (although not at the actual entrance) is included in the project description and conditions;

However, several elements of this alternative are infeasible. The parking structure has been eliminated from the project, the Planning Commission having determined that such a structure would not be appropriate on the project site. Further, the Montecito Sanitary District has expressly rejected the creation of an access/egress drive on District property for use by Academy patrons. Location of dining within the cloistered patio as an outdoor activity does not provide a dedicated all-weather dining space, and would interfere with efficient operation of conservatory activities. Location of a kiosk at the site's Fairway entrance gate, and access to the Rack and Treasure House exclusively from Butterfly Lane, are not necessary for cut-through traffic reduction, and would interfere with efficient circulation within the project site. For these reasons, the Planning Commission finds that this alternative is infeasible and less desirable than the project as currently proposed and conditioned, and therefore is rejected.

1.7.8 Project Redesign (Off-Site Location for Events Involving 300 or More Attendees). As pointed out above, many of this alternative's elements, including elimination of the parking structure and modification rather than replacement of the recital hall, have been incorporated into the proposed project. The proposed project provides for seating for 330 members of the public and 50 seats during the summer only for students, faculty and staff; the alternative's limitation of total seating to 300 persons (including students, faculty and staff) would compromise the quality and efficiency of the Academy's Conservatory activities. Many activities would have to be held off-site, thereby interfering with the instructional program through time lost in transportation and weakening of the campus setting required for instructional excellence. Replacement of instructional space by maintenance and storage facilities would also impair educational activities by reducing the area available for practice and instruction. For these reasons, the Planning Commission finds that this alternative is infeasible and less desirable than the project, and therefore is rejected.

1.7.9 Other Off-Site Locations. None of the sites selected for this alternative is a feasible site for relocation of the Academy's year-round operation. Cate School is available only during the summer, and lacks adequate instructional facilities for the entire Academy program. Location of year-round Academy operations there would create greater environmental impacts than the proposed project. The St. Francis Hospital site is not configured for Conservatory instruction, would require extensive remodeling, and is already proposed for residential use in conjunction with the Cottage Hospital renovation project. The Granada building is currently the subject of a Performing Arts Center (auditorium) proposal; the building would require extensive remodeling and is not configured appropriately to serve as a music conservatory. None of these sites is under the control of the applicant; the relocation of the Academy's operations of these sites is speculative, and would achieve neither the project's objectives nor its benefits. For these reasons, the Planning Commission finds that this alternative is infeasible and less desirable than the project, and therefore is rejected.

1.8 STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR, for the Music Academy of the West Revised Conditional Use Permit, the EIR Revision Letter dated April 20, 2004 and CEQA Revision letter dated June 7, 2004 identify project impacts to aesthetics and land use (visual change)⁷ as temporary significant environmental impacts which are considered unavoidable. The ~~Montecito Planning Commission~~ Board of Supervisors has determined that the present project is consistent with the Montecito Community Plan. Having balanced the benefits of the project against its potential significant and unavoidable effects, the ~~Montecito Planning Commission~~ Board of Supervisors hereby determines that the project's potential unavoidable impacts are acceptable in light of the project's benefits, and that approval of the project is warranted, notwithstanding that all identified impacts are not fully mitigated. (CEQA Sections 5043, 15092 and 15093). Each benefit set forth below constitutes an overriding consideration warranting approval of the project independent of the other benefits:

- 1.8.1: The project would result in a reduction in total annual attendance and related vehicle trips and reduction in total non-summer season (44-week non-summer season) vehicle trips⁸.
- 1.8.2: The project would provide expanded opportunity for the interested public to attend summer music program musical events and overall increased and improved opportunity for community access to the arts.
- 1.8.3: The project would provide expanded opportunity for access to improved musical facilities and performance venues for students and professional musicians.
- 1.8.4: The project would result in elimination of weddings on the project site, which have been the subject of complaints by neighbors.

⁷ To the extent aesthetic/land use impacts associated with temporary change in views from Butterfly Lane and its residences would be significant, these impacts have been substantially reduced due to project revisions including reduction in height of the new student services building, changes to the instructional building, retention of numerous mature screening trees (on exit drive) previously proposed for removal, and installation of supplemental perimeter landscaping prior to initiation of Master Plan improvements

⁸ There would still be periodic peak traffic periods with greater vehicle trips throughout the year (start and end times for high attendance events), given the proposal for increased physical capacity and any given time attendance.

- 1.8.5: The project would enhance the overall quality of instruction for young musicians, including those musicians attending the internationally known summer music program. This program is tuition free for participating students.
- 1.8.6: The project would result in construction of new and improved recital hall on-site, benefiting both performers and guests.
- 1.8.7 The project would create a short-term increase in construction related employment opportunities from drivers of heavy equipment to design professionals.
- 1.8.9 The project will reduce annual public attendance on the site from historically-achieved levels.
- 1.8.10 The project will enhance the historic gardens on the Music Academy property, which are regularly used by neighboring residents.
- 1.8.11 The project will implement a Cut-Through Reduction Program on the site, which will eliminate significant amounts of traffic that cuts through the Music Academy site, with the capacity to reduce traffic levels in the neighborhood.

1.9 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6. requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 CONDITIONAL USE PERMIT FINDINGS

Pursuant to Section 35-172.8, a Conditional Use Permit application shall only be approved if all of the findings below are made. Therefore ~~the Montecito Planning Commission~~ Board of Supervisors adopts the following findings for approval of the Conditional Use Permit:

2.1.1 That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.

The 9-acre project site is adequate in size and shape to accommodate the proposed project components. The site is located within the urban area; the surrounding area contains a mix of residential, commercial, and public facilities. Required grading for the project will not impact any significant landforms, and a enhanced plantings are proposed to encourage re-use of the site by Monarch Butterflies which historically roosted on-site and along much of Butterfly Lane. Project building coverage is consistent with that of surrounding residential properties.

Incorporation and implementation of the conditions of approval, particularly those conditions addressing grading, drainage, transportation, aesthetics, and land use compatibility, would ensure that the size, shape, location and physical characteristics of the project site can accommodate the expanded music conservatory and secondary uses and development proposed.

2.1.2 *That adverse environmental impacts are mitigated to the maximum extent feasible.*

The EIR and revision letters prepared for the project indicate that the project would result in a temporary significant unavoidable (Class I) impacts in the areas of aesthetics/visual resources and land use⁹ The project has substantially lessened these significant unavoidable adverse impacts by the incorporation of changes or alterations into the project, where feasible. A detailed statement of these impacts and of the project's mitigation measures is contained in the project's CEQA Findings found in § 1.0 of these Findings and incorporated herein by this reference. To the extent the remaining impacts in these issue areas are significant and unavoidable, the ~~Montecito Planning Commission~~ Board of Supervisors has deemed such impacts to be acceptable when weighed against the overriding benefits created by the project, as stated in the Statement of Overriding Considerations provided herein.

The EIR and revision letters further indicate that the project creates significant but mitigable impacts in a number of issue areas. These areas include aesthetics, archaeology, biological resources, fire protection, geology, historic resources, land use compatibility (including previously classified Class I impact from transport of fill on neighborhood streets if UPRR right-of-way is possible – reduced from previous 9,000 cubic yards to approximately 420 cubic yards), noise, public services, and transportation. As to each issue area, mitigation measures incorporated by the project conditions of approval will reduce the project's impact to a level of less than significance. A detailed statement of these impacts and of the project's mitigation measures is contained in the project CEQA Findings contained in § 1.0 of these findings and incorporated herein by this reference.

Conditions of approval derived from required mitigation measures in the EIR are designed to address potentially significant adverse environmental impacts. Additional conditions of approval have been added to address specific policy issues as well as to address adverse, but less than significant environmental impacts to the maximum extent feasible.

2.1.3 *That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.*

The EIR and two revision letters determined that the project's impacts on transportation can be mitigated to a level of insignificance. Project-generated traffic will not exceed County thresholds of significance for County roadways, which will continue to operate at acceptable levels of service with project-added traffic. The same conclusions are true as to area intersections; as to the Hot Springs Road/Cabrillo Boulevard/Hwy.101 intersection, conditions of approval, including but not limited to limitations on attendance during the peak hour, would ensure that area streets and highways are adequate and properly designed to accommodate any additional project traffic on the street system.

⁹ To the extent aesthetic/land use impacts associated with temporary change in views from Butterfly Lane and its residences would be significant, these impacts have been substantially reduced due to project revisions including reduction in height of the new student services building, changes to the instructional building, retention of numerous mature screening trees (on exit drive) previously proposed for removal, and installation of supplemental perimeter landscaping prior to initiation of Master Plan improvements.

Cumulative impacts on City of Santa Barbara streets can be fully mitigated by the project's payment of its proportionate share of the cost of regional improvements for affected intersections. The project complies with all relevant Montecito Community Plan transportation policies.

Implementation of conditions of approval relating to traffic, parking design, access design and limiting attendance during the peak hour would ensure that the area streets and highways are adequate and properly designed to accommodate any additional project traffic on the street system.

2.1.4 *That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.*

Existing public services would adequately serve the expanded project, subject to requirements in the condition letters provided by Montecito Sanitary District and Montecito Fire Protection District.

2.1.5 *That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.*

Development pursuant to the conditional use permit will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area. The existing CUP, 90-CP-11cz, was approved in 1992 and was found to be compatible with surrounding single-family residential development at that time. Under the Music Academy's current permit, musical activities are essentially unrestricted. The proposed project imposes attendance caps on Music Academy musical activities that will substantially restrict future growth of such activities. In addition, annual attendance at the Music Academy will be reduced from historically-achieved levels under the new permit. Furthermore, implementation of the proposed Cut-Through Reduction Program can eliminate substantial numbers of cut-through trips that are presently occurring in the neighborhood and that are likely to significantly increase in the future without implementation of the Cut-Through Reduction Program. The scale and building coverage of the project is consistent with that of surrounding properties, and estate perimeter landscaping will be maintained or supplemented. Project changes including reduction in the size and height of the student services building, revisions to the instructional building and related service entry, retention of mature screening trees along the exit drive (previously proposed for removal) and planting of supplemental perimeter landscaping prior to initiation of Master Plan improvements minimize the duration of visual change of the property from off-site.

A music conservatory has been permitted as a conditionally permitted use pursuant to a number of Conditional Use Permits that have been issued for the site since 1951. The existing CUP, 90-CP-111cz, was approved in 1992 and was found to be compatible with the predominantly single family neighborhood at that time. The proposed project would increase structural development on-site to a level which could accommodate significantly greater activity levels throughout the year. However, the applicant has proposed

attendance limitations which would increase activity levels only 8 weeks out of the year, during their summer season, and would decrease activity levels during the rest of the year as well as on an annual basis. The project area has historically included a number of non-residential uses besides the Music Academy. These include the Biltmore Hotel, Coral Casino, ARCO Conference Center, Montecito Sanitary District and Santa Barbara Cemetery.

Implementation and compliance with conditions of approval that address neighborhood compatibility (conditions that address aesthetics, noise, land use, traffic and water quality as well as the project specific conditions, and the project description, including the critical attendance caps) would ensure that the project would not be detrimental to the neighborhood or be incompatible with the surrounding area. The conditions include both limitations on existing activities as well as limitations on the proposed physical development and future operations.

Advisory statement from MPC Board of Supervisors regarding neighborhood compatibility and MPC Board of Supervisors intent in approving 90-CP-111 RV01: In granting this permit, the ~~Montecito Planning Commission~~Board of Supervisors advises future decision-makers that based on the evidence in the record at this time, the operation and site development at the Music Academy have reached a maximum level able to be found consistent with the health, welfare, safety, and convenience of the neighborhood and the ~~Montecito Planning Commission~~Board of Supervisors recommends that no further increase in use, density, or development be allowed.

2.1.6 That the project is in conformance with the applicable provisions and policies of this Article II and the Coastal Land Use Plan.

As discussed in the issue, policy, and zoning ordinance consistency sections of the staff report and memoranda to the MPC dated November 25, 2003, March 31, 2004, April 20, 2004, and June 7, 2004 update (incorporated herein by reference), the project as conditioned would be consistent with the Coastal Land Use Plan and Article II.

2.1.7 That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.

The project is not located in a designated rural area.

2.1.8 That the project will not conflict with any easements required for public access through, or public use of the property.

There are no easements for public use or public access through the property. However, the Music Academy has historically allowed pedestrian access through heir property from the pedestrian gate at the terminus of Monte Cristo and the Music Academy does not propose to alter this access.

ATTACHMENT 5

**Project Plans
(8 x 11" Reductions of the MPC stamped plans A-L, which are referenced in the
Project Description Condition, Condition of Approval #1)**

**PHILLIPS
METSCH
SWEENEY
MOORE**
ARCHITECTS

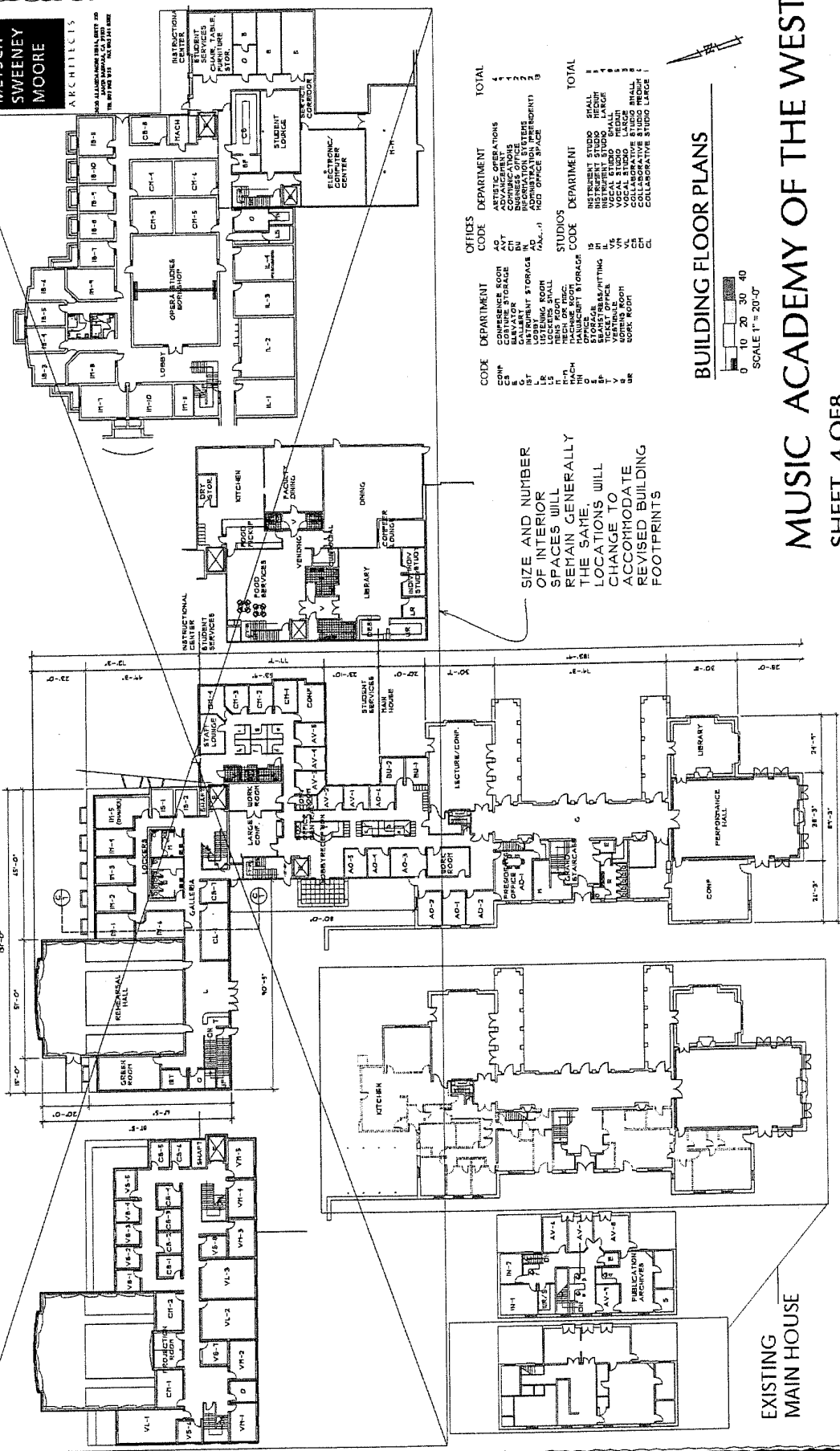
400 ALABAMA STREET, SUITE 200
HOUSTON, TEXAS 77002
TEL: 713.596.1000
WWW.PSMARCHITECTS.COM

VOCAL LEVEL

SERVICE LEVEL

ADMIN/PRACTICE LEVEL

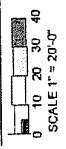
INSTRUCTIONAL LEVEL



OFFICES		TOTAL	
CODE	DEPARTMENT	CODE	DEPARTMENT
CB-1	CONTRACTOR	AD-1	ARTISTIC OPERATIONS
CB-2	CONTRACTOR	AD-2	ADVANCEMENTS
CB-3	CONTRACTOR	AD-3	BUSINESS OFFICE
CB-4	CONTRACTOR	AD-4	ADMINISTRATION
CB-5	CONTRACTOR	AD-5	ADMINISTRATION (INTERIOR)
CB-6	CONTRACTOR	AD-6	RECEPTION
CB-7	CONTRACTOR	AD-7	RECEPTION
CB-8	CONTRACTOR	AD-8	RECEPTION
CB-9	CONTRACTOR	AD-9	RECEPTION
CB-10	CONTRACTOR	AD-10	RECEPTION
CB-11	CONTRACTOR	AD-11	RECEPTION
CB-12	CONTRACTOR	AD-12	RECEPTION
CB-13	CONTRACTOR	AD-13	RECEPTION
CB-14	CONTRACTOR	AD-14	RECEPTION
CB-15	CONTRACTOR	AD-15	RECEPTION
CB-16	CONTRACTOR	AD-16	RECEPTION
CB-17	CONTRACTOR	AD-17	RECEPTION
CB-18	CONTRACTOR	AD-18	RECEPTION
CB-19	CONTRACTOR	AD-19	RECEPTION
CB-20	CONTRACTOR	AD-20	RECEPTION
CB-21	CONTRACTOR	AD-21	RECEPTION
CB-22	CONTRACTOR	AD-22	RECEPTION
CB-23	CONTRACTOR	AD-23	RECEPTION
CB-24	CONTRACTOR	AD-24	RECEPTION
CB-25	CONTRACTOR	AD-25	RECEPTION
CB-26	CONTRACTOR	AD-26	RECEPTION
CB-27	CONTRACTOR	AD-27	RECEPTION
CB-28	CONTRACTOR	AD-28	RECEPTION
CB-29	CONTRACTOR	AD-29	RECEPTION
CB-30	CONTRACTOR	AD-30	RECEPTION
CB-31	CONTRACTOR	AD-31	RECEPTION
CB-32	CONTRACTOR	AD-32	RECEPTION
CB-33	CONTRACTOR	AD-33	RECEPTION
CB-34	CONTRACTOR	AD-34	RECEPTION
CB-35	CONTRACTOR	AD-35	RECEPTION
CB-36	CONTRACTOR	AD-36	RECEPTION
CB-37	CONTRACTOR	AD-37	RECEPTION
CB-38	CONTRACTOR	AD-38	RECEPTION
CB-39	CONTRACTOR	AD-39	RECEPTION
CB-40	CONTRACTOR	AD-40	RECEPTION
CB-41	CONTRACTOR	AD-41	RECEPTION
CB-42	CONTRACTOR	AD-42	RECEPTION
CB-43	CONTRACTOR	AD-43	RECEPTION
CB-44	CONTRACTOR	AD-44	RECEPTION
CB-45	CONTRACTOR	AD-45	RECEPTION
CB-46	CONTRACTOR	AD-46	RECEPTION
CB-47	CONTRACTOR	AD-47	RECEPTION
CB-48	CONTRACTOR	AD-48	RECEPTION
CB-49	CONTRACTOR	AD-49	RECEPTION
CB-50	CONTRACTOR	AD-50	RECEPTION
CB-51	CONTRACTOR	AD-51	RECEPTION
CB-52	CONTRACTOR	AD-52	RECEPTION
CB-53	CONTRACTOR	AD-53	RECEPTION
CB-54	CONTRACTOR	AD-54	RECEPTION
CB-55	CONTRACTOR	AD-55	RECEPTION
CB-56	CONTRACTOR	AD-56	RECEPTION
CB-57	CONTRACTOR	AD-57	RECEPTION
CB-58	CONTRACTOR	AD-58	RECEPTION
CB-59	CONTRACTOR	AD-59	RECEPTION
CB-60	CONTRACTOR	AD-60	RECEPTION
CB-61	CONTRACTOR	AD-61	RECEPTION
CB-62	CONTRACTOR	AD-62	RECEPTION
CB-63	CONTRACTOR	AD-63	RECEPTION
CB-64	CONTRACTOR	AD-64	RECEPTION
CB-65	CONTRACTOR	AD-65	RECEPTION
CB-66	CONTRACTOR	AD-66	RECEPTION
CB-67	CONTRACTOR	AD-67	RECEPTION
CB-68	CONTRACTOR	AD-68	RECEPTION
CB-69	CONTRACTOR	AD-69	RECEPTION
CB-70	CONTRACTOR	AD-70	RECEPTION
CB-71	CONTRACTOR	AD-71	RECEPTION
CB-72	CONTRACTOR	AD-72	RECEPTION
CB-73	CONTRACTOR	AD-73	RECEPTION
CB-74	CONTRACTOR	AD-74	RECEPTION
CB-75	CONTRACTOR	AD-75	RECEPTION
CB-76	CONTRACTOR	AD-76	RECEPTION
CB-77	CONTRACTOR	AD-77	RECEPTION
CB-78	CONTRACTOR	AD-78	RECEPTION
CB-79	CONTRACTOR	AD-79	RECEPTION
CB-80	CONTRACTOR	AD-80	RECEPTION
CB-81	CONTRACTOR	AD-81	RECEPTION
CB-82	CONTRACTOR	AD-82	RECEPTION
CB-83	CONTRACTOR	AD-83	RECEPTION
CB-84	CONTRACTOR	AD-84	RECEPTION
CB-85	CONTRACTOR	AD-85	RECEPTION
CB-86	CONTRACTOR	AD-86	RECEPTION
CB-87	CONTRACTOR	AD-87	RECEPTION
CB-88	CONTRACTOR	AD-88	RECEPTION
CB-89	CONTRACTOR	AD-89	RECEPTION
CB-90	CONTRACTOR	AD-90	RECEPTION
CB-91	CONTRACTOR	AD-91	RECEPTION
CB-92	CONTRACTOR	AD-92	RECEPTION
CB-93	CONTRACTOR	AD-93	RECEPTION
CB-94	CONTRACTOR	AD-94	RECEPTION
CB-95	CONTRACTOR	AD-95	RECEPTION
CB-96	CONTRACTOR	AD-96	RECEPTION
CB-97	CONTRACTOR	AD-97	RECEPTION
CB-98	CONTRACTOR	AD-98	RECEPTION
CB-99	CONTRACTOR	AD-99	RECEPTION
CB-100	CONTRACTOR	AD-100	RECEPTION

SIZE AND NUMBER OF INTERIOR SPACES WILL REMAIN GENERALLY THE SAME. LOCATIONS WILL CHANGE TO ACCOMMODATE REVISED BUILDING FOOTPRINTS

BUILDING FLOOR PLANS



MUSIC ACADEMY OF THE WEST

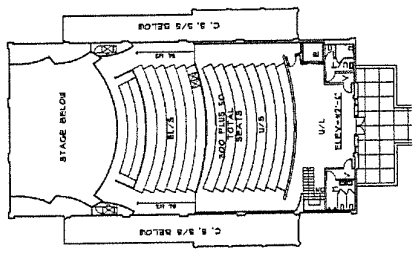
SHEET 4 OF 8

PMSM 960309 DATE: WEDNESDAY, MAY 19TH, 2004 COPYRIGHT © 2004

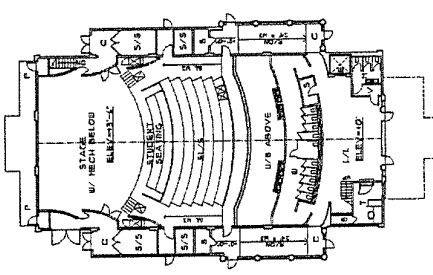
Board Ex "0" 10-26-04

4000 ALABAMA AVENUE, SUITE 200
LOS ANGELES, CA 90008
TEL: 310.441.1111 FAX: 310.441.1112

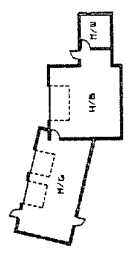
CODE	DEPARTMENT	STUDIOS	TOTAL
DN	DOWN	CO	6
UP	UP	IN	1
ELV	ELEVATION	IL	1
H/B	HIGH BAY STORAGE	SH	1
H/C	HIGH CEILING	ST	1
H/D	HIGH DECK	TR	1
H/E	HIGH ELEVATION	UR	1
H/F	HIGH FLOOR	US	1
H/G	HIGH GROUND	UT	1
H/H	HIGH HALL	UW	1
H/I	HIGH INLET	UX	1
H/J	HIGH JUNCTION	UY	1
H/K	HIGH KITCHEN	UZ	1
H/L	HIGH LIFT	VA	1
H/M	HIGH MECHANICAL	VB	1
H/N	HIGH NETWORK	VC	1
H/O	HIGH OFFICE	VD	1
H/P	HIGH PLANT	VE	1
H/Q	HIGH PUMP	VF	1
H/R	HIGH RECEPTION	VG	1
H/S	HIGH RESTROOM	VH	1
H/T	HIGH SERVICE	VI	1
H/U	HIGH STORAGE	VJ	1
H/V	HIGH TOWER	VK	1
H/W	HIGH WALKWAY	VL	1
H/X	HIGH WAREHOUSE	VM	1
H/Y	HIGH WATER	VN	1
H/Z	HIGH WOOD	VO	1
BE	BED ROOM	VP	1
BR	BREAK ROOM	VQ	1
CC	CONFERENCE	VR	1
CD	KITCHEN / DINETTE	VS	1



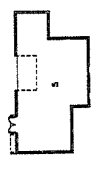
ABRAVANEL HALL
SECOND FLOOR



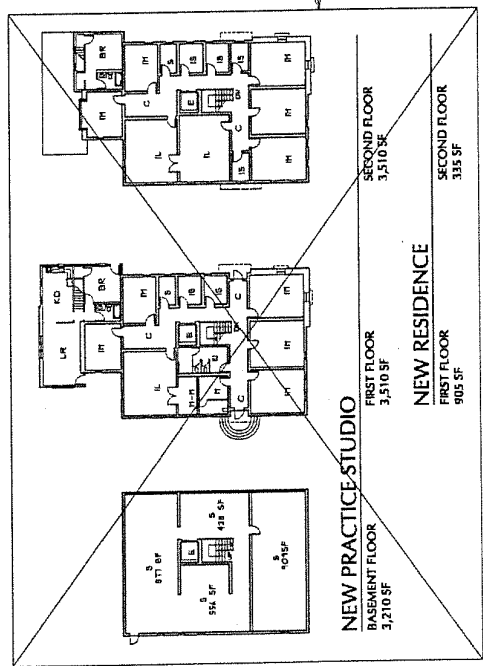
ABRAVANEL HALL
FIRST FLOOR



NEW MAINTENANCE/STORAGE BUILDING
GROUND FLOOR
1,610 SF



NEW STORAGE BUILDING
GROUND FLOOR
1,080 SF



NEW PRACTICE STUDIO
BASEMENT FLOOR
3,210 SF

NEW RESIDENCE
FIRST FLOOR
905 SF

NEW RESIDENCE
SECOND FLOOR
335 SF

NEW RESIDENCE
SECOND FLOOR
315 SF

SIZE AND NUMBER OF INTERIOR SPACES WILL REMAIN GENERALLY THE SAME. LOCATIONS WILL CHANGE TO ACCOMMODATE REVISED BUILDING FOOTPRINTS



BUILDING FLOOR PLANS

MUSIC ACADEMY OF THE WEST

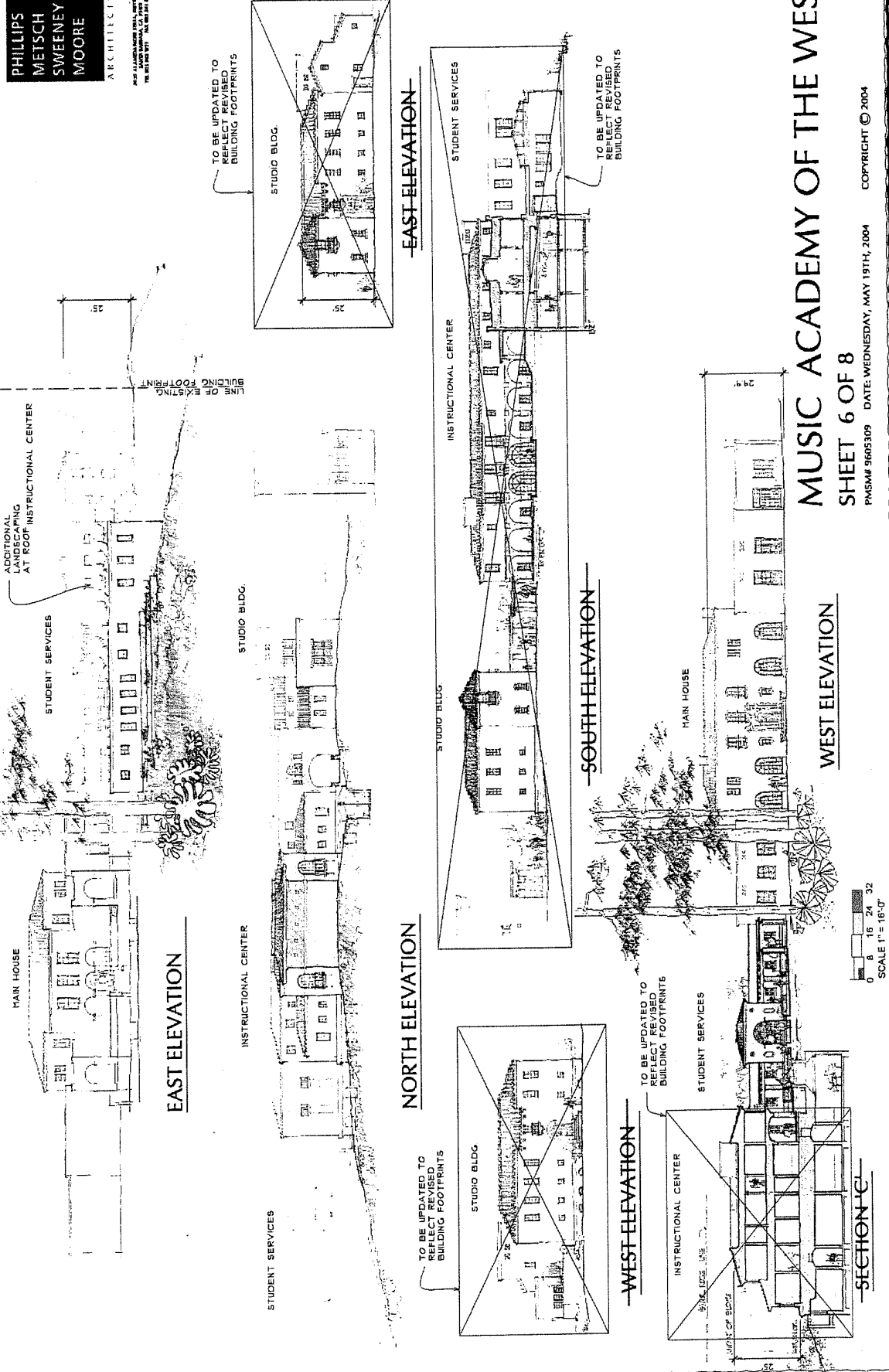
SHEET 5 OF 8

PM5MM 9605109 DATE: WEDNESDAY, MAY 19TH, 2004 COPYRIGHT © 2004

Board Ex "E" 10-26-04

**PHILLIPS
METSCH
SWEENEY
MOORE**
ARCHITECTS

PHYSICAL ADDRESS: 1000 PINE STREET, SUITE 200
PHILADELPHIA, PA 19107
PHONE: 215-592-1200
FAX: 215-592-1201



MUSIC ACADEMY OF THE WEST
SHEET 6 OF 8

PHSM# 9605309 DATE: WEDNESDAY, MAY 19TH, 2004 COPYRIGHT © 2004

0 6 12 18 24 32
SCALE 1" = 16'-0"

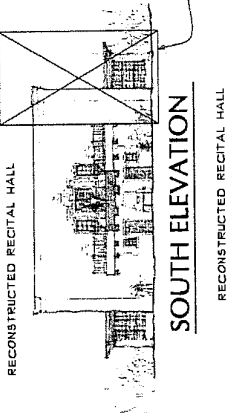
Board Ex "F" 10-26-04

000259

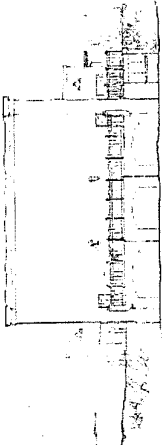
PHILLIPS
METSCH
SWEENEY
MOORE
ARCHITECTS

THIS ARCHITECTURAL DRAWING IS THE PROPERTY OF PHILLIPS METSCH SWEENEY MOORE ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF PHILLIPS METSCH SWEENEY MOORE ARCHITECTS IS STRICTLY PROHIBITED.

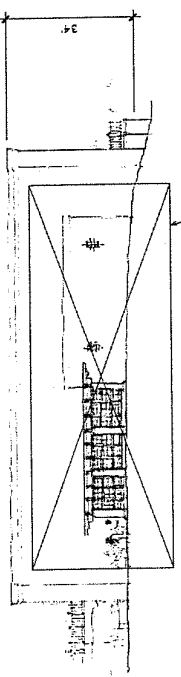
TO BE UPDATED TO REFLECT REVISED FOOTPRINTS OF ADJOINED BUILDINGS



RECONSTRUCTED RECITAL HALL
SOUTH ELEVATION



RECONSTRUCTED RECITAL HALL
NORTH ELEVATION



RECONSTRUCTED RECITAL HALL
EAST ELEVATION

TO BE UPDATED TO REFLECT REVISED FOOTPRINTS OF ADJOINED BUILDINGS

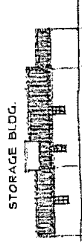


RECONSTRUCTED RECITAL HALL
SECTION 'A'

STORAGE BLDG.



STORAGE BLDG.
NORTH ELEVATION



STORAGE BLDG.
SOUTH ELEVATION

STORAGE BLDG.

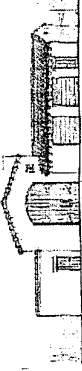


STORAGE BLDG.
EAST ELEVATION



STORAGE BLDG.
WEST ELEVATION

MAINTENANCE/ STORAGE BLDG.



MAINTENANCE/ STORAGE BLDG.
NORTH ELEVATION

MAINTENANCE/ STORAGE BLDG.



MAINTENANCE/ STORAGE BLDG.
SOUTH ELEVATION

MAINTENANCE/ STORAGE BLDG.



MAINTENANCE/ STORAGE BLDG.
EAST ELEVATION



MAINTENANCE/ STORAGE BLDG.
WEST ELEVATION

MUSIC ACADEMY OF THE WEST

SHEET 7 OF 8

PN5MWP 9605309 DATE: WEDNESDAY, MAY 19TH, 2004

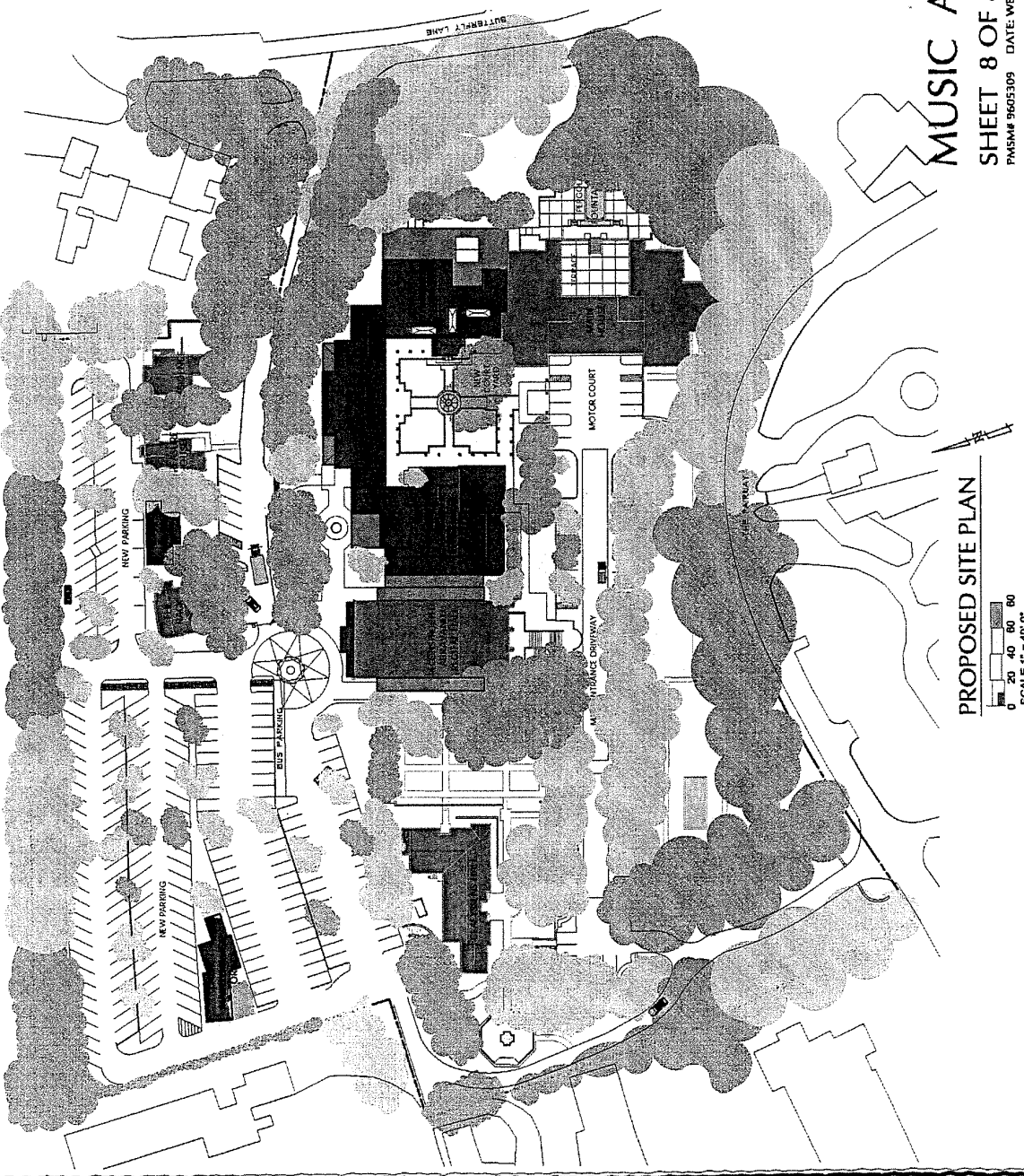
COPYRIGHT © 2004



Board Ex "G" 10-26-04

PHILLIPS
METSCH
SWEENEY
MOORE
ARCHITECTS

1000 1450 1500 1550 1600 1650 1700 1750 1800 1850 1900 1950 2000 2050 2100 2150 2200 2250 2300 2350 2400 2450 2500 2550 2600 2650 2700 2750 2800 2850 2900 2950 3000 3050 3100 3150 3200 3250 3300 3350 3400 3450 3500 3550 3600 3650 3700 3750 3800 3850 3900 3950 4000 4050 4100 4150 4200 4250 4300 4350 4400 4450 4500 4550 4600 4650 4700 4750 4800 4850 4900 4950 5000 5050 5100 5150 5200 5250 5300 5350 5400 5450 5500 5550 5600 5650 5700 5750 5800 5850 5900 5950 6000 6050 6100 6150 6200 6250 6300 6350 6400 6450 6500 6550 6600 6650 6700 6750 6800 6850 6900 6950 7000 7050 7100 7150 7200 7250 7300 7350 7400 7450 7500 7550 7600 7650 7700 7750 7800 7850 7900 7950 8000 8050 8100 8150 8200 8250 8300 8350 8400 8450 8500 8550 8600 8650 8700 8750 8800 8850 8900 8950 9000 9050 9100 9150 9200 9250 9300 9350 9400 9450 9500 9550 9600 9650 9700 9750 9800 9850 9900 9950 10000

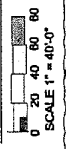


MUSIC ACADEMY OF THE WEST

SHEET 8 OF 8

PMSM# 9605309 DATE: WEDNESDAY, MAY 19TH, 2004 COPYRIGHT © 2004

PROPOSED SITE PLAN



Board Ex.'H" 10-26-04

000262

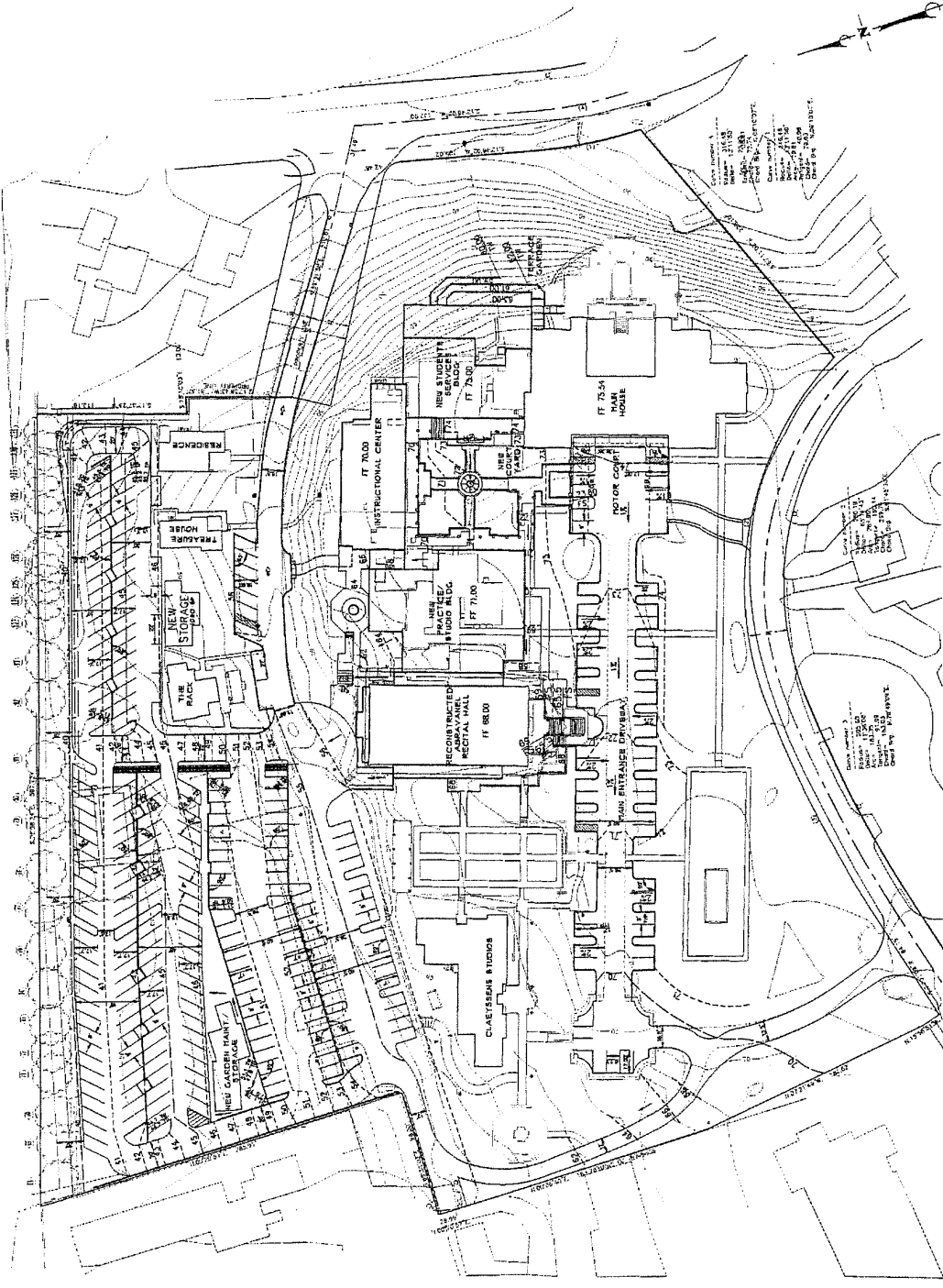
EARTHWORK SUMMARY

PHASE	OUT (C.Y.)	FILL (C.Y.)	NET (C.Y.)
1A NEW PARKING LOT GRADING	2,031	9,049	7018 FILL
TOTAL PHASE 1A			
1B MAIN ENTRANCE DRIVEWAY	626	246	380 CUT
TOTAL PHASE 1B			
2 NEW STUDENT SERVICES BLDG	7,950	1,100	6,850 CUT
TOTAL PHASE 2			
3 NEW PRACTICE/STUDIO BLDG	300	230	70 CUT
TOTAL PHASE 3			
4 APPARVEL HALL ADDITIONS	182	45	137 CUT
TOTAL PHASE 4			
TOTAL	11,089	10,670	419 CUT

THE ABOVE QUANTITIES ARE APPROXIMATE IN PLACE VOLUMES CALCULATED FROM THE EXISTING GROUND TO THE PROPOSED FINISH GRADE ON SURFACE. EXISTING GROUND IS DERIVED BY THE TOPOGRAPHIC CONTOUR AND SURFACE ELEVATION DATA. THE PROPOSED FINISH GRADE IS DERIVED FROM THE PROPOSED CONSTRUCTION PLAN. THE PROPOSED FINISH GRADE IS DERIVED FROM THE PROPOSED CONSTRUCTION PLAN. THE PROPOSED FINISH GRADE IS DERIVED FROM THE PROPOSED CONSTRUCTION PLAN.

PROPOSED PARKING:

MAIN DRIVE	290
STREET FRONT	51
OTHER NEW	17
STACKED PARKING	5
TOTAL PROVIDED	363
EXISTING	214
INCREASE OF (290 - 214)	76



13466-CP-5-8-04.DWG
 DATE: 5-10-04
 REFERENCE: 13466-CP-5-8-04.DWG
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NAME: MUSIC ACADEMY OF THE WEST
 CITY-COUNTY: [City/County]
 APPROVED BY (P.E.): [Name]
 DATE: [Date]
 SHEET: 1 of 1
 SEE SHEET: [Reference]
 PENNFIELD & SMITH ENGINEERS & ARCHITECTS
 1000 S. STREET
 P.O. BOX 114
 R.E.C. 38143 (EXP. 3-31-05)
 GRADING PLAN
 MUSIC ACADEMY OF THE WEST
 SANTA ANA, CALIFORNIA
 WORK SHEET: 13466.01

Board Ex "I" 10-26-04

Board of Supervisors Approval Date: October 26, 2004

SANTA BARBARA COUNTY CONDITIONAL USE PERMIT
ARTICLE III, CHAPTER 35
CASE NO. 90-CP-111 RV01

I. A Conditional Use Permit is Hereby Granted:

TO: The Music Academy of the West

APN: 9-282-029, -030

PROJECT ADDRESS: 1070 Fairway Rd

ZONE: 1-E-1

AREA: Montecito

SUPERVISORIAL DISTRICT: First

FOR: Music Conservatory

Advisory statement from the Board of Supervisors with regard to neighborhood compatibility and its intent in approving 90-CP-111 RV01: In granting this permit, the Board of Supervisors advises future decision-makers that based on the evidence in the record at this time, the operation and site development at the Music Academy have reached a maximum level able to be found consistent with the health, welfare, safety, and convenience of the neighborhood and the Board of Supervisors recommends that no further increase in use, density, or development be allowed.

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

1. This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-L, with Planning Commission hearing stamp date of June 16, 2004 (plans dated May 2004 except plan PL-2 dated 1/30/04), and conditions of approval set forth below. Any ~~deviations~~ from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The Music Academy of the West (MAW) Revised CUP, 90-CP-111 RV01, (also referred to as the MAW "Master Plan" or "Renaissance Plan") includes both physical and operational components. A summary of these components is listed immediately below, with specific details described later in this section. This CUP (90-CP-111 RV) represents a revision to the previous Music Academy of the West CUP (90-CP-111 cz) and supersedes the prior CUP.

Summary of Physical Changes:

- Remove 61 mature trees and plant a minimum of 203 replacement trees; four (4) oak trees are proposed to be (removed and) transplanted;
- Modify existing landscape components including the entrance allee, garden pathways and courtyards;
- Earthwork necessary to accommodate new structures, circulation and parking. Earthwork would involve 11,089 cubic yards cut, 10,670 cubic yards fill. Approximately 419 cubic yards of excess fill would need to be exported off of the site;
- Construct a secondary (emergency only) access from Fairway to the motor court in front of Miraflores;
- Widen, regrade and otherwise modify internal access roads and parking areas¹;
- Alter campus-wide development with a net increase of 50,630 square feet of structural development and a net increase in overall building footprints of 15,900 square feet;
- Provide 290 surface parking spaces;
- Add 2,790 SF through reconstruction of Abravanel Hall (the primary recital hall). Abravanel Hall will have a total of 300 fixed seats plus 50 temporary seats in the summer season only. No more than 300 of the total 350 seats shall be sold to/used by the public (defined as anyone not a student, faculty or staff);
- Demolish Harger Studio and storage building north of Harger Studio and Wood 1 as well as Wood 2 Practice Studios (including the employee apartment);
- Construct a new Instructional Building in the general location of existing Wood 2 practice studio building and not extending north of existing Wood 2;
- Construct a new Practice Studio Building including a residential unit between Abravanel Hall and the new Instructional Building in the general location of existing Wood 1;
- Construct a new Student Services Building that would link Miraflores (the historic main residence) and the new Instructional Building;
- Construct a new maintenance & storage building in the northwest corner of the site; and
- Construct a new storage building between Treasure House and The Rack.

¹No grading to occur within the easternmost section of the internal roadway, which is a paved easement not owned by the MAW.

Summary of Operational Changes:

- Relocate primary instruction for the (up to) 50 vocal and accompanying students to the on-site campus. These, along with the up to 100 instrumental students historically receiving instruction exclusively on-site, will bring total enrollment allowed to no more than 150 students. The number of vocal and instrumental students is to be determined by the MAW, but cannot exceed 150 total students.
- Students would continue to reside off-site but all (up to 150) students would receive lunch and dinner at the proposed new and improved catering kitchen and indoor dining facilities at the Music Academy. (The existing terrace on the east side of Miraflores would remain as well);
- Limit public attendance for all activities² as follows: Any- given- time (330), Daily (900), eight-week Summer Season (22,000) and 44-week Non-Summer Season (25,000) for an Annual Public Attendance Maximum of 47,000. The limitations would not apply to staff, faculty, other employees, summer music students, other performers, or people attending or performing administrative functions (e.g., volunteers);
- Activities related to a music conservatory shall be subject to the proposed attendance caps and other restrictions (conservatory uses/activities would no longer be unrestricted as under 90-CP-111cz);
- Weddings shall not be an allowed use on-site;
- Educational programs in the arts shall be subject to (and included within) the proposal for campus-wide any- given- time, daily, and non-summer season public attendance limitations;
- Meetings/seminars and non-profit benefits, *taken together*, shall total no more than 41 events annually to occur during the non-summer season only. Any given time attendance for meetings and seminars shall be limited to 175 participants and otherwise subject to the daily and non-summer attendance limits. Non-profit benefits shall be subject to the any given time, daily and non-summer season public attendance caps;
- Provide all project generated parking on-site;
- Provision of 285 parking spaces plus an additional 5 spaces using stacked parking (per the approved modification to the standard Zoning Ordinance requirement for 332 spaces for this use);
- Allow for parking lot paving in the north end of the property within the sideyard setback from the western property line;
- Allow for modification to the Zoning Ordinance height limitation of 25 feet for the renovated Abravanel Hall (existing Hall is currently 34.8 feet, no change to height is proposed);
- The hours of operation for Treasure House and The Rack shall be Monday-Saturday, 12:00-3:00 p.m. During the non-summer period the same hours shall apply;

² The exception to this would be one, 1-day fundraiser per year, held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).

- Implement a *Cut-Through Reduction Plan (CTRP)* to discourage vehicles coming to the MAW for no reason other than to gain access to the east of the site (Butterfly Lane and beyond) using the MAW internal road as a circulation “short-cut.” The plan as proposed by the applicant would require cut-through traffic to pay a substantial fee (\$10.00 minimum) to exit the campus;
- In the short-term implement a more simple cut-through program prior to implementing the more elaborate long-term program.
- Provide summer student bus remote control access for entry at gates on Butterfly Lane and implement a cell phone system allowing large delivery truck (and other non-summer student buses) entry at Butterfly Lane (some trucks would continue to enter on Fairway).

Following is a more detailed discussion of the proposed Master Plan Revised Conditional Use Permit project description:

Landscaping

The Landscape Master Plan includes landscape enhancements throughout the property, such as new screening elements along The Fairway, and new slope planting north and east of Miraflores. The design goals of the landscape plan are to: 1) honor the historic landscape by restoring critical design elements to the alley and by using historically accurate plantings and skyline trees, 2) effectively enhance vegetation and trees along the perimeter of the site to screen MAW building improvements from the street and neighboring properties, so that the site appears substantially unchanged to the immediate neighbors (with retention of many existing trees and following establishment of new landscaping) and 3) to supplement and enhance landscaping in the southeast corner of the site, in an attempt to attract monarch butterflies back to this historic roosting area, behind the main house (Miraflores). These landscape improvements would result in landscape coverage of approximately 197,040 SF (~ 4.75 acres) of the 9 acre project site. Of this total, approximately 12,000 SF (~ .28 acres) would be lawn and non-drought tolerant landscaping with the balance, approximately 185,040 SF (~ 4.47 acres), made up of a combination of mature landscaping and trees, as well as new drought tolerant plantings.

With incorporation of project conditions, 61 trees will be removed (including two oak tree), a minimum of 203 new trees will be planted, and 4 oak trees will be transplanted elsewhere on-site. Planting of 106 new oaks (5-gallon, 15 gallon and 24-inch box) is included in the project landscape plan.

Building Revisions/Physical Changes

SITE PLAN REVISIONS						
BUILDINGS	EXISTING FOOTPRINT (SF)	PROPOSED FOOTPRINT (SF)	EXISTING FLOOR AREA (SF)	PROPOSED FLOOR AREA (SF)	NET CHANGE FOOTPRINT (SF)	NET CHANGE FLOOR AREA(SF)
CAMPUS TOTAL	34,730	49,270	44,370	95,920	+15,900	+50,630
ABRAVANEL HALL— Additions	7,290	10,080	11,340	14,130	+2,790	+2,790
COMBINED NEW PRACTICE STUDIO BLDG/INSTRUCTIONAL CENTER, (INCLUDING ~1,900 SF RESIDENTIAL UNIT) - replaces Wood 1 and Wood 2 practice studio (and ex. apartment) bldgs	6,440	13,670	7,900	39,480	7,230	31,580
STUDENT SERVICES	N/A	3,980 *	N/A	14,530 *	+3,980*	+14,530*
THE RACK	1,200	Same	1,600	Same	No Change	No Change
TREASURE HOUSE	940	Same	940	Same	No Change	No Change
NEW MAINTENANCE/STORAGE	N/A	1,610	N/A	1,470	+1,610	+1,470
RESIDENCE (near Treasure)	1,270	Same	1,270	Same	No Change	No Change
NEW STORAGE	N/A	1,080	N/A	950	+1,080	+950
MIRAFLORES (former residence)	11,250	Same	14,980	Same	No Change	No Change
CLAEYSSSENS STUDIOS	4,650	Same	4,650	Same	No Change	No Change
HARGER BRASS STUDIO & MAINTENANCE ADDITION	1,690	N/A	1,690	N/A	-1,690	-1,690

			EXISTING AREA (SF)	PROPOSED AREA (SF)	NET CHANGE FOOTPRINT (SF)	NET CHANGE AREA (SF)
LANDSCAPE	N/A	N/A	259,280	197,040		-62,240
PAVING))	N/A	N/A	80,380 SF	115,670		+35,280
			EXISTING	PROPOSED		
PARKING	N/A	N/A	214 ³ SPACES	285 SPACES (+5 w/stacked parking)		+76

Rehearsal/Recital Hall (Reconstruction of Abravanel Hall)

Abravanel Hall (the main recital hall) would be reconstructed, featuring raked, fixed seating with a maximum permanent seating capacity of 300 plus allowance for an additional 50 removable seats during the summer season only. No more than 300 of the total 350 seats shall be sold to/used by the public⁴. The hall would have improved acoustics, optimized for chamber music and would remain the indoor venue with the largest seating capacity. The MAW will continue to schedule events off-site that will be attended by more members of the public than the maximum allowed in the replacement hall.

Based on the County’s methodology for calculating building height; the existing building is 34.8 feet. Because there is a 25-foot height limitation in this zone district, pursuant to Section 35-172.12 of the Coastal Zoning ordinance, this revised CUP includes approval of a modification to allow the reconstructed hall to remain at its current height, as the proposed changes to the hall will not alter the existing exterior roof height in any way. The finished floor elevation of the lower lobby for both the existing and reconstructed recital hall will be at approximately the same elevation.

Parking

A new expanded parking area is included in the northwest corner of the property. A total of 285 parking spaces plus 5 additional spaces using stacked parking (see Civil Plan) are included, most will be located in the northwest portion of the property.

Wood Practice Studio Replacement Building (Instructional Building)

Wood 2 practice studio building will be removed and replaced with a new instructional building which will provide expanded and improved practice studio spaces for individual students and a range of ensembles, including vocal students’ preparation for opera performance. The height of the new building will be 25-feet. The new Instructional building would be lower in height (above sea level) than *Miraflores*, to which it will be linked (via the proposed student services building). (The floor plans, including specific uses and spaces specified for the new Instructional, Practice Studio and Student Services Buildings, may be rearranged within these three buildings as part of the final building plans, to reflect the physical revisions to these buildings during the MPC hearings on the project.)

³ The 214 spaces include the 31 temporary parking spaces approved in the northwest corner. Use of the temporary gravel parking area is proposed to continue until the new parking is developed.

⁴ The public is anyone who is not a student, faculty, or staff, including, but not limited to MAW donors, students’ friends and family, etc.

Student Services (Link building between the new Instructional Building and Miraflores)

Linking the proposed Wood Replacement/Instructional Building with the main house (Miraflores) is a building dedicated primarily to administrative offices supporting student services. The student services building will include a basement storage area, a catering kitchen (not an industrial or commercial type of kitchen) and a faculty and student dining area. The Music Academy will continue to have all meals catered under the proposed plan (caterers typically prepare food off-site, but some limited on-site food preparation is permitted). Catered meals will be provided to Music Academy students, faculty and staff as well as to those groups attending some of the permitted activities on-site (meetings/seminars, non-profit benefits, and MAW administrative functions such as Council dinners etc.) When these aforementioned activities are not occurring, the kitchen uses and foodstuffs will be limited to a typical office lounge (popcorn, heating or keeping cold food brought from home, etc.) The dining room will not be open to the general public and the improved MAW facilities will not serve as a restaurant or snack bar to the general public. (Caterers will be used to provide and serve food on-site. The MAW will not hire a chef or other kitchen employees to staff the kitchen/dining facilities). For specific allowances /restrictions for the kitchen/dining facilities, refer to condition of approval 40.

In joining together the Instructional Building, *Miraflores*, the Student Services Building, and the new Practice Studio Building, a new “interior” courtyard is created in the heart of the campus. Outdoor MAW gatherings could occur here in an insulated and well-screened area. (The floor plans, including specific uses and spaces specified for the new Instructional, Practice Studio and Student Services Buildings, may be rearranged within these three buildings as part of the final building plans, to reflect the physical revisions to these buildings during the MPC hearings on the project.)

New Practice Studio Building

A new, larger practice studio building is included in the area where the existing Wood 1 practice studio building is located. This structure will contain approximately 20 teaching studios, ensemble rooms and individual practice rooms. A residential unit to replace the one being removed from Wood 2 will also be located in this structure. (The floor plans, including specific uses and spaces specified for the new Instructional, Practice Studio and Student Services Buildings, may be rearranged within these three buildings as part of the final building plans, to reflect the physical revisions to these buildings during the MPC hearings on the project.)

New Storage & Maintenance Buildings

A 1,610 SF structure is proposed in the northwest portion of the site and will be used for campus maintenance and storage. The building will have a maximum height of 18.6-feet. A storage building of 1,380 with a height of 13-feet is proposed between the Rack and Treasure House at the toe of the slope on which these buildings are located.

Operational Changes

The physical changes described above are intended to improve the quality of the existing instructional, practice and performance facilities on the MAW campus and to accommodate instruction for all 150 summer students at the project site. The revised CUP maintains the same total number of students in the summer program, but will relocate primary instruction for the vocal and vocal accompanying students from Cate to the MAW campus.

1. Revise the project description condition (#1), to reflect the revised CUP approval;
2. Eliminate weddings as a permitted use onsite;
3. Allow meetings/seminars and non-profit events, taken together, to total no more than 41 events and limit these to the non-summer season. Public attendance at these events shall be subject to and included within the campus-wide attendance caps: any given time (330), daily (900) and non-summer season (25,000) limitations, with the exception that meetings/seminars shall be restricted to no more than 175 participants/event (consistent with historic levels); and
4. Upon completion of on-site parking improvements (290 spaces), project related parking demand shall be accommodated on the project site (not in overflow lots or on-street).

Attendance Limitations

In addition to Abravanel Hall, the other existing indoor venues that can accommodate group gatherings are two large rooms in *Miraflores* that will remain (Lehmann Hall and Stewart Hall) and one in the Wood studio building (Singher Studio), which will be removed with the demolition of the Wood practice studio building. Singher Studio will be replaced by two larger rooms in the proposed Instructional Building. During the summer, one of these new rooms is proposed to normally be reserved for use by the vocal students for the blocking of operas (rehearsing where to stand on the stage) and vocal instruction and orchestra practice will take place in the other room. During the non-summer period, these rooms can be used for instruction, practice, rehearsals, auditions and meetings associated with music.

The maximum allowable capacities of the proposed venues are identified in table below.

Venue	Floor Area (SF)	Maximum Allowable Seating Capacity
Abravanel Hall	14,130	350 MAX (300 fixed public seats +50 removable seats - no more than 300 seats for public use/sale)
Lehmann Hall	1,761	195
Stewart Hall	972	92
Instructional Bldg Lower Level	1,800	171
Instructional Bldg Upper Level	2,700	257
New Practice Studio Building Rooms	N/A	N/A
Master Plan Maximum Indoor Seating Capacity with Public Attendance Caps (330-Any-Given-Time Public Attendees) (with 50 removable seats in Abravanel Hall for summer use only)		330 max public attendees) (Summer & Non-Summer)

Attendance shall be limited through restrictions on the maximum number of members of the public who can be on the Academy campus. Faculty, staff, summer music program students, performers and non-staff attendees at administrative activities on-site (including volunteers) will not be counted toward the proposed maximum attendance limits. Fundraisers shall be subject to the any given time, daily and seasonal attendance caps and are not considered administrative functions. The exception to this is the one day fundraiser to be held during the non-summer period, which is not subject to any of the attendance caps.

The specific public attendance limitations proposed are as follows:

1. Any given time (330) - this will apply to either individual or conjunctive use of multiple venues on-site (indoor and outdoor).
2. Daily 900; and
3. Annual (47,000) based on the following seasonal attendance caps:
 - a) Summer (22,000)
 - b) Non-Summer (25,000) season

Table 1 Music Academy Attendance Figures ^(a)			
Music Academy Attendance			
Maximum Attendance	Existing Baseline	Proposed Project	Net Change
Any-given-time	382	330	-52 ^(b)
Daily	None	900	N/A ^(c)
Summer (8-weeks)	15,828 ^(d)	22,000	+6,172
Non-Summer (44 weeks) ^(e)	53,766	25,000	-28,766
Annual	71,447	47,000	-24,447

(a) Figures do not include faculty, staff, students, other performers or employees or people attending administrative functions.

(b) To avoid parking and other conflicts, special administrative functions (board meetings, dinners, etc.) shall not occur concurrently with high attendance events. Therefore, administrative activities are not expected to increase occupancy of the site over and above the proposed any-one time attendance maximum. Also, special administrative functions are not be subject to the daily, seasonal and annual attendance limits either under baseline conditions or the proposed project scenarios (Fundraisers shall not count as administrative functions).

(c) Seasonal attendance caps limit the number of days where the daily maximum could be reached.

(d) The new summer public attendance caps will result in a 39% increase in public audience members (est. 15.5% increase in traffic) for the summer period.

(e) When more than 95 performers and staff are present for a maximum capacity non-summer event, staff or performers above this number shall be bused to the MAW campus.

These limitations shall apply to all activities and events conducted on campus and shall apply 7 days a week. Any exceptions to these limitations are identified below.

The Music Academy shall not seek an upward revision of the maximum attendance caps for a period of at least ten (10) years from the date of occupancy of the student services, instructional, or practice studio buildings.

Non-Summer Season

The proposed non-summer attendance limit shall include participants at both conservatory activities (musical classes, rehearsals, recitals, recording and concerts, classes and meetings sponsored by the Music Academy related to education in music, meetings related to music not sponsored by the Music Academy), MAW fundraisers, and rental activities (meetings, seminars, and non-profit benefits). The rental activities/special events (seminars, meetings, non-profit benefits and educational programs in the arts⁵) shall only occur during the non-summer season.

Existing audience attendance in the non-summer season has been reduced under this permit to provide assurance to the community that the Academy does not become a commercial endeavor. Activities subject to the attendance limitations shall include all music conservatory activities associated with the Music Academy, community groups, and other members of the public (e.g., concerts, meetings related to music, rehearsals, workshops and instruction, public use of practice studios, recording sessions, etc.) and all special events/rental activities (conferences, meetings, seminars, non-profit benefits, educational programs in the arts). Special events/rental activities shall be permitted as follows:

1. Seminars/meetings and non-profit benefits, *taken together*, shall be restricted to a total of 41 events, subject to, and included within, the campus-wide attendance restrictions. The exception to this will be that the seminars and meetings will be further restricted to the historic maximum of no more than 175 participants per activity/event.
2. Educational programs in the arts are be subject to the attendance caps, with all non-summer students, faculty, and/or instructors (other than those performing at a concert) counted toward the maximum attendance limitations.
3. Weddings shall not be a permitted use⁶.

Music Academy administrative activities will remain unchanged under the new permit and are specifically not included within these attendance limits. However, the Academy shall schedule any special administrative activities⁷, such that they shall not occur at the same time as large events on-site. The intent of this is to avoid the combination of event and administrative attendance at levels that would challenge traffic circulation and on-site parking demand or that will create other logistical problems.

⁵ Educational programs in the arts are defined as “programs or classes in the performing arts that are not sponsored or directed by the Music Academy.”

⁶ The Other non-conservatory uses allowed on-site shall be limited to meetings, seminars, non-profit benefits, educational programs in the arts, MAW administrative functions, maintenance activities, fundraisers subject to attendance caps (except one day per year not subject to the caps) and the resale shops (as conditioned). Inclusion of an accessory musical component in an activity other than the above allowed uses shall not convert a non-permitted use to a permitted use simply because music has been included (e.g., rental for a reception which has musicians for entertainment).

⁷ Defined as administrative activities, such as board meetings, auxiliary member meetings, etc., which involve more people than regular staff activities.

Summer Season (8 weeks, mid-June to mid-August) Site Attendance Maximums

The attendance maximums for the summer season shall not include up to 89 staff/faculty (including all conservatory, administrative, maintenance, service and other staff), up to 150 students/performers, or attendees at administrative activities on-site such as MAW board meetings, auxiliary meetings, council dinners, etc. As with the non-summer period, Music Academy administrative activities shall remain unchanged under the new permit and shall not be included within the proposed attendance limits. However any special administrative activities⁸, involving greater numbers of people, shall not occur at the same time as large events on-site. Fundraisers, subject to the any given time, daily and seasonal attendance caps may occur during the summer. However, the one day per year fundraiser, which is not subject to the attendance caps as well as rentals, special events, and non-profit benefits shall not occur during the 8-week summer season.

Attendance at the Music Academy's Summer Festival shall be limited to a total of 22,000 persons.

The Music Academy shall provide a copy of its Summer School and Festival program to the owners of 87 Butterfly Lane upon their request, as well as notification of all special events exceeding 250 participants.

Summer Instructional Program

Reconstruction of Abravanel Recital Hall: A renovated recital hall is proposed to enhance the educational experience of the students as well as improve the facilities for MAW patrons and the public. *Off-Campus Master Classes:* The MAW will continue to schedule selected Master Classes off campus, as necessary (e.g., to accommodate a concert with more public attendance than is permitted on-site and/or in specific venues on-site).

Summer School: Instructional activities for the Summer School consist of individual and group instruction, individual and group rehearsals and practice sessions, orchestra rehearsals (no orchestra performances), and other school activities. The 150-maximum number of students in the overall summer music program shall not change under the revised CUP. However, up to 50⁹ vocal and vocal accompanying students, that have received primary instruction at Cate School, shall receive all instruction at the Music Academy upon completion of new facilities onsite. Following project implementation, all 150 students will receive both lunch and dinner (catered meals, not prepared on-site) at the Music Academy campus. The number of vocal and instrumental students is to be determined by the MAW, but cannot exceed 150 total students.

Other Music Academy Operations

Fundraising Events Open to the General Public (no attendance cap): One, 1-day fundraiser (e.g., May Madness) will not be subject to the attendance caps. This event is to take place during the non-summer period. Other fundraising activities will be subject to the attendance caps.

Resale Shop Hours: The hours for the resale shops will be Monday-Saturday, 12:00-3:00 p.m...

On-Site Residences: Both the caretaker's residence and an employee apartment (replacing the existing apartment being removed in Wood 2) will be retained on site.

⁸ Defined as administrative activities, such as board meetings, auxiliary member meetings, etc., which involve more people than regular staff activities.

⁹ These 50 students would continue to be part of (not in addition to) the 150 maximum students in the summer program.

Modifications to the Coastal Zoning Ordinance Standards

As discussed earlier in this section, the revised CUP includes modifications to the following standards in Article II:

1. Modification to the 25-foot height limit (Section 35-172.12) for the proposed renovation of Abravanel Recital Hall, which will remain at its existing height (34.8 feet).
2. Modification to the number of parking spaces required by Division 6 Parking Regulations (Section 35-109). The MAW will provide a total of 285 parking spaces (plus 5 more using stacked parking) on-site. The Zoning Ordinance will normally require provision of 332 spaces.
3. Modification to the side yard setback for the 1-E-1 zone district, to allow parking lot paving within two feet of the western property line.

Project Phasing

The phasing of proposed Master Plan improvements is to be contingent upon several factors, with adequate funding a primary consideration. The Master Plan has been conceived as one continuous project and ideally will be finished as such. If it is necessary to break the proposed development into phases (due to funding or operational issues), the MAW will still complete the Miraflores remodel, the Phase 2 components identified below, and grading for Phase 3 during the first phases of construction.

Anticipated Phase 1a

- Miraflores Restoration/Remodel

Anticipated Phase 1b

- New Parking Areas
- New Storage
- New Maintenance & Storage
- Main entrance driveway
- Motor Court
- Remove Wood 1 and 2
- New Student Services Building
- New Instructional Center
- Realign the internal roadway
- Remove Harger Studio
- Install perimeter and interior screening landscaping
- Grading for the New Practice Studio Building

Anticipated Phase 2

- Construction of New Practice Studio Building w/apartment

Anticipate Phase 3

- Reconstruction of Abravanel Hall
-

Grading

The preliminary grading and drainage plan (Figure 7) estimates earth work quantities as follows:

Grading/Phasing Calculations

Phase	Cut	Fill	Export/ (Possible Import)	Total Construction Period	Duration for Grading Component
1a	None	None	None	10 months	None
1b	10,907	10,625	282 (cut)	20 months	6-8 weeks
2				10 months	None
3	182	45	137 (cut)	10 months	2 weeks
1-4 Totals	11,089	10,670	419 (export cut)	42 months	9-13 weeks

* Pursuant to the project grading plan, these quantities are approximate in place volumes calculated from the existing ground (per topographic contours or spot elevations on the grading plan) to the proposed finish grade or sub-grade (per the design surface elevations on the grading plan). The quantities have not been factored to include allowances for bulking, clearing and grubbing, subsidence, shrinkage, over excavation and recompaction, underground utility and substructure spoils and construction methods. (Based on other County projects, staff believes it is appropriate to assume that actual quantities may be up to 30% greater than shown, particularly with regard to exportation of excess fill material).

If the funding is available, the total construction period is expected to be shortened, as additional equipment and crews will be able to work simultaneously in the various areas of the site (Steve Metsch, project architect). The staging area for all construction vehicles will be along the northern property boundary near the UPRR right-of-way. Excess fill is proposed to be exported off-site using the adjacent railroad right-of-way to access Channel Drive near Cabrillo Boulevard, subject to issuance of a right-of-way agreement with Union Pacific. Any use of this route for exportation of excess fill or other construction vehicle traffic will reduce construction traffic on the immediate neighborhood streets.

Utilities and Services

The site is currently served by the Montecito Water District, Montecito Sanitary District, the Montecito Fire Protection District, and the Santa Barbara County Sheriff. The additional facilities identified as part of this application will also be served by these Districts.

Short-term Cut-Through Traffic Reduction Program (CTRP)

The MAW will take traffic roadway counts in the beginning of their summer 2004 music program. In approximately the third week in July 2004, the MAW will implement a simple, initial CTRP. This will involve temporary traffic controls, such as person present at the exit explaining and handing-out information about not using the MAW private drive as a cut-through route, closing gates when activities are not occurring on-site, etc.).

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

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

Within three years after granting this permit, construction and/or the use shall commence. (Three years is measured from expiration of a 10 day appeal period, or 10 working days after the California Coastal Commission (CCC) receipt of Board of Supervisor's final action, if appealed to the Board of Supervisors. If appealed to the CCC, the date shall be measured from CCC final action.

2. Any activity, event, use, or development of the site that is not expressly allowed under this permit or expressly exempt from CDPs under the Zoning Ordinance shall be and is prohibited and that all provisions of the permit shall be strictly construed. Subsequent to occupancy clearance, modifications to the CUP (other than those that would be exempt from permits) shall be subject to MPC review and approval.

Conditions Derived from EIR Mitigation Measures

Aesthetics

3. Compliance with the Tree Protection Plan (Condition 13). The following shall be added to the Tree Protection Plan to reduce aesthetic impacts:
 - a. The TPP shall emphasize the protection (and retention, where feasible) of existing trees and shrubs that are critical to screening the property from off-site (e.g., particularly those trees that provide screening of the site when viewed from the north and east). In addition, the primary goal of tree maintenance activities (trimming, pruning) shall focus on maintaining the long-term health (and retention) of the trees. However, wherever possible, the maintenance activities shall also consider the goal of maintaining maximum screening provided by tree foliage. Trimming or thinning of trees that provide screening as viewed from off-site shall be limited to activities necessary to protect the health of the trees, in response to mandatory fuel management standards directed by Montecito Fire Protection District, due to serious safety concerns, and/or due to serious threats to structures (e.g., significant, unstable limb expected to damage roof of structure, etc.).

Plan Requirements and Timing: The applicant shall revise the Tree Protection Plan to include this requirement and submit this for P&D review and approval prior to approval of CDPs. Applicant shall maintain copies of arborist documentation of arborist recommendation for tree thinning/limbing for screening trees. P&D shall check the plan for compliance with this measure.

MONITORING: Permit Compliance shall site inspect during construction activities to ensure compliance.

4. Night-lighting and its intensity shall be minimized to the extent feasible for security and safety purposes and night-lighting should be reduced following the close of activities on-site any given day. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. The height of night-lighting shall also be minimized to reduce its visibility from off-site. This would apply to both the height of light fixtures as well as minimizing the location of night lighting in the upper portions structures, particularly those at the highest elevations on-site (e.g., recital hall, instructional building). Applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m., except when activities end at or later than 10:00 p.m. For these exceptions, lighting shall be dimmed to the maximum extent feasible and at the earliest possible time after 10:00 p.m. At a minimum,

the lighting plan shall show all proposed lighting on or along structures, roads, walkways, and garden and patio areas. Special consideration shall be given to lighting of perimeter development and pathways, driveway entrances and exits and all existing and proposed indoor and outdoor lighting on the sides of structures facing the property perimeter (e.g., the north and east sides of the student services building and new instructional building and the north sides of the new practice studio building and renovated Abravanel Hall) as well as the northern parking area to minimize visibility from off-site.. **Plan Requirements and Timing:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the MBAR prior to approval of CDPs for grading.

MONITORING: P&D and MBAR shall review a Lighting Plan for compliance with this measure prior to approval of a CDPs for structures or prior to CDPs for grading (if trenching for lighting is required). Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

5. Use and approval of earth-tone colors (i.e., colors which blend with surrounding vegetation, soils, rocks, etc.) and muted colors for structural development, walls, signs, etc., unless the MBAR and P&D (with architectural historian input) conclude that alternative colors would be more compatible with the historic estate setting for specific structures. **Plan Requirements and Timing:** The color of the new storage and maintenance buildings shall specifically be considered to minimize the visibility of these structures from the north. Colors for all structures shall be reviewed and approved by the MBAR and P&D for compliance with this measure prior to approval of CDPs for structures. The applicant shall present color boards for the specific structures at the architectural meetings and to P&D. Buildings shall be painted prior to occupancy clearance.

MONITORING: Permit Compliance shall site inspect for conformance to submitted color boards during construction activities and prior to occupancy clearance.

6. The landscape plan and tree disposition plan shall be revised to maximize the screening ability of site vegetation and to minimize the timeframe for new landscaping to provide such screening. At a minimum, the revised landscape and tree disposition plan shall include the following:
 - a. The plans shall include existing mature trees, perimeter shrubs and historic gardens that are proposed to remain as well as new plantings identified in the landscape plan. The Music Academy shall include in its landscape plan the installation and maintenance of irrigation for the hedge along the northerly boundary of the Music Academy property which abuts 87 Butterfly Lane, which installation shall occur concurrently with the planting and irrigation of trees along the northerly perimeter of the site abutting 87 Butterfly Lane pursuant to Condition No. 14. Normal maintenance activities are expected, however, tree maintenance trimming should not exceed that explicitly recommended for tree health by the arborist and vegetation modification for fire fuel management purposes should not exceed that explicitly required by the MFPD¹⁰, as these activities also reduce vegetative screening of the site. This should be noted on the landscape plan as well as in contracts for any landscape maintenance, tree service work, or related work on-site.

¹⁰ MFPD will limit fuel modification north of the instructional building to removal of decadent (dead) vegetation and to limbs of live foliage extending within 10 feet of the building (per 5/11/04 Jim Langhorne site visit and 5/27/04 MFPD letter).

- b. An attractive, hardy, drought resistant vine should be planted to screen all portions of the proposed storage and maintenance buildings, which would be visible from Hwy 101. This vine treatment shall also be considered for portions of all new structures in the Master Plan that would be visible from off-site (subject to MBAR review and approval), at least until other proposed landscaping reaches sufficient height to provide screening for these buildings (and taking into account proposed regular pruning and trimming of the eucalyptus windrow along the northern property line).
- c. Screening landscaping shall be incorporated along the northern property line and the northern portion of the western property line and additional parking lot trees shall be added (with the goal in the parking lot area of accomplishing 50% canopy cover in 10-12 years) to provide screening from the north, to minimize the effects of night lighting in the parking area, as well as to break up the expanse of parking area as viewed from the historic property interior.
- d. Clinging vines and/or vertical planting shall be provided on trash enclosure walls and any other masonry walls where appropriate, as determined by MBAR and P&D, to soften the visual effects of the structures and to discourage the occurrence of graffiti.
- e. A six foot wall or fence shall be installed along the eastern property line, between the northeast corner and the exit driveway, to provide visual screening and so avoid land use conflicts (e.g., vehicle headlights in the new parking area shining onto the residential properties to the east).
- f. The largest feasible size of replacement plantings (for trees, shrubs: 15 gallon minimum, but also using 24-inch+ box sizes) and/or fast growing plants from the landscape plan palette shall be incorporated into the landscape plan where screening or immediate visual effect are at issue. This may include, but would not be limited to ,inclusion of vines on structures that would be visible from off-site and specific (new) tree locations where the short-term screening¹¹ is more critical than long-term growth due to other existing and proposed plantings in the immediate area (e.g. loss of windrow eucalyptus and need for immediate replacement for screening).
- g. The final landscape plan shall augment landscaping near the proposed emergency access on Fairway to minimize views into the site.
- h. Vines shall be planted on the roof of Abravanel Hall in a manner which allows them to “spill” over the top of this structure (or alternatively, vines may be designed to grow up Abravanel Hall from plantings on the northern face balcony). The goal of placing vines on the north face of Abravanel Hall would be to provide screening of the structure from the north, until new plantings north of the new parking area are mature. The vines would serve to break up the massing and to provide partial screening of this structure as viewed from off-site.
- i. The final landscape plan shall include additional trees or shrubs between the western property line from Fairway Road to the northern extent of the El Montecito Verde condominiums and the entrance drive.

¹¹ Sometimes installation of larger trees addresses short-term screening, but installation of smaller plantings may result in faster establishment and overall growth.

- j. Additional trees (and potentially shrubs) consistent with the historic designed landscape (possibly acacia, oaks, pittosporum) shall be planted between the reflection pool garden and any new access road to the west of this garden to ensure its screened setting is maintained.
- k. Protection of the existing trees and planting of additional trees and shrubs north of the instructional building and east of the student services building shall be emphasized to provide maximum screening of these new structures from off-site. Planting of additional screening vegetation on the slope above the exit drive and on the slope west of Butterfly Lane shall begin no later than the fall of 2004., in coordination with the project landscape architect and an arborist, butterfly expert and architectural historian with landscape expertise. These experts shall be consulted to review proposed plantings consistent with project conditions that address new plantings on-site (e.g. tree protection plan, landscape plan, butterfly enhancement plan, perimeter landscaping requirements, and requirements that address the historic nature of the site landscaping). The applicant shall document these plantings and shall identify the plantings on the proposed final landscape plan (when applying for project CDPs). (This planting would occur prior to the MAW applying for CDPs for Master Plan implementation and a separate CDP would not be required for installation of these plantings).

Plan Requirements/Timing: Prior to approval of CDPs for grading, the applicant/owner shall enter into an agreement with the County to install required landscaping and water-conserving irrigation systems and maintain required landscaping for the life of the project. The applicant shall also submit four copies of a final landscape and water-conserving irrigation plan to P&D for review and approval. Prior to occupancy clearance, landscape and irrigation shall be installed.

MONITORING: Prior to occupancy clearance, Permit Compliance staff shall photo document installation. Permit Compliance staff shall check maintenance as needed. Release of any performance security requires Permit Compliance signature.

- 7. Future structures shall not exceed the heights (including maximum height above sea level as indicated by story poles erected prior to the MPC hearing of 5/19/04) or the overall sizes of structures identified in the project description and on the project plans. Post discretionary approval changes to proposed building heights which do not exceed, but rather reduce the heights or sizes identified in the project description and on the project plans would also be acceptable. **Plan requirement:** This measure shall be included on building plans. **Timing:** Plans shall be submitted prior to approval of Coastal Development Permits for structures.

MONITORING: Height of building(s) shall be checked by Building and Safety during frame/inspection approval.

- 8. The graffiti on the remaining section of the northern wall shall be removed and the wall shall be painted in a color which blends in with the surrounding landscape. This wall shall be repainted within 72 hours, as necessary, if there is new graffiti in the future. If feasible, this wall section shall also be planted with a vine to reduce re-occurrence of graffiti or the wall may be permanently removed subject to compliance with tree protection measures and replaced with a vine covered fence, railing, or wall. **Plan Requirement/Timing:** The applicant shall submit proposed wall color for review and approval by MBAR and P&D and shall subsequently submit photo-documentation to show that this measure has been implemented prior to approval of CDPs for structures.

MONITORING: P&D shall site inspect. If new graffiti is observed, Permit Compliance shall direct Music Academy to repaint this wall section

Air Quality

9. If any portion of the project site is graded and left undeveloped for over 30 days, 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 the Air Pollution Control District and/or P&D.

If grading activities are discontinued for over six weeks, applicant shall contact both Permit Compliance staff and the Grading Inspector to site inspect revegetation/soil binding. **Plan Requirements:** These requirements shall be noted on the grading plan. **Timing:** The final grading plan shall be submitted to P&D for review and approval prior to approval of CDPs for grading.

MONITORING: Permit Compliance staff and Grading Inspector shall perform periodic site inspections.

10. Dust generated by the development activities shall be retained onsite and kept to a minimum by following the dust control measures listed below. Reclaimed water should be used whenever possible.
- 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. (Wetting of soil shall be sufficient to minimize dust only and should not be to an extent that soil is washed off the site or into storm drains).
 - 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 the wind speed 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.
 - d) Trucks transporting soil, sand, cut or fill materials and/or construction debris to or from the site shall be tarped from the point of origin.
 - e) The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to P&D and the Air Pollution Control District prior to land use clearance.

Plan Requirements: All requirements shall be shown on grading and building plans prior to approval of CDPs for grading. **Timing:** This condition shall be adhered to throughout all grading and construction periods.

MONITORING: P&D shall ensure measures are on plans. Permit Compliance, Grading, and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site. Permit Compliance and APCD inspectors shall respond to nuisance complaints.

11. The applicant shall secure a Right-of-Way Agreement from the Union Pacific Railroad, if UPRR will grant such access for a 90-day period and, if available, an extension at a reasonable cost. **Plan Requirements and Timing:** Prior to approval of a Coastal Development Permit for grading, the applicant shall provide P&D with a copy of the Right-of-Way Agreement for access purposes, indicating ability to utilize the railroad right-of-way to export fill offsite (for a minimum 90 day period). Large truck deliveries of building supplies shall also utilize this access while it is available.

MONITORING: P&D shall ensure the Agreement has been secured.

Archaeology

12. All contractors and construction personnel shall be alerted to the potential for disturbing unknown archaeological artifacts and remains during grading. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans.

MONITORING: P&D shall check plans prior to issuance of Coastal Development Permits for grading and shall spot check in the field.

Biological Resources

13. A Butterfly Habitat Restoration and Enhancement Plan shall be prepared by a P&D approved monarch butterfly specialist in coordination with the preparer of the landscape plan. This plan shall be included as a separate component of the final landscape plan. The goal shall be to plant a circle of tall trees that enclose an open space, generally on the south and east sides of Miraflores. The maximum area shall be restored and enhanced on this slope (the restoration area shall not be limited by the designated area on the preliminary landscape plan).
 - a) The plan shall be coordinated with the Montecito Fire Protection District (MFPD) to ensure that fire safety vegetation clearance is accounted for and designed into the proposed planting program. The specific plantings shall also be discussed with MFPD as proper placement (in relation to structures) may minimize the need for extensive pruning and other maintenance activities. In order to ensure coordination, the applicant shall provide written documentation from Montecito Fire Protection District stating specific requirements for tree trimming in this area following a meeting with the Music Academy and a specialist on monarch butterflies, acceptable to the County. To ensure that habitat enhancement is maximized in this area, vegetation clearance for fire safety shall not exceed the requirements identified by MFPD;
 - b) Approximately 10 eucalyptus trees or other trees including oaks, sycamores, ironwood bay trees or other trees deemed acceptable by the monarch specialist and P&D shall be planted in front of the existing eucalyptus row, behind (south and east of) Miraflores to provide adequate density;

- c) The slope plantings shall be planted in a manner that will contribute to the creation of a protected circle;
- d) Additional eucalyptus or a combination of sycamores, tall coast live oak trees or other tall trees identified in b) above shall be incorporated to increase the density of trees in this area;
- e) Trimming of trees and shrubs near Miraflores to allow ocean views shall be prohibited, given this area's designation as a butterfly enhancement area. Trimming in this area would run counter to this goal. Trimming shall only be allowed to address mandatory Fire District requirements and/or to address imminent health threats to the trees (as identified by an arborist report). In the unlikely event that trees must be substantially trimmed or removed to address imminent health threats (e.g., concern that the tree likely to fall on the structure), replacement trees shall be planted;
- f) The enhancement area shall be planted in a manner which provides for a perimeter of dense, tall trees;
- g) Some of the new trees in the enhancement area (5-10% of total trees in this area, or as determined appropriate by P&D biologist) shall be larger, 24-inch box trees that have been shaped for height to accelerate immediate replacement of foraging and nesting habitat on-site for smaller bird species and roosting habitat for monarch butterflies. It is understood that the majority of trees planted would be from smaller containers, which provide benefits over the long-term. The restoration plan shall specify the type and size of trees to be planted, taking into account the proposed planting location and species;
- h) Where space permits, the landscape plan shall be modified (and expanded in area) to include more clusters or groves of native plantings to enhance their habitat value. This is particularly applicable on the slope areas south and east of Miraflores, where there may be room to cluster more oaks adjacent to existing oaks. In addition, native under-story plants (e.g., groundcovers and low-growing shrubs) could be used to increase habitat complexity and diversity (i.e. value to wildlife) and to help compensate for the fact that space will not allow a replacement ratio of 3:1 for non-native trees. It is possible to accommodate this goal as well as maintaining a butterfly enhancement area that includes tall trees on the perimeter and a sort of opening in the center, a typical component of monarch aggregation sites. The density, species, and long-term maintenance in this area should ensure this area would not become overgrown, consistent with the goal of re-establishing habitat for monarch butterflies in this area;
- i) A P&D qualified arborist or biologist shall oversee such installation;
- j) The applicant shall meet with the Park Department to determine the feasibility of providing off-site plantings (e.g., at Lookout Park) to address cumulative loss of monarch butterfly habitat. This could potentially involve planting of both trees and milkweed; and
- k) Long-term maintenance requirements shall be specified to include on-going, periodic monitoring and weeding out of detrimental invasive species in the butterfly enhancement area.

Plan Requirements and Timing: The applicant shall submit the revised Landscape Plan, including the Butterfly Habitat Restoration and Enhancement Plan component for P&D and MBAR review and approval prior to approval of CDP for grading.

MONITORING: Permit Compliance shall site inspect to ensure implementation of plan as approved.

14. A tree protection and replacement program, prepared by a P&D-approved arborist/biologist shall be implemented. The program shall incorporate all protection and mitigation measures identified in the Bill Spiewak reports dated January 30, 2003, September 7, 2003, April 2, 2004 and May 18, 2004. These measures include, but are not limited to requirement for root pruning and irrigation in the winter of 2004 for trees with grading to occur within the critical root zone, such as some trees north of the new instructional building, Miraflores, Abravanel Hall, the new parking areas and south of The Rack). Tree removal shall be minimized wherever possible. The plan shall further include, but not be limited to, the following components:

A. Program elements to be graphically depicted on final grading and building plans:

- a) The location and extent of dripline for all trees and the type and location of any fencing. Trees located beyond 50 feet of proposed construction and staging activities may be shown with overall canopy and then size, type and number of trees simply listed for the canopy area). The critical root zones of trees located within 50 feet of construction activities shall be determined by an arborist and indicated on plans. The existing tree disposition plan shall be updated accordingly.
- b) Construction envelopes shall be designated (fenced or otherwise clearly demarked in the field) to clarify the boundaries of the development area and to avoid damage to protected trees¹² and other vegetation on-site. All ground disturbances including grading for buildings, access-ways, easements, subsurface grading, sewage disposal and well placement shall be prohibited outside construction envelopes.
- c) Equipment storage and staging areas shall be designated on approved grading and building plans, preferably within existing paved areas of the site (but outside of the easement along the exit drive) to avoid damage to protected trees. Special consideration shall be given to proposed construction access for trucks using the UPRR right of way with regard to protection of the eucalyptus trees.
- d) Paving shall be pervious material wherever possible (e.g., gravel, brick without mortar) where access roads or driveways would be extended to encroach within the critical root zones of protected trees, except where roots will already be cut for project development and would be unlikely to grow back into these areas (e.g., the northern parking lot) as determined by the arborist.
- e) Permanent tree wells or retaining walls to protect trees in proximity to grading work, new fill material, or changes in drainage shall be specified on approved plans and shall be installed prior to approval of Coastal Development Permits for project grading/construction activities. A P&D qualified arborist or biologist shall oversee such installation.
- f) Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding. These plans shall be subject to review and approval by P&D or a P&D qualified biologist/arborist.
- g) All utilities shall be placed in construction envelopes or within or directly adjacent to roadways and driveways or in a designated utility corridor in order to minimize impacts to trees.

¹² "Protected" trees are defined as those not identified for removal or transplanting.

- h) All access improvements (e.g., along the allee, northern parking area, new service turn-out, etc.) shall minimize tree removal to the maximum extent possible. If a new return lane to Fairway is ever added pursuant to direction at MPC compliance hearings (to address CTRP), this lane would have specifically limited use (for returning vehicles unrelated to the Music Academy back onto the public road) and, therefore, would not be subject to standard roadway design standards. Therefore any future lane construction shall be designed to absolutely minimize any tree removal.

B. Program elements to be printed as conditions on final grading and building plans:

- a). All replacement trees shall be identified as to species, size and location on the final landscape plan. Any performance securities required for installation and maintenance of the replacement trees identified in the proposed landscape plan will be released by P&D after its inspection and approval of such installation. 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). The plantings shall be protected as necessary (e.g., gopher fencing) during the maintenance period.
- b). It is acknowledged that the standard tree replacement ratios of 10:1 for native trees and 3:1 for non-native trees cannot be accommodated on-site given the extensive tree removal proposed on-site. However, the landscape plan shall maximize the number of replacement trees to be replanted on-site as well as the size of the replacement trees (only where immediate visual screening is an issue). Non-native trees removed can also be replaced with natives, except in area(s) proposed for restoration for monarch habitat or where specific non-native species have been identified as replacement trees to address specific aesthetic or historic impacts (as identified in the aesthetic and historic resource sections' mitigation measures). If unanticipated damage or loss of trees results from construction activities, these trees shall be replaced at the standard ratios identified above.
- c). Tree removal shall be timed to avoid the period of peak breeding activity for birds. Therefore tree removal shall be limited to late July through early February. This condition shall be re-visited in the unexpected event that monarch butterflies return to roosting on-site. If this occurs, the site would need to be carefully monitored to determine the extent to which trees on-site are providing habitat for birds and monarch butterflies and tree removal timing revised accordingly.
- d). No grading (any earthwork activities) or development shall occur within the critical root zones of protected¹³ trees that occur in the construction area, except as identified in the Board of Supervisors approved plans. Where grading, trenching, or other earthwork activities would occur within the critical root zone (as established by a qualified arborist and indicated on the grading plans), the arborist shall be present during earthwork to determine the best way to accomplish necessary grading, while protecting the health of the tree to the maximum extent feasible. Where it is possible to minimize damage to trees identified for removal, protection and retention of these trees shall also be attempted.
- e). All protected trees within 25 feet of proposed ground disturbances shall be temporarily fenced with chain-link or other material satisfactory to P&D throughout all grading and construction activities. The fencing shall be installed outside the critical root zone of each protected tree unless infeasible consistent with the approved grading plan (e.g., tree numbers 42 and 43 located north and west of existing Wood 2)

¹³ Protected trees are those not specifically proposed for removal on the approved tree disposition plan.

and shall be staked every six feet. Where fencing cannot be accommodated outside of the critical root zone, alternate maximum protection shall be provided pursuant to arborist recommendation, including but not limited to fencing with or without stakes closer to the tree, placement of straw bales between the construction area and trees to be protected, etc.

- f). No construction equipment shall be parked or stored within any protected tree critical root zone. No construction equipment shall be operated within six feet of any protected tree critical root zone, except as allowed pursuant to the approved final grading plan and tree protection plan (e.g., grading would occur within the critical root zone of several trees such as the Moreton Bay Fig and a swamp mahogany near the new service entry to the instructional building as identified on the project plans). The tree protection plan shall identify which trees would fall within this exception.
- g). No fill soil, rocks, or construction materials shall be stored or placed within the critical root zone of all protected trees unless such fill is identified on the final grading plan. Any approved fill shall be minimized to the maximum extent feasible in these areas. The tree protection plan shall identify which trees would fall within this exception.
- h). No artificial surface, pervious or impervious, shall be placed within the critical root zone of any protected tree, except as allowed pursuant to the approved final grading plan (e.g., grading and building construction would occur within the critical root zone of several trees such as the Moreton Bay Fig tree as identified on the project plans). Where this would occur, arborist recommendations shall be incorporated to minimize degradation to affected trees. The tree protection plan shall identify which trees would fall within this exception.
- i). Any roots encountered that are one inch in diameter or greater shall be cleanly cut. This shall be done under the direction of a P&D approved arborist/biologist.
- j). Any trenching required within the critical root zone or sensitive root zone of any specimen tree shall be done by hand, except as allowed in d) above.
- k). No permanent irrigation shall occur within the critical root zone of any existing oak tree, unless irrigation has historically occurred in this area.
- l). Any construction activity required within three feet of a protected tree's critical root zone shall be done with rubber wheeled equipment or hand tools, (the latter for oaks), except as allowed in d) above.
- m). Only designated trees shall be removed.
- n). Any trees which are unintentionally or accidentally removed and/or damaged (more than 25% of root zone disturbed) during construction activities shall be replaced and maintained for the life of the project. Posting of a performance security may also be required as well as hiring of an outside consultant biologist to assess the damage and recommend mitigation. The required mitigation shall be done immediately under the direction of P&D prior to any further work occurring on site.
- o). Maintenance of proposed replacement trees and shrubs shall be accomplished through water-conserving irrigation techniques.

- p). The four oak trees scheduled for transplanting on the tree disposition plan shall be boxed and replanted as proposed on-site. These trees shall be maintained and monitored until clearly established or replaced.
- q). All trees located within 25 feet of proposed buildings shall be protected from stucco or paint during construction.
- r). A P&D approved arborist shall be onsite throughout all grading and construction activities which may impact trees proposed for protection that are located near the northern property line, near the new secondary access road, north of the new instructional and practice studio buildings, east of the student services building and in other locations where protected trees would be located within 25 feet of the edge of heavy equipment. With regard to field changes affecting trees north of the instructional building and east of the student services building, the arborist shall provide recommendations on all such field changes, which recommendations will be adhered to by the Building Inspector. The arborist shall notify the owners of 87 Butterfly Lane to report his recommendations once he has made the same. The arborist shall also provide a copy of the Building Inspector's determination regarding field changes to said owners.
- s). The contract with the construction contractor shall include specific provisions for payment of substantial penalties for failure to protect trees on-site consistent with related project conditions (sample of the included contract language shall be submitted to P&D).

Plan Requirements: Prior to approval of Coastal Development Permit for grading, the applicant shall submit a copy of the tree protection plan to P&D for review and approval. All aspects of the plan shall be implemented as approved. Prior to approval of Coastal Development Permit for grading, the applicant shall successfully file and receipt evidence of posting a performance security which is acceptable to P&D. **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 evaluate all tree protection and replacement measures. Release of performance security requires Permit Compliance staff signature.

- 15. Excavation work within or adjacent to protected trees shall be avoided to the maximum extent feasible. Where excavation must be performed within sensitive areas (as determined by P&D), it shall be performed with hand tools only unless determined infeasible and alternate method approved by arborist pursuant to condition 12Bd above. If the use of hand tools is deemed infeasible by P&D, excavation work may be authorized by P&D to be completed in another manner (e.g., with rubber-tired construction equipment weighing five tons or less. If significant large rocks are present, or if spoil placement will impact surrounding trees, then a small tracked excavator (i.e., 215 or smaller track hoe) may be used as determined by P&D staff (e.g., to accommodate grading for the new service entry -not a vehicle driveway- into the instructional building). Trenching routes for installation or extension of new utilities shall be reviewed and approved by P&D and shall be shown on project grading plans prior to approval of CDPs for grading. **Plan requirements and Timing:** The above measure shall be noted on all grading and construction plans prior to approval of related CDPs.

MONITORING: P&D shall ensure compliance on site during construction.

16. The final landscape plan shall be reviewed to ensure that the new plantings around the Miraflores outdoor terrace would not include non-native invasive species (except eucalyptus), particularly species that could compromise the success of the monarch butterfly enhancement area. Long-term monitoring to address removal of detrimental, non-native species shall also be addressed in the final landscape plan. **Plan Requirements and Timing:** The applicant shall submit the final landscape plan consistent with this measure. P&D shall review and approve this component prior to approval of CDP for grading.

MONITORING: P&D shall ensure compliance on site during construction and follow-up compliance evaluations.

17. The final landscape plan shall include a component which identifies the various project conditions that address the project landscaping from the tree protection plan to the butterfly enhancement plan to measures specific to maintaining the integrity of the historic designed landscape. This shall be referenced and used to guide on-going maintenance activities on the project grounds and to facilitate compliance with project conditions that are designed to protect the aesthetic, historic and biological values of the site's natural vegetation and historic designed landscape plantings. **Plan Requirements and Timing:** This component shall be submitted as part of the final landscape plan. P&D shall review and approve this component prior to approval of CDP for grading.

MONITORING: P&D shall ensure compliance on site during construction

Fire Protection

18. The applicant shall work with MFPD to define in greater detail acceptable quantities and types of rummage and/or resale items which can be stored on-site as well as specific locations for storage. However, in no case shall this be interpreted to override limitations imposed by other project condition(s) regarding where rummage/resale items may be stored. **Plan Requirements and Timing:** A plan which describes the agreement with MFPD (in text and graphic depiction on plans), with regard to on-site storage of rummage and resale items shall be submitted prior to approval of CDPs for structural development. The Fire Department shall sign-off on plans prior to approval of CDPs for structural development.

MONITORING: Permit compliance shall field check proposed storage areas in coordination with MFPD following occupancy to ensure compliance with the above-referenced agreement.

19. The applicant shall work with MFPD to ensure access and design of the Master Plan complies with MFPD requirements. **Plan Requirements and Timing:** Prior to approval of a CDP for grading or development, the plans shall be reviewed and approved by the MFPD to ensure the project circulation design, fire suppression water, and sprinklers are consistent with Fire District requirements.

MONITORING: Permit compliance and building inspectors shall field check to ensure compliance during the construction phase.

Historic Resources

20. The following recommendations in the Final Phase 1-2 Historic Resources Study submitted by Lex Palmer (January 7, 2000; Update Letter April 6, 2000) shall be incorporated into the project design:
- a) Completion of the appropriate California Department of Parks and Recreation Forms 523 (Primary, Location, and Building, Structure, and Object) for submission to the UCSB Department of Anthropology's Central Coast Information Center for all historic structures;
 - b) Historic American Building Survey (HABS) documentation consisting of HABS Level II drawings and photographs shall be performed on the Music Academy property to show the spatial relationships between the buildings and existing landscape features; preparation of HABS Level I documentation of Miraflores consisting of measured drawings and large format photographs, history and description of the building, courtyard, and surrounding landscaping;
 - c) The Miraflores extension shall replicate the original construction techniques, all original configurations, and shall utilize the original window and door hardware. The change must be documented and plans detailing this placed in the Music Academy archive;
 - d) Preliminary and Final Working drawings, including landscape plans for the project shall be reviewed by a Santa Barbara County approved architectural historian and an expert in historic landscape design to insure compliance with mitigation measures addressing historic resources.
 - e) The character-defining elements of the Miraflores west elevation are the plain wall surfaces, low-massing, fenestration, doorways, and building hardware such as downspouts, door latches and locks. The new construction associated with the student services building link to existing Miraflores shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. The introduction of a visual gap in the wall created by a plaster reveal 2-4 inches deep on the exterior and interior junction of the new student services building hallway and Miraflores north elevation achieves this goal. The interior reveal shall be accentuated by the use of different floor tile or a metal seam in the floor. The Final Plans should be placed on file with Kurt Heifrich, Curator of the Architectural Drawing Collection, University Art Museum, University of California Santa Barbara, CA 93106 893-5354

Plan Requirements and Timing: All construction techniques and other recommended measures related to historic resources (e.g., landscape plan) shall be incorporated into design of the project and detailed on building plans. The final grading, landscape, and building plans shall be reviewed and approved by P&D, a P&D approved architectural historian, an expert in historic landscaping design and the MBAR prior to approval of CDPs for grading or construction. The Historic Resources Reports and Addenda shall be made available to each of the afore-mentioned parties prior to their review of the final plans. The final plans shall also be brought to the County Landmarks Committee for their comments prior to approval of CDPs for grading. Prior to approval of CDPs for grading, the applicant shall submit to P&D written confirmation that all applicable forms and documentation of historic structures have been prepared and submitted consistent with these measures. Special emphasis, including photo-documentation of all elevations, shall

be given to Miraflores, as this historic structure would be physically altered as a result of project implementation.

MONITORING: Building Inspectors shall ensure that all elements have been installed according to the approved plans. If another Historic Resources survey (showing that appropriate materials have been utilized) is determined by P&D to be required, P&D will ensure recommended materials and architectural elements have been incorporated prior to occupancy clearance.

21. The applicant shall contract with an architectural historian (with input, as necessary from an expert in historic landscape design) who shall review and consult with P&D to ensure project plans (grading, landscape, structural development, any signs or commemorative plaques, etc.) are appropriately revised pursuant to project conditions that address historic resources.. The contracted specialists shall also be required to attend at all MBAR, and Historical Landmark Committee meetings and to monitor construction and consult with P&D as necessary during construction to ensure development's consistency with approved plans. **Plan Requirements and Timing:** The applicant shall submit the proposed contract to P&D for review and approval with applications for CDPs. The architectural historian shall be available to answer questions raised by P&D, MBAR, and the Landmark Committee and shall sign-off on all final plans prior to approval of CDPs.

MONITORING: The architectural historian and historic landscape expert shall periodically monitor site development and shall sign off that development has been implemented consistent with the conditions of approval and approved plans, prior to occupancy clearance for the historical structures. Building Inspectors and Permit Compliance shall inspect to ensure that grading and other improvements are consistent with approved plans.

22. The new courtyard shall be modified to include replacement trees for those removed. In addition, the alignments of the historic axial path system should be represented by embedding original materials (e.g., random cut stone, cast concrete textured to give the impression that they are stone, brick). New hardscape materials shall follow the historic design wherever possible, with the exception that the spaces between concrete pavers may be a gravel-textured concrete instead of the original gravel matrix (to better conform to ADA standards). **Plan Requirements and Timing:** The applicant shall submit a revised landscape for P&D and BAR review and approval, prior to approval of CDPs for grading. The revised plan shall include the above changes.

MONITORING: Building Inspectors and Permit Compliance shall inspect to ensure compliance with the approved landscape and grading plans. The hardscape materials in the new courtyard shall be installed and planting of replacement trees in this area shall be initiated prior to occupancy clearance for the student services building.

23. The existing pathway shall be retained across the new secondary access road (near Miraflores) and the plants and shrubs shall be retained on either side of the road. The surface of this emergency-only access road shall be planted if a surface that can be planted is acceptable to Montecito Fire Protection District. A botanical specialist should monitor cut and compaction activities associated with installation of this emergency access road to avoid/minimize damage to trees. **Plan Requirements and Timing:** Prior to approval of the CDP for grading, the tree disposition, grading and landscape plans shall be revised to address the above changes.

MONITORING: Permit Compliance shall site inspect to ensure construction of the secondary access road, as approved.

24. The landscape plan shall be revised to reduce impacts to the historic designed landscape, including adverse changes to spatial relationships, views between various site features, views from off-site, and to provide offsetting enhancement of altered historic landscape features.
- a) Existing vegetation shall be retained or, if replacement plantings are necessary, new vegetation of a similar character shall be planted that would screen the new construction from the pool/terrace area.
 - b) The Reflecting Pool Garden shall retain its original design.
 - c) More sky-line eucalyptus trees (or other skyline trees that are acceptable from a historic landscape perspective) shall be included in the landscape plan.
 - d) The pittosporum hedge along the allee shall be revised to be continuous, (e.g., not open for views into the new “Encore Society Garden.”)
 - e) Perennial flowers should not be planted as a linear feature along the (allee) hedge.
 - f) The hardscape and landscape design of the central courtyard shall reflect Thiene’s design approach (geometric and axial alignment of features).
 - g) A few rose bushes typical of the period, shall be reintroduced into the garden to partially restore the garden originally conceived by Thiene as a rose garden.
 - h) A plaque to both Reginald Johnson and Paul Thiene shall be located on the original. Miraflores building and a plaque to Yoch shall be placed in the Don Quixote courtyard (with 1992 redesign noted). An alternative would be a plaque to all three on the entry gate walls on The Fairway. The language and design of the plaques shall be reviewed and approved by an architectural historian acceptable to P&D.
 - i) Skyline trees of a similar character and height should be planted (maximum number feasible) to replace the approximately 20 eucalyptus trees planned for removal.
 - j) The Encore Society Garden, shall be screened from the allee and the Reflecting Pool Garden and path leading to it.
 - k) The newly rendered topiary accents in the Octagon Forecourt shall be removed.
 - l) A qualified historic landscape architect shall review the final plans for the landscape design and monitor the work as it proceeds in order to assure that Thiene’s original landscape design is adhered to as closely as possible.

Plan Requirements and Timing: Prior to approval of the CDP for grading, the plans shall be revised to address the above changes. The plan shall be approved by the MBAR, and P&D in consultation with the contracted historic landscape architect prior to approval of CDPs for grading.

MONITORING: Permit Compliance shall site inspect to ensure installation of landscaping consistent with approved plans.

Land Use Compatibility

25. The developer shall clear the project site of all excess construction debris. If the improvements are developed in phases, the debris shall be removed at the completion of each phase, at a minimum. **Plan Requirement:** This requirement shall be noted on final building plans prior to approval of CDPs for structures.. **Timing:** Debris clearance shall occur prior to occupancy clearance for each phase of development.

MONITORING: P&D shall site inspect prior to occupancy clearance.

26. On-site resale/retail sales and viewing of merchandise shall be limited to merchandise located in Treasure House and The Rack only. Under no circumstances shall resale items be available for viewing or sale if they are located in another location on-site. Resale merchandise may be stored at the Rack, Treasure House and any excess merchandise which cannot be accommodated in Treasure House or The Rack may also be stored in the new Storage building between Treasure House and The Rack and in the new Storage/Maintenance building. May Madness rummage may be stored without time limitation in areas specifically designated for storage on the building plans.

Plan Requirements and Timing: Project plans shall specify the restrictions and exceptions for storage of rummage and resale as indicated above. The plans shall be reviewed and approved by P&D and MFPR prior to approval of CDPs for structures.

MONITORING: Permit Compliance shall monitor periodically for compliance.

27. All construction related vehicles (including construction worker vehicles), equipment, and supplies shall be located within the project site. In addition, waiting trucks (supply delivery trucks, vehicles transporting fill, etc.) shall wait on-site (and outside the portion of the exit drive which is actually off-site and within an access easement to the MAW¹⁴), rather than on neighborhood streets. The contractor shall control vehicle traffic through the site (as part of the CTRP) using traffic control personnel at both the entrance and exit gates. In the event that the project gate(s) are closed during construction, contractor shall otherwise control vehicle entry.

Plan Requirements and Timing: The project grading and construction plans shall graphically specify the locations (on-site) for all construction related vehicle parking, staging/equipment storage areas, and waiting areas for supply trucks and vehicles transporting excess fill material. This information shall be indicated on the plans and shall be reviewed and approved by P&D prior to approval of CDPs for grading, to ensure the staging and parking areas do not impact the site's biological or historic resources. In addition, contractor shall ensure that access through the site is controlled to minimize cut-through traffic.

MONITORING: Permit Compliance shall monitor periodically for compliance.

28. Music Academy fundraisers on campus shall be subject to the any given time, daily and seasonal attendance caps. The exception to this shall be limited to one, 1-day event per year, held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).
29. Indoor amplification shall be located where doors and windows can (and shall) be closed to

¹⁴ The exception shall be that trucks with supplies for specific areas (e.g., new trees to be planted north of the instructional building location) shall be allowed to park and unload/load supplies here.

reduce spill-over of noise onto adjacent properties. Construction design shall take this into account by ensuring alternate air circulation in areas where windows may need to remain closed for extended periods. To avoid potential nuisance complaints, non-opening windows may be incorporated into areas of the building(s) where indoor amplification is expected

Plan Requirements and Timing: Air circulation method(s) shall be identified on the project plans for portions of the building(s) which may include indoor amplification prior to approval of CDPs for applicable structures.

MONITORING: Building & Safety shall check for appropriate inclusion on plans and proper construction methods in the field to accomplish this condition.

30. The applicant shall submit a Cut-through Traffic Reduction Program (CTRP) to minimize land use compatibility impacts associated with any increased traffic in the surrounding residential neighborhood prior to approval of CDPs for the first phase of grading. The plan shall be implemented prior to occupancy clearance (with the exception of occupying the Miraflores remodel). The plan shall be designed consistent with, but not limited to, the description in the ATE traffic study dated 9/17/03. Some of the components from the ATE study are detailed below and some additional requirements have been added. The components identified below may be modified if it is determined that such modifications would still result in an effective CTRP.
- a) Provide a “ticket-spitter” before arriving at the fork in the entrance drive, where the driver would receive a ticket and provide signage that indicates that validation of the ticket will be required or a minimum \$10.00 fee will be charged upon exiting the site.
 - b) An access card, pass or sensor installed on the windshield to open the gate (rather than punching in a code) shall be issued to Music Academy staff, faculty, for up to 10 student vehicles and others who are regularly on-site when the gates are normally closed. There shall be a protocol for either confirming the card holder at the kiosk (through information on the card) or for regularly checking to see which cards have been used and how often (to ensure access cards have not been duplicated or otherwise used improperly). In addition, such access card, pass or sensor shall be valid for no more than 12 months from the date of issue.
 - c) Whenever the entrance gates are open, a kiosk on the exit segment shall be manned to collect validated tickets or the exit fee (for non-validated tickets). If cut-through vehicles are found to be cutting through at other times (by following other cars in through the gate or because access cards are being inappropriately reproduced), the kiosk shall be manned during these times of known cut-through traffic. A computer system shall be used to track cut-through vehicle data for the CTRP.
 - d) Others who frequent the site intermittently, but who do not have access cards, would access the site by using an intercom system at the entrance, (like the existing system), to contact administrative personnel, the caretaker, etc. to allow entry.
 - e) If the CTRP is not found to be successful in substantially reducing cut-through traffic, the MPC shall consider the need for and specific modifications to improve the program’s effectiveness (as necessary) at their regular compliance hearing(s). The MPC shall determine the need to implement modifications to the program, including, but not limited to the options identified below:
 - i) Increasing the times and times of day when the kiosk is manned;
 - ii) Increasing the fee to \$20.00 or more for cut-through vehicles;

- iii) Adding a manned presence (second kiosk) at the entrance near the ticket spitter;
 - iv) A narrow, chip-sealed CTRP return lane shall be installed between the existing entrance road and the reflection pool garden. A kiosk shall be placed prior to the fork in the entrance road. There shall be a mechanical arm or gate on the access road continuing north past the kiosk to allow kiosk personnel to stop cut-through vehicles and turn them back to Fairway using the return lane. There shall also be two mechanical arms or gates, controlled by kiosk personnel, installed at both ends of the return lane to: 1) keep vehicles parked in the allee from using the return lane as an exit back to Fairway and 2) keep vehicles from trying to enter this lane from Fairway when the entrance gates are closed.
 - v) One of the other access options;
 - vi) Any other measure determined to be appropriate, including the modification of permitted attendance levels. The MPC shall determine the need for and type of modifications to the program at their compliance hearing(s).
- f) The plan shall include a recommended protocol for determining the effectiveness of the CTRP;
 - g) The plan shall include the times when the entrance gates will remain open and closed and shall maximize the periods when the gates remain closed to facilitate a reduction in cut-through traffic.
 - h) A protocol shall be proposed for continuously changing tickets and validation stamps to ensure the system is not abused.
 - i) The resale shops shall be open Monday-Saturday from 12:00-3:00 p.m., allowing the gates to be closed during the peak cut-through traffic period unless they would otherwise be open to accommodate other MAW activities (e.g., summer Master Classes).
 - j) As weekend activities would be limited during the summer (no Sunday public events and only five public Saturday public events), the gates shall typically be closed (except the five Saturdays) on the summer weekends. If the gates are open on Saturday afternoons to accommodate the resale shops, the kiosk shall be manned throughout this time period;
 - k) The plan shall incorporate use of driveway counts to assist in better determining cut-through traffic periods and to improve the on-going CTRP).

Plan Requirements and Timing: The Program shall be submitted to Public Works and P&D for review and approval prior to approval of the first CDP for grading (as kiosk and return design may affect driveway details). The plan shall be implemented prior to occupancy clearance (with the exception of occupying the Miraflores remodel). Prior to approving the CDP for the first phase of project grading, P&D shall bring the CTRP to the MPC for an informational briefing and receive MPC comments on the program. This briefing shall also include a report on the applicant's interim CTRP and its effectiveness.

MONITORING: Permit Compliance shall monitor periodically for compliance.

31. Prior to increasing attendance under the permit, the CTRP shall be in effect and all proposed parking shall be completed and available.
32. The hours of operation of Treasure House and The Rack shall be Monday - Saturday from 12:00-3:00 p.m. This change to the resale shop operations is required to facilitate the effectiveness of a cut-through traffic reduction program and thereby offset increased traffic and related land use impacts on the neighborhood. (This condition in no way requires that the resale shops must remain on-site). **Plan Requirements and Timing:** These changes to resale shop operations shall be noted on relevant Music Academy hard copy and website informational materials and at the entrance to the resale shops. Examples of the changed hours on materials shall be submitted to P&D prior to issuance of CDPs for structures.

MONITORING: Permit Compliance shall monitor periodically for compliance

33. Within one year after the first phase of Master Plan operations have been operational, the project shall return to the Montecito Planning Commission for a report on compliance with, and effectiveness of, all project conditions, with a special focus on compliance with attendance caps, the cut-through traffic reduction program and other traffic related conditions (e.g., parking, construction or delivery traffic, etc.). This hearing shall take place sooner if a sufficient number of complaints received prior to this time period necessitate an earlier hearing (at the discretion of the Director of P&D). If the CUP is implemented over a number of years, more than one hearing may be appropriate as determined by P&D. Following this hearing, the project shall return to the Montecito Planning Commission for compliance updates every two years for a minimum ten year period. At the last required compliance hearing, the Montecito Planning Commission shall determine whether or how often to continue having compliance hearings on the CUP or whether an alternative method for evaluating on-going compliance would be appropriate. The MPC may also alter the schedule for compliance hearings as part of their compliance hearings. Project conditions may be modified or new conditions added to ensure effective compliance. **Plan Requirements and Timing:** The applicant shall be required to fund staff time and any specific evaluations necessary to bring the project forward for the Montecito Planning Commission (or Director of P&D) consideration. Refusal to fund work necessary to return to the Montecito Planning Commission would be considered a violation of the CUP. (Previous conditions 35, 40 and 64 have been incorporated into this condition).

MONITORING: Permit Compliance shall ensure that the project receives required review by the MPC as directed by this condition.

34. The MAW shall be required to provide monitoring reports twice annually.
 - a) Monitoring shall cover individual event attendance (ticket sale records from ticketing company including the number of tickets per event for public, students, and faculty/staff), daily attendance, and seasonal attendance. Attendees shall include all regular guests as well as any students, faculty, staff, or other employees who are not performing or working at the event and attendance for these different sub-groups shall be provided.
 - b) The monitoring shall include a specific break down of seminars, conferences, non-profit events, educational programs in the arts and conservatory activities.
 - c) The monitoring shall include the results of the periodic monitoring of parking required to determine adequacy of on-site parking in meeting project demand.

- d) Accompanying the annual monitoring reports shall be a signed statement from the President of the Music Academy of the West stating that a copy the Conditional Use Permit has been distributed to and reviewed with the Music Academy Board and staff in order to ensure compliance with the conditions.

Plan Requirements and Timing: The applicant shall submit a methodology for monitoring per the above requirements to P&D for review prior to approval of CDP for construction.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) during events to perform manual counts on-site () during both the summer and non-summer periods. Manual counts for events shall be compared with the event attendance data submitted in the project monitoring reports . The data will not be exact as Permit Compliance will not be able to differentiate who is a public vs. non-public member. However, the data will still be useful for comparison purposes as the monitoring data will break out the number of public attendees. ..

35. Consistent with historic levels, there shall be no more than five public Saturday events during the summer¹⁵. **Plan Requirements and Timing:** Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the year's summer calendar.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) to determine compliance with this measure.

36. Consistent with historic levels, there shall be no Sunday public events during the summer¹⁶. **Plan Requirements and Timing:** Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the summer calendar.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) to determine compliance with this measure.

37. Picnic concerts shall be limited to no more than ten per summer. **Plan Requirements and Timing:** Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the summer calendar.

MONITORING: Permit Compliance shall review summer schedule information (e.g., on the MAW website or local newspapers) to confirm scheduled picnic concerts.

38. Rentals for seminars and meetings shall continue to be limited to 175 participants with a maximum end time of 10:00 p.m. **Plan Requirements and Timing:** The MAW shall include notice of this requirement in all rental contracts for events and other activities on-site along with a meaningful financial penalty for transgressions. This requirement shall also be posted on-site during applicable evening events to facilitate compliance. Examples of the contract language and the language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development.

¹⁵ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends. Summer students and faculty practicing on-site (not performances), staff doing office or grounds work and other basic administrative activities would still be allowed.

¹⁶ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends. . Summer students and faculty practicing on-site (not performances), staff doing office or grounds work and other basic administrative activities would still be allowed.

MONITORING: Permit Compliance shall note compliance with this measure during periodic, unannounced visits to the site to field check event attendance (the largest events are often evening events).

39. All events and activities shall begin no earlier than 9:00 am and shall end no later than 10:00 pm throughout the year. The exception to this shall be allowance for events on Thursdays and Fridays during the summer season only to end by 10:30 p.m. Once an evening event has ended, guests are expected to leave within approximately 30 minutes. If approximately 30 minutes becomes insufficient for guests to leave the premises, the MPC, as part of their compliance hearings, shall consider the requirement to move end times to earlier in the evening, sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 10:30 (11:00 for Thursday and Friday events in the summer season).

Plan Requirements and Timing: The MAW shall include notice of this requirement in all rental contracts for events and other activities on-site along with a meaningful financial penalty for transgressions. This requirement shall also be posted on-site during applicable evening events to facilitate compliance. Examples of the contract language and the language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development.

MONITORING: Permit Compliance shall note compliance with this measure during periodic, unannounced visits to the site to field check event attendance (the largest events are often evening events).

40. The primary use of the catering kitchen and dining facilities shall be to provide lunch and dinner to summer music students, faculty, and staff. The secondary use of these facilities shall be for the use of non-summer staff to heat up (microwave) and refrigerate their lunches and for use by caterer for rental activities in non-summer. Therefore, the kitchen and dining facilities shall be limited as follows:
- a) The facilities shall not be available to resale shops customers.
 - b) The facilities shall not be open as a snack bar or restaurant for the public or for public on-site for non-event activities or non-catered events/activities, such as musical instruction or other lessons, or rehearsals.
 - c) The facilities shall not be used to provide food for picnic concerts, except to supply a "coffee cart" with drinks, cookies, etc. typical of fare available during a concert intermission.
 - d) The kitchen shall not be used as a cafeteria for food preparation, except for activities typical of an office employee lounge (e.g., coffee maker, microwave and refrigerator to heat up/keep cool meals and snacks brought by employees).
 - e) Food preparation and service for events and the summer program students shall be limited to caterers (no permanent chef or other kitchen staff). Food service for events and summer student meals shall be designed to minimize necessary deliveries.
 - f) Except for food used by a caterer for an event or summer student/staff meals, food stuffs shall be limited to those typical of an office employee lounge (coffee, popcorn, etc.) as well employee access to refrigerator and microwave.
 - g) The kitchen shall not be designed as a commercial or industrial kitchen. Rather, it shall be designed for catering purposes only, with an assumption and requirement for minimal food preparation on-site.

Plan Requirements and Timing: These restrictions regarding the kitchen and dining area uses shall be posted to avoid confusion and to facilitate compliance with this measure. Sample language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development

MONITORING: Permit Compliance shall evaluate compliance with this measure during periodic, unannounced visits to the site.

41. Following project implementation, and for the life of the project, if trees or screening shrubs along Butterfly Lane or other perimeter areas of the site are lost (either intentionally or due to natural causes), the trees and shrubs shall be replaced (with comparably sized plantings, up to 24-inch box), within one month, to minimize loss of screening provided by such tree loss. The applicant shall make every effort to replace lost screening vegetation with large plantings that reduce the amount of time necessary to provide screening. Following installation, to the maximum extent feasible, when the property is viewed from off-site, it should retain the appearance of a landscaped residential estate. This measure shall be incorporated into the Tree Protection Plan. **Plan Requirements and Timing:** This requirement shall be incorporated into the project landscape plan, including inclusion of notes to this effect on the landscape plan itself. The plan shall be reviewed and approved by P&D, the MBAR and architectural historian (under contract to P&D) prior to approval of CDPs.

MONITORING: Permit Compliance shall evaluate compliance with this measure during periodic visits to the site.

42. The instructional building shall incorporate the following:
- a) Window treatment on the north side of the instructional building shall be determined by the MBAR to ensure privacy of neighbors. Window treatment shall be designed so that it is not possible to see from the building into the yard area of the property at 87 Butterfly Lane, which design the Music Academy shall present to MBAR with a request for approval. County shall mail notice to owners of 87 Butterfly Lane ten (10) calendar days prior to the MBAR hearing.
 - b) The balconies on the north side of the instructional building shall be ornamental only.

Plan Requirements and Timing: These changes (and confirmation of MBAR consideration and approval of these components) shall be shown on the project building plans for review and approval by P&D prior to approval of CDPs for these structures.

MONITORING: Permit Compliance shall evaluate compliance with this measure during construction and prior to occupancy clearance.

43. The student services building shall incorporate the following:
- a) Window treatments on the east side of the student services building shall be determined by the MBAR to ensure privacy of neighbors. Window treatment shall be designed so that it is not possible to see from the building into the yard area of the property at 87 Butterfly Lane, which design the Music Academy shall present to MBAR with a request for approval. County shall mail notice to owners of 87 Butterfly Lane ten (10) calendar days prior to the MBAR hearing.

- b) The rooftop area of the student services building (especially the lower rooftop on the east side of the structure) shall not be accessible, other than to maintenance personnel for landscape or building maintenance purposes.

Plan Requirements and Timing: These changes (and confirmation of MBAR consideration and approval of these components) shall be shown on the project building plans for review and approval by P&D prior to approval of CDPs for these structures.

MONITORING: Permit Compliance shall evaluate compliance with this measure during construction and prior to occupancy clearance.

44. Window coverings shall be installed on the windows on the east and north facing sides of the proposed new instructional and student services buildings and the north side of the proposed new practice studio building in order to reduce visibility of lighting at night when the buildings are viewed from off-site. In addition, the ~~drapes~~ window coverings shall be installed with a timer, to automatically close during night-time hours. Alternative window treatments which are proven to accomplish the same goal as determined by P&D in consultation with MBAR, would also be acceptable. **Plan Requirements and Timing:** This requirement shall be identified on the building plans and submitted for MBAR and P&D review and approval prior to approval of CDPs for these structures.

MONITORING: Permit Compliance shall evaluate compliance with this measure prior to occupancy clearance.

45. When practice rooms are used for activities which would likely generate nuisance noise for neighbors (e.g., any type of amplification, brass band practice, etc.), any north or east facing windows in the room shall be closed. Therefore, the instructional building shall be designed with an air circulation system that does not rely on opening windows in these rooms. **Plan Requirements and Timing:** Project plans consistent with this requirement shall be submitted for P&D review and approval prior to approval of CDPs for construction.

MONITORING: Permit Compliance shall evaluate compliance with this measure during construction and prior to occupancy clearance.

46. The proposed storage building between The Rack and Treasure House shall not result in removal of any trees. **Plan Requirements and Timing:** Project plans consistent with this requirement shall be submitted for P&D review and approval prior to approval of CDPs for grading or construction.

MONITORING: Permit Compliance shall evaluate compliance with this measure during grading and construction.

47. The rooms/spaces in the new practice studio/instructional/student services building complex shall be used for musical practice, instruction, auditions, rehearsals and meetings associated with music only. Rental of these spaces to others for these same activities would also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes.. **Plan Requirements and Timing:** A note identifying these restrictions shall be included on the project building plans for this structure and the applicant shall submit future activity calendars to permit compliance staff along with other monitoring data to ensure compliance with this measure.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of review of monitoring reports and site visits.

48. In addition to the 300 fixed seats in Abravanel Hall, during the summer season only, 50 removable seats are allowed. No more than 300 seats shall be used for the public. Ticketing shall incorporate tickets for all in attendance at an event and shall include different types of tickets for students, faculty/staff and public attendees (public is anyone who is not a student, faculty or staff). There shall be no removable seats in Abravanel Hall during the non-summer season. **Plan Requirements and Timing:** Project plans showing Abravanel Hall shall specify that Abravanel Hall will have a total of 300 fixed seats and that an additional 50 temporary, not for sale seats shall be allowed in the summer season. The applicant shall specify a method for ensuring that no more than 300 seats are sold to/used by the public, for review and approval by P&D prior to approval of CDPs for construction. This shall include a ticketing plan for the various types of attendees and an example of a monitoring report that would indicate the ticket sales information.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events in the summer season.

49. Summer music students shall access the site using buses provided to and from the site. The exception to this shall be an allowance for up to ten student vehicles on-site. These vehicles shall have designated student permits, which may be transferable between the students and which must be visible in their cars when on campus. No additional student vehicles shall be parked on neighborhood streets to evade this restriction. Walking or bicycling to the site would also be acceptable, as the intent of this condition is to ensure adequate parking on-site. To facilitate compliance, the Music Academy may wish to make a MAW vehicle available for use by students on an as-needed basis. **Plan Requirements and Timing:** This restriction shall be identified in student information materials, a sample of which shall be submitted to P&D for review and approval of CDPs for structures.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events in the summer season and as part of review of parking data monitoring reports.

50. All project related parking demand shall be accommodated on the project site¹⁷. **Plan Requirements and Timing:** This requirement shall be printed on project plans, rental contracts and shall be included on the MAW website associated with activities on-site.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events and as part of review of parking data monitoring reports.

51. During the non-summer, musicians/other performers shall not be counted toward the attendance maximums if they are actually performing at a concert or other event. However, if the activity involved is really instruction or rehearsal with members of the public or students (i.e., not faculty or staff) observing, the performer and audience shall be counted toward the attendance maximums. The intent of this condition is to ensure compliance with the attendance caps and to not allow extension of the summer music program, with an unlimited number of students, in the non-summer, consistent with the Music Academy's letter to Natasha Heifetz Campbell dated June 10, 2004."

¹⁷ The exception to this would be the one, 1-day fundraiser per year, held during the non-summer season, which is unrestricted with regard to attendance caps (e.g., May Madness).

Noise

52. 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. Construction vehicles arriving prior to 7:00 a.m. shall not wait on neighborhood streets. In addition, 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. **Plan Requirements:** Signs stating these restrictions shall be provided by the applicant and posted on site at both the Fairway and Butterfly Lane driveways, in a location visible from the street. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.

MONITORING: Building Inspectors and Permit Compliance shall spot check and respond to complaints.

53. Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded to P&D's satisfaction and shall be located as far as possible from occupied residences. **Plan Requirements:** The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. **Timing:** Equipment and shielding shall remain in the designated location(s) throughout construction activities.

MONITORING: Permit Compliance shall perform site inspections to ensure compliance.

54. Construction routes shall be limited to those shown on the proposed construction route plan. The Music Academy shall make a best effort to receive approval for use of the railroad right-of-way for grading/construction related vehicle traffic for a 90-day period and, if available, an extension at a reasonable cost. If this approval is granted, trucks used to transport fill material shall be routed along the railroad right-of-way to Channel Drive and Highway 101 and this same route shall be used when entering the site. The applicant shall provide all adjacent property owners with a construction activity schedule and construction routes 10 days in advance of construction activities. Any alterations or additions shall require a minimum one day advance notification unless this is not possible due to an unanticipated event that would not allow for one day advance notice (e.g., road closure due to a traffic accident). **Plan Requirements and Timing:** The applicant shall submit a copy of the schedule and mailing list to County Permit Compliance and the City of Santa Barbara Community Development and Public Works Departments 14 days prior to initiation of any earth movement.

MONITORING: Permit Compliance shall perform periodic site inspections to verify compliance with activity schedules.

55. All use of amplified sound on-site in indoor locations shall occur with closed windows during periods when amplification is being used. The Music Academy shall provide a telephone number for members of the public to use to communicate with the Academy should amplified sound be audible outside the Music Academy boundaries. Amplified sound in outdoor locations shall be limited to the following:
- a) Location: the "cloistered outdoor courtyard".
 - b) Frequency: Two times per year.
 - c) Duration: No more than 2 hours per event.
 - d) Level: Shall not be audible outside MAW property boundaries.

- e) Time of Day: Beginning no earlier than 9:00 a.m. and ending no later than 9:00 p.m.
- f) Limited to the spoken voice.

Plan Requirements and Timing: This requirement shall be included on the project plans. The cloistered courtyard area of the plans shall refer to a note stating the specific restrictions for outdoor amplification in this area. The plans shall be submitted to the County for review and approval prior to approval of CDPs for construction.

MONITORING: Permit Compliance shall site inspect as necessary to confirm compliance with this condition.

56. All proposed structures shall be designed to reduce interior noise levels to 45 dBA CNEL with doors and windows closed. **Plan Requirements and Timing:** An acoustical engineer shall sign-off project building plans confirming that the proposed construction design will attenuate noise levels inside the structure accordingly. All construction techniques and recommendations of the acoustical engineer shall be incorporated into design of the project and detailed on building plans. Prior to occupancy clearance, indoor noise levels shall be measured by an acoustical engineer to confirm adequacy of construction design (or additional measures shall be incorporated to reduce indoor noise levels to 45 dBA).

MONITORING: Building Inspectors shall ensure that all noise control measures have been implemented according to the approved plans. If an acoustical survey is required, P&D will ensure recommended levels have been reached prior to occupancy clearance.

Solid Waste

57. The applicant shall refine their existing Solid Waste Management Plan (SWMP) for the expanded facilities on-site. The SWMP shall be implemented during the life of the CUP, unless a modification to the plan is approved by County P&D, in consultation with Public Works, Solid Waste Division. **Plan Requirements:** The program shall include, but not be limited to, the following:
- a) On-site provision of adequate space and/or covered bins for storage of recyclable materials generated throughout the site and in no case shall these be located within the easement along the exit drive.
 - b) Designation and/or expansion of a central recyclable material pickup area on-site.
 - c) Continued and expanded participation in the County's recyclables and greenwaste collection programs.
 - d) Development of a plan for accessible collection of increased volumes of recycle materials, particularly during peak use periods.
 - e) Implementation of a monitoring program (quarterly, bi-annually) to ensure participation in recycling efforts and requiring written documentation in the form of receipts.
 - f) Encourage the use of reusable cups and place settings at special events held onsite to minimize solid waste generation.

- g) Development of a plan for recycling/reuse of yard waste on-site. This shall include on-site mulching and use of the mulch on-site as well as location of adequate green waste pick-up containers acceptable to area collection service.

Timing: The applicant shall submit a Final Solid Waste Management Plan for the expanded facilities to P&D for review and approval prior to approval of CDP for grading. Program components shall be implemented prior to occupancy clearance and throughout the life of the project.

MONITORING: P&D shall site inspect periodically during construction, prior to occupancy, and after occupancy to ensure solid waste components are established and implemented.

58. Demolition and/or excess construction material shall be separated for reuse/recycling or proper disposal (e.g., concrete and asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. Bins shall not be located within the exit drive easement area. **Plan Requirements:** This requirement shall be printed on the grading and construction plans. Permittee shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. All applicable materials shall be recycled prior to occupancy clearance.

MONITORING: P&D shall review receipts prior to occupancy clearance.

Geology/Drainage/Water

59. The final grading, drainage and erosion control plan(s) shall be designed to minimize grading requirements, minimize erosion, properly convey runoff water across the site to appropriate off-site drainage infrastructure, and filter pollutants and sediment from runoff waters prior to drainage leaving the site. The plan(s) shall include, but not be limited to, the following:
- (a) Bio-filtration shall be incorporated into the drainage plan wherever feasible, such as in the northern swale and in appropriate landscaped areas¹⁸. Additional mechanical/chemical or other filters shall also be installed in paved areas to further reduce oil and grease pollution from entering drainage channels and the storm drain system along Butterfly Lane. The plan shall include specifications for all proposed filtering mechanisms (biological and other) as well as on-going and periodic maintenance requirements to ensure proper working order.
 - (b) Best available erosion and sediment control measures (also known as water quality best management practices or BMPs) shall be implemented during grading and construction. BMPs such as, but not limited to, the use of geo-textile fabrics, gravel bags, erosion control blankets, jute net, silt fences, straw bales, temporary berms and sediment trapping/retention basins, drainage diversion structures and spot grading shall be used to reduce erosion and siltation into adjacent/nearby water bodies or storm drains during grading and construction activities and until graded areas have been stabilized by structures, long-term erosion control measures or landscaping. Design of BMPs and filters shall ensure appropriate location, size, and maintenance to maximize intended performance.
 - (c) The plans shall take into consideration potentially differing requirements for all phases of site development.

¹⁸ This shall also be incorporated and graphically depicted on the landscape plan.

- (d) Wherever possible, details of erosion control techniques and filters shall be shown graphically on the plans along with notes, (e.g., location of filters, landscape areas serving as filters, straw bales, siltation fencing, temporary berms, notes addressing siltation fencing installation and dust suppression requirements, etc.
- (e) Drainage plans shall contain specifications and maintenance procedures. The applicant shall enter into a maintenance agreement for drainage improvements (for all private drainage improvements) and may be required to bond for long-term maintenance of specific filtering techniques/devices (or other BMPs), per Flood Control District conditions and Project Clean Water review to ensure proper maintenance. The applicant shall maintain maintenance records as part of this agreement.
- (f) The applicant shall limit excavation and grading on the project site to the dry season of the year (i.e., April 15 to November 1) unless a Building and Safety approved erosion control plan is in place and all measures therein are in effect.
- (g) Native vegetation is recommended for mulch as protection for both soil blowing and water erosion over the long-term.
- (h) 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.
- (i) To minimize pollutants impacting waterbodies, storm drain filters, inserts, inline clarifiers, or separators shall be installed in the project area storm drain inlets and/or paved areas. The storm drain 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.
- (j) Graded areas shall be revegetated within two weeks of completion of grading activities, for areas that are not to be constructed on, with deep rooted, native, drought-tolerant species (unless alternative, equally effective non-native species have been approved in the landscape plan) to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- (k) Grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff.
- (l) A detailed geological and/or soils engineering study addressing structure sites and the access roads shall be prepared to determine structural design criteria, as recommended by the Planning and Development Building & Safety Division. The study shall be submitted for review and approval by Public Works.

Plan Requirements: The applicant shall submit final grading, drainage and erosion control plan(s) for review and approval by P&D and the FCD prior to approval of a Coastal Development Permit for grading. The plans shall include sign-off from the Montecito Sanitary District and the City of Santa Barbara prior to approval of the CDPs for grading in the northern and western portions of the site. **Timing:** The applicant shall notify Permit Compliance prior to commencement of grading. Components of the grading plan shall be implemented throughout all grading activities as specified on the plan. The erosion control plan shall be implemented within two weeks after the completion of grading activities, with the exception of surfaces graded for the placement of structures.

These surfaces shall be reseeded if construction of structures does not commence within 8 weeks of grading completion.

MONITORING: Permit Compliance will photo document revegetation and ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities. Prior to construction, installation shall be photo-documented and submitted by the applicant to P&D. P&D shall site inspect and ensure filters are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to and during construction. The Flood Control District would monitor the post-construction period via the maintenance agreement.

60. Energy dissipaters shall be installed along drainage improvements emptying into the swale along the northern property line. This swale shall be designed as a bio-swale to assist in filtering out pollutants and sediment prior to reaching the drain outlet near Butterfly Lane. The applicant shall coordinate with the Union Pacific Railroad to ensure that portions of the swale located in the railroad right-of-way can be used as a bio-swale. If permission cannot be acquired for this use, bio-filtration shall be considered elsewhere in the northern portions of the Music Academy property in a manner which does not impact the northern eucalyptus windrow. **Plan Requirements:** Prior to approval of CDPs, the applicant shall submit to P&D and the FCD for review and approval, detailed plans and a report prepared by a licensed geologist or engineer for any proposed permanent drainage and erosion control components. Design of bio-filtration measures shall be coordinated with a biologist/arborist to ensure this would not damage the northern eucalyptus windrow or result in other significant biological impacts. **Timing:** Erosion control components shall be installed prior to grading permit issuance, except where components cannot be installed until completion of grading.

MONITORING: P&D shall require submittal of photo-documentation of installed structures or shall site inspect for compliance prior to issuance of CDP for grading.

61. Drainage shall be consistent with approved drainage plans. Wherever feasible, plans for site drainage shall incorporate bio-filtration, pervious surfaces (particularly in parking surface parking and patio areas) and other methods of filtering contaminants from runoff water (e.g., mechanical filters). **Plan requirements and Timing:** Prior to approval of a Coastal Development Permit for grading, a final drainage plan shall be submitted to P&D and FCD for review and approval. The plan shall include the location of all proposed pipelines, the entire length of all proposed pipelines, trees located within 15 feet of the pipelines, vegetation proposed to be planted for bio-filtration purposes, the use of pervious surfaces for parking, patio, walkways, and other short and long-term water quality filtering methods etc., pipe diameters, and amount of water that would flow from each pipeline.

MONITORING: P&D shall site inspect for compliance during grading.

62. 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 and Safety Division.

MONITORING: Building inspectors shall site inspect prior to occupancy clearance.

63. To prevent illegal discharges to the storm drains, all on-site storm drain inlets, whether new or existing shall be labeled to advise the public that the storm drain discharges to the ocean and that dumping waste is prohibited (e.g., “Don’t Dump – Drains to Ocean”). The information shall be provided in English and Spanish. **Plan Requirements and Timing:** Location of storm drain inlets shall be shown on site building and grading plans prior to

approval of CDPs for grading (on building plans as well prior to approval of CDPs for structures). Labels shall be installed prior to occupancy clearance. Standard labels are available from Public Works, Project Clean Water, or other label designs shall be shown on the plans and submitted to P&D for approval prior to approval of CDPs.

MONITORING: Permit Compliance shall site inspect prior to occupancy clearance.

64. During construction, washing of concrete, trucks, paint, equipment or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site and in no case shall these activities take place within the easement (along the exit drive) Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate a wash off area, acceptable to P&D, and this area shall be shown on the construction plans and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to approval of Coastal Development Permits. The wash off area shall be in place and maintained throughout construction.

MONITORING: P&D staff shall check plans prior to approval of Coastal Development Permits and compliance staff shall site inspect throughout the construction period to ensure proper use and maintenance of the washout area(s).

65. Outdoor water use shall be limited through the measures listed below.
- a) Landscaping shall generally be with native and/or drought tolerant species to reduce water demand. However, exceptions are expected as identified in (but not limited to) the preliminary landscape plan, to address specific screening, historic resource, and biological issues.
 - b) Drip irrigation or other water-conserving irrigation shall be installed.
 - c) Plant material shall be grouped by water needs.
 - d) Extensive mulching (2" minimum) shall be used in all landscaped areas to improve the water holding capacity of the soil by reducing evaporation and soil compaction.
 - e) Soil moisture sensing devices shall be installed to prevent unnecessary irrigation.
 - f) Permeable surfaces such as turf block or intermittent permeable surfaces such as French drains shall be used to minimize runoff and maximize recharge and filtering of runoff water.
 - g) Wherever feasible, the landscape plan shall incorporate bio-swales or other landscaped areas which serve to filter run-off water from the site. These components shall be graphically depicted on the landscape/irrigation plan(s).

Plan Requirements: Prior to approval of CDPs for grading, a landscape and irrigation plan shall be submitted to P&D for review and approval. The applicant/owner shall enter into an agreement with the County to install required landscaping/irrigation and maintain required landscaping for the life of the project.

Timing: The applicant shall implement all aspects of the landscape and irrigation plan prior to occupancy clearance and shall maintain the landscaping components in the landscape plan for the life of the project.

MONITORING: Permit Compliance shall conduct site visits to ensure installation and maintenance of landscape and irrigation. Any part of irrigation plan requiring a plumbing permit shown on building plans shall be inspected by Building Inspectors.

66. Indoor water use shall be limited through the following measures:
- a) All hot water lines shall be insulated.
 - b) Recirculating, point-of-use, or on-demand water heaters shall be installed in all new or renovated structures..
 - c) Water efficient clothes washers and dishwashers shall be installed.
 - d) Lavatories and drinking fountains shall be equipped with self-closing valves

Plan Requirements: Prior to approval of Coastal Development Permits, indoor water-conserving measures shall be graphically depicted on building plans, subject to P&D review and approval. **Timing:** Indoor water-conserving measures shall be implemented prior to occupancy clearance.

MONITORING: P&D shall inspect for all requirements prior to occupancy clearance.

Sewer

67. The applicant shall remove all portions of the existing maintenance building which are currently located within the MSD sewer easement. **Plan Requirements and Timing:** At the earliest possible date, but in no case later than prior to approval of CDPs for the first phase of development, project plans shall identify this requirement as well as the location of the sewer easement and existing sewer lines. Prior to submitting applicable plans to P&D for review, the applicant shall receive confirmation (sign-off on plans) from MSD regarding agreement on removal of this structural consistent with their easement. This structure shall be removed prior to occupancy clearance for the first phase of the Master Plan.

MONITORING: P&D shall perform site inspections to ensure compliance with the approved plans.

68. The applicant shall coordinate with MSD and the City of Santa Barbara regarding the specific location and design of the new parking area in the northern portion of the site (and within their easements) and the proposed landscape plan (as it relates to plantings proposed within or in proximity to the sewer easement). **Plan Requirements and Timing:** Prior to submitting applicable plans to P&D for review, the applicant shall receive confirmation from MSD and the City of Santa Barbara (sign-off on plans) that the proposed location and design of parking area and plantings is acceptable, to avoid impacts to their respective pipelines. In addition to design specifications, this may include other measures such as in-pipeline video documentation before and following completion of construction to ensure that no unanticipated damage occurred to the pipelines as a result of construction activities. Structural engineering shall also consider the effects of future maintenance or repair activities on the pipelines that could impact the parking area (e.g., such activities may involve a deep, wide trench in proximity to the edge of these structures). P&D shall confirm sign-offs prior to approval of applicable CDPs. Plans

shall identify the surveyed location of the northern property line, the sewer easement, sewer manholes and existing sewer lines.

MONITORING: P&D shall perform site inspections to ensure compliance with the approved plans.

Traffic

69. Parking demand generated by project activities shall be accommodated within the on-site parking supply (285 passenger vehicle spaces with ability for 5 additional spaces using stacked parking, and two bus spaces, consistent with approved plans). The parking shall be in place prior to any increases in attendance. This parking supply is consistent with application of a conservative parking demand rate of 0.76 spaces/seat¹⁹, the project would generate demand for 289 spaces.). In order to ensure that project generated parking demand can be accommodated on-site, once the Master Plan is operational, the applicant shall monitor event parking during large events (300 plus attendees) to determine whether parking is indeed adequate to accommodate on-site parking for the proposed any given time maximum public attendance. The parking monitor shall specifically evaluate parking for days when high attendance is expected for consecutive Master Classes to determine whether there is adequate time between event start and end times to allow exiting vehicles (from a large event) to leave the site in time for entering vehicles (for a large event) to backfill the vacated parking spaces without waiting. Project conditions, which affect parking (including, but not limited to a reduction in the any given time public attendance maximum attendance cap, increased or decreased minimum time required between consecutive events, etc.), may be modified at the required compliance report hearings with the Montecito Planning Commission if the results of these surveys indicate insufficient parking is available to accommodate project demand. The MAW also has the ability to control administrative and volunteer activities on-site to ensure adequate parking will be available to accommodate other activities and events. **Plan Requirements and Timing:** The applicant shall fund preparation of periodic surveys (four times per year, although more often during the summer season and possibly less often during the non-summer season would also be acceptable) of the total number of vehicles associated with large events on-site and where they park. The applicant shall submit a draft monitoring plan to P&D for review and approval prior to approval of CDPs for new structures Depending on project phasing, the monitoring plan may require modification for future phase(s). The monitoring plan may be modified by the MPC, as determined necessary, at the project's compliance hearings. The parking surveys shall specifically evaluate large consecutive events. The surveys shall be performed by professionals experienced in collection of traffic data. Given the potential ramifications of the survey results and to avoid any perception of conflict of interest, the survey personnel shall be funded by the applicant under contract to the County. The surveys shall account for all cars associated with Music Academy activities, including those associated with students, faculty, other employees, volunteers, customers and sales people at the resale shops, and others attending administrative activities on-site. (Surveys required by this condition may be performed in conjunction with mitigation monitoring requirements identified in other traffic mitigation measures). In the first year of regular operations, survey data shall be available for a week which includes peak attendance classes/events/picnic concert during the summer season and for a week which includes peak events during the non-summer period. Therefore, the Academy's event calendar shall be used to identify appropriate monitoring periods.

MONITORING: Permit Compliance shall ensure implementation of contract for parking monitoring and shall review parking monitoring reports for compliance.

¹⁹ Based on ATE summer afternoon, high attendance event data

70. Until such time as the improvements to the Cabrillo/Los Patos-Channel intersection and the Cabrillo/U.S. 101 interchange/ramps are completed (and found to achieve LOS C with future traffic assumptions), the following measure shall be implemented:

The MAW shall schedule Master Classes with more than 250 public attendees to start and end outside of the 4:00-6:00 p.m. peak commute period (such as a 4:00 P.M. start and a 6:00 P.M. end or a 1:00 start and a 2:50 end) to mitigate potential traffic impacts. **Plan Requirements and Timing:** Music Academy staff shall be made aware of this requirement prior to scheduling events and other activities MAW shall submit activity calendars to P&D on an annual basis showing the schedule for events accordingly. The applicant shall maintain a copy of the CUP in a location where it is physically accessible to the public as well as on their web-site. At such time as the intersection improvements are completed, the applicant shall submit evidence of completion to P&D for concurrence and may alter its schedule of events accordingly.

MONITORING: Music Academy shall maintain event/rental records of ticket sales for all attendees including students, faculty, staff or other employees (unless they are only performing/working at the event) t. MAW shall also maintain event calendars for reference.

71. The applicant shall contribute \$17,400.00 (the project's proportional share of a \$200,000.00 round-about, as the project EIR concludes that the project would contribute 8.7% or 18 PHT out of 208 cumulative PHT to the intersection) to design and implement the necessary improvements at the Los Patos/Cabrillo Boulevard/Channel Drive intersection. If a round-about is not determined to be the appropriate method for addressing cumulative traffic, then these funds shall go toward alternate City approved mitigation for this intersection.

Plan Requirements and Timing: Prior to approval of CDPs, the applicant shall submit written confirmation from the City of Santa Barbara that acceptable arrangements have been made to address the applicant's contribution to this intersection improvement.

MONITORING: Permit Compliance shall confirm that all arrangements have been completed with the City of Santa Barbara.

72. The applicant shall contribute funds representing the project's proportional share of the approved improvement at Hot Springs/Cabrillo/Highway 101 ramps, as the project EIR concludes that the project's contribution to cumulative PHT increases to this intersection would equate to 5.6% of the \$150,000.00 cost to implement the planned interim traffic signal at this intersection. This contribution shall only be required if the applicant no longer wishes to limit public attendance to 250 attendees for events from 4:00-6:00 pm until the improvements have been completed.

73. The applicant shall prepare and submit a construction traffic plan to the County and the City of Santa Barbara prior to approval of a CDP for grading. The plan shall:

- a) Designate a construction traffic coordinator;
- b) Identify the truck routes, which minimize effects on pedestrians and bicyclists and nuisance to neighbors. This shall include use of the UPRR right of way as/if permitted by UPRR for a 90-day period and, if available, an extension at a reasonable cost. ;
- c) Require prompt clean up of dirt/other debris spilled from construction vehicles on neighborhood streets. Dry-cleaning methods shall be preferred to avoid flushing dirt and pollutants into the storm water system.

- d) Vehicles transporting excess fill from the project site shall avoid the p.m. peak hour period (4:00-6:00 p.m.) to minimize impacts on the Cabrillo/Hot Springs/Highway 101 intersection.
- e) During the construction period, a gate control program shall be implemented to eliminate cut-through traffic during the construction period.

Plan Requirements and Timing: The applicant shall review the construction traffic plan with the Montecito Association and the MSD and obtain their comments on the plan for inclusion and later submittal to the County. The plan shall be reviewed and approved by County Public Works and P&D as well as the City of Santa Barbara prior to approval of a CDP for grading. The plan shall be implemented throughout the construction period.

MONITORING: Permit Compliance shall inspect for implementation of plan during the construction period.

74. Project generated parking demand shall be accommodated by on-site parking (285 passenger vehicle spaces, 5 additional stacked parking spaces and two bus spaces). To facilitate on-site parking and avoid project generated parking demand on neighborhood streets, the MAW shall:

- a) Deploy an adequate number of parking attendants for the larger events to ensure that identified parking is maximized (and parking on neighborhood streets is avoided or minimized). An adequate number of attendants shall also be present for events to ensure that entering vehicles are not blocking traffic on Fairway in front of the Music Academy entrance. Parking attendants shall be responsible for directing vehicles to appropriate parking areas and open spaces and facilitating circulation throughout the site(s). If it is confirmed by P&D that MAW attendees, staff or students are consistently parking on neighborhood streets, the MAW will be required to utilize an increased number of parking attendants. If this problem persists, information regarding this situation will be forwarded to the Montecito Planning Commission as part of their compliance update hearing(s). If the monitoring indicates that on-site parking supply cannot accommodate peak parking demand for maximum attendance events, the MPC shall consider reducing the maximum any given time attendance to a level at which the on-site parking supply can accommodate peak attendance.
- b) In the non-summer period, performers shall be bused to the site if there would be more than 95 staff/performers at an event (with attendees)²⁰.

Plan Requirements and Timing: The applicant shall prepare a typical plan for use by attendants at various large events to facilitate operations. This plan shall be submitted to P&D and Public Works prior to issuance of CDPs.

MONITORING: Permit Compliance shall periodically inspect for implementation of plan during large events. Permit Compliance may also review related monitoring reports required pursuant to other project conditions.

²⁰ This is required to ensure there would be adequate on-site parking for a high attendance event in the non-summer season, when performers would not normally be arriving by bus (as the students do during the summer).

75. The applicant shall deposit funds to cover on-going staff review and compliance efforts. In addition to regular compliance review, this shall also include the cost for staff to attend (unannounced) events on-site periodically²¹ and to perform manual counts of attendees at such events for general comparison with applicant submitted monitoring reports regarding attendance. Precise comparison will not be possible for some events (e.g., summer concerts) as some of the attendees will include students and faculty. However, the monitoring data submitted by the MAW will break out the number of public attendees. **Plan Requirements and Timing:** The applicant shall submit necessary funds for long-term compliance with P&D prior to approval of CDPs. The amount shall be determined following review of project plans for CDPs, including, but not limited to, the manner in which the project operations propose to comply with project conditions.

MONITORING: Permit Compliance shall confirm that funds were deposited prior to issuance of CDPs.

76. The Music Academy shall ensure adequate breaks between the start and end times of events to avoid concurrent demand for available parking. At least 40 minutes shall be scheduled between the start and end times of larger events on-site (those involving combined consecutive event attendance of 550 or more public attendees, such as 300 at the first afternoon Master Class and 250 at the second Master Class).

MONITORING: Permit Compliance shall periodically review Music Academy schedules of events for compliance.

77. Although not an option at this time, project egress for west-bound traffic would be acceptable using either Monte Cristo Lane or the Montecito Sanitary District driveway (subject to Public Works review and approval of the driveway access design onto Channel Drive. Maintaining this option (although unlikely to effectuate), would serve to reduce neighborhood traffic volumes and provide a more direct route for west-bound traffic leaving the Music Academy.

Project Specific Conditions

78. No signs of any type are approved with this action unless otherwise specified. All signs require a separate Coastal Development Permit and Montecito Board of Architectural Review approval and shall comply with the Santa Barbara County Code Chapter 35, Article I (Sign Regulations). The exception to this shall be temporary signs associated with the interim CTRP. The applicant will bring the temporary signs forward for MBAR review and approval, but will be permitted to install temporary CTRP signage prior to MBAR approval, in order to effectuate traffic reduction at the earliest possible date. If MBAR recommends changes to the signs, within one week the MAW shall replace the signs, consistent with the MBAR directed change(s).
79. If trash storage is located in view of a public roadway, the trash area shall be installed which is architecturally compatible with the project design. The storage area shall be enclosed with a solid wall of sufficient height to screen the area and shall include a solid gate. Trash storage shall not be located in the easement portion of the exit drive (at the eastern end of the internal roadway). The trash storage area shall be maintained in good repair. **Plan Requirement:** Location and design of trash storage area shall be denoted on project plans. **Timing:** Trash storage area shall be installed prior to occupancy clearance.

²¹ During the first year of operations this shall involve visits once/week during the summer and at least once per month during the non-summer period. At the first scheduled compliance hearing (one year after operations under the first phase of the Master Plan begin), the schedule for monitoring may be re-evaluated.

80. During the non-summer period, unless the recording is secondary to an actual on-site performance those persons being recorded and related assistants on-site ~~for~~ shall be counted toward the attendance limits. During the summer season, only summer school students, faculty, and related assistants shall use the recording facilities.
81. Consistent with the intent of the Master Plan project description, the renovated recital hall shall be designed to accommodate chamber music (generally smaller musical groups). Therefore, it shall not include features which would allow additional types of performances to be re-located and/or expanded onto the project site (e.g., from the Lobero and other downtown locations used historically). Therefore:
 - a) Only the necessary off-stage and back-stage space shall be provided;
 - b) There shall be no fly gallery;
 - c) Lighting pipes shall be the minimum necessary to accommodate the basic instrumental and vocal performances associated with chamber music and other small group performances. A full complement of lighting pipes (downstage to upstage) shall not be incorporated.

CONDITIONAL USE PERMIT CONDITIONS

82. The conditions of this Conditional Use Permit replace and supersede the conditions of the previous CUP permit, 90-CP-111 RV01. This permit covers all existing and proposed development and uses on the project site.
83. This Conditional Use Permit is not valid until a Coastal Development Permit for the development and/or use has been obtained. Failure to obtain said Coastal Development Permit shall render this Conditional Use Permit null and void. The component of this CUP addressing new construction is valid for a period of 3 years. (CDPs for construction must commence within 3 years of approval of the CUP). Prior to the issuance of the Coastal Development Permit, all of the conditions listed in this Conditional Use Permit that are required to be satisfied prior to approval of Coastal Development Permits must be satisfied. Upon issuance of the Coastal Development Permit, the Conditional Use Permit shall be valid. The effective date of this Permit shall be the date of expiration of the appeal period to the Board of Supervisors, or, 10 working days after the California Coastal Commission (CCC) receipt of Board of Supervisor's final action, if appealed to the Board of Supervisors. If appealed to the CCC, the date shall be measured from CCC final action).
84. If the Montecito Planning Commission determines at a noticed public hearing that the permittee is not in compliance with any permit condition(s), pursuant to the provisions of Sec. 35-172.10 of Article II of the Santa Barbara County Code, the Montecito Planning Commission is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.
85. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Coastal Development Permit issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit.
86. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.

87. Within three years after the effective date of this permit, construction and/or the use shall commence. Construction or use cannot commence until a Coastal Development Permit has been issued. Failure to commence the construction and/or use pursuant to a valid Coastal Development Permit shall render the Conditional Use Permit null and void.
88. All time limits may be extended by the Montecito Planning Commission for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.
89. 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 coastal development permit issuance.

COUNTY RULES & REGULATIONS/LEGAL REQUIREMENTS

90. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Coastal Development and Building Permit from Planning and Development. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Board of Supervisors. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
91. Prior to approval of Coastal Development Permits for the project, the owner shall sign and record an agreement to comply with the project description and all conditions of approval.
92. Two performance securities shall be provided by the applicant prior to approval of Coastal Development Permits, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for 5 years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. The installation security shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security 5 years after installation. 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 plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:
 - a. Installation of landscaping, including the butterfly enhancement area, tree replacement and transplanting, and all of other components of the landscape plan including plants, irrigation, hardscapes, vine support structures, and screening walls or fences consistent with the approved tree protection and preservation plan, butterfly enhancement plan, and grading and drainage plans, prior to occupancy clearance.

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

93. Landscaping shall be maintained for the life of the project.

94. Prior to approval of Coastal Development Permits, the applicant shall notify in writing all property owners and occupants of parcels within 300' of the project site of its approval and conditions. Proof of mailing the notices shall be provided to Planning and Development.
95. **Compliance with Departmental letters required as follows:**
 - a. Air Pollution Control District dated November 12, 2003
 - b. Environmental Health Services dated November 6, 2003
 - c. Flood Control dated November 19, 2003
 - d. Transportation Division (Public Works) dated June 16, 2004
 - e. Montecito Sanitary District dated November 19, 2003 and April 19, 2004
 - f. Montecito Fire Protection District dated November 20, 2003 and May 27, 2004
96. All applicable final conditions of approval 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.
97. The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:
 - a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
 - b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
 - c. Pay fees prior to approval of Coastal Development Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.
98. Prior to approval of Coastal Development Permits, the applicant shall provide evidence that an Agreement to Comply with Conditions has been recorded on a form acceptable to Planning and Development. Such form may be obtained from the P&D office.
99. Prior to issuance of Coastal Development Permit, the applicant shall pay all applicable P&D permit processing fees in full.
100. Any change of use in the existing or proposed building or structure shall be subject to environmental analysis and appropriate review by the County including building code compliance.

101. 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 Conditional Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
 102. 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.
- III. This permit is issued pursuant to the provisions of Section 35-315 of Article III of the Code of Santa Barbara County and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:
- a. If any of the conditions of the Conditional Use Permit are not complied with, the Montecito Planning Commission, after written notice to the permittee and a noticed public hearing, may in addition to revoking the permit, amend, alter, delete or add conditions to this permit at a subsequent public hearing noticed for such action.
 - b. A Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.
 - c. Said time may be extended by the Montecito Planning Commission one time for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.

JACKIE CAMPBELL
Deputy Director, Development Review South Division
For VAL ALEXEEFF, DIRECTOR

Attachments:

Departmental/Agency condition letters
Bill Spiewak letters dated 1/30/03, 9/03, 4/2/04, and 5/18/2004

G: GROUP\PERMITTING\CASE FILES\CP\1990S\90S CASES\90CP111\90CP111RV01\BOS\FINAL CONDITIONS PER BOS ACTION 102604



**COUNTY OF SANTA BARBARA
CALIFORNIA**

MONTECITO PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU STREET
SANTA BARBARA, CALIFORNIA 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

June 25, 2004

Marked Up

Suzanne Elledge
Suzanne Elledge Planning and Permitting Services
800 Santa Barbara Street
Santa Barbara, CA 93101

MONTECITO PLANNING COMMISSION
HEARING OF JUNE 16, 2004

RE: Music Academy of the West Master Plan and Revised Conditional Use Permit, 90-CP-111 RV01

Hearing on the request of Suzanne Elledge, agent for the Music Academy of the West, to consider Case No. 90-CP-111 RV01 [application filed on June 23, 1999] for a Revised Conditional Use Permit allowing the implementation of a Master Plan for the site including physical expansion of existing facilities and operational changes. These changes would include a net increase in structural development of approximately 50,630 square feet and associated grading and tree removal to accommodate the structural development and 285 total surface parking spaces, attendance limitations and modification of zone district requirements to the required number of parking spaces, side yard setback for paving and maximum height limit under the provisions of Article II, Zoned 1-E-1; and to certify the Environmental Impact Report, 03-EIR-06, as revised by letter dated April 20, 2004, and as further amended at the MPC hearing of May 19, 2004, pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, potentially significant effects on the environment are anticipated in the following categories: Aesthetics, Archaeology, Biology, Fire Protection, Geology, Historic Resources, Noise, Land Use, Public Facilities and Traffic. The EIR and all documents referenced therein may be reviewed at the Planning and Development Department, 123 East Anapamu Street, Santa Barbara. The EIR is also available for review at the Central Branch of the City of Santa Barbara Library, 40 East Anapamu Street, Santa Barbara and at the Montecito Library, 1469 East Valley Road, Montecito. The application involves AP Nos. 009-282-029, and -030, located south of Highway 101 between the Montecito Sanitary District Facilities and Butterfly Lane, at 1070 Fairway Road (also known as The Fairway), Montecito area, First Supervisorial District. (Continued from 12/11/03, 2/18/04, 4/21/04 & 5/19/04)

Dear Ms. Elledge:

At the Montecito Planning Commission hearing of June 16, 2004, the Commission took the following action:

Commissioner Wells moved, seconded by Commissioner Phillips and carried by a vote of 5-0 to:

1. Move the item from the consent agenda to the standard agenda.

Commissioner Bierig moved, seconded by Commissioner Phillips and carried by a vote of 4-0 (Thielscher absent) to:

000317

1. Close the public portion of the hearing.

Commissioner Wells moved, seconded by Commissioner Bierig and carried by a vote of 4-0 (Thielscher absent) to:

1. Adopt the required findings for the project specified in Attachment A of staff memorandum dated June 7, 2004, revised staff memorandum dated June 7, 2004, and staff memorandum dated June 14, 2004, including CEQA findings, as revised at the hearing of June 16, 2004;
2. Approve the Final Environmental Impact Report, 03-EIR-06 as updated by the EIR Revision Letter dated April 20, 2004 and CEQA Revision Letter dated June 7, 2004 included as Attachment B of staff memorandum dated June 7, 2004 and staff memorandum dated June 14, 2004, and adopt the mitigation monitoring program contained in the conditions of approval, as revised at the hearing of June 16, 2004;
3. Grant the requested modifications to the height limitation (for existing Abravanel Hall) and side yard setback (paving only) for the 1-E-1 zone district pursuant to Article II §35-172.12, specified in Attachment C of staff memorandum dated June 7, 2004;
4. Grant the requested modification to the number of required parking spaces required pursuant to Article II §35-109, Parking Regulations, specified in Attachment C of staff memorandum dated June 7, 2004 and staff memorandum dated June 14, 2004, and in the parking analyses in 03-EIR-06, the 4/20/04 EIR revision letter, and the 6/7/04 CEQA revision letter, as revised at the hearing of June 16, 2004; and
5. Approve Major Conditional Use Permit, 90-CP-111 RV01, subject to the conditions included as Attachment D of staff memorandum dated June 7, 2004, revised staff memorandum dated June 7, 2004 and staff memorandum dated June 14, 2004, as revised at the hearing of June 16, 2004.

REVISIONS TO THE FINDINGS

Finding 1.2 Full Disclosure, 4/20/04 EIR Revisions Letter Land Use Mitigation Measure 22, Second Paragraph, First Sentence, language is amended:

“The rooms/spaces in the new practice studio/instructional/student services building complex shall be used for musical practice, instruction, auditions, ~~and rehearsals~~ and meetings associated with music only.

Finding 1.2, Full Disclosure, 4/20/04 EIR Revision Letter Land Use Mitigation Measure 26, Second Paragraph, language is amended:

As indicated above, as part of project approval, the MPC modified or eliminated some of the above measures. The CUP conditions, as revised, would continue to mitigate the previously identified Class II potential land use compatibility/quality of life impacts to a less than significant level. While the MPC changes would continue to result in no significant unavoidable land use/quality of life impacts, Conditions (specifically condition 2) also includes an advisory statement that the CUP as conditioned would constitute the maximum intensity of use appropriate to avoid significant long-term neighborhood compatibility and quality of life impacts and to reduce short to mid-term impacts to the maximum extent feasible.

Finding 1.2, Full Disclosure, Traffic Mitigation Measure Nos. 3 and 4, language is added:

3. Regarding the Los Patos intersection future improvements, the applicant would still be required to contribute to the improvements at this intersection. However, the language detailing timing constraints is eliminated as the impact would only occur in the cumulative setting. Because attendance and related vehicle trips for the approved project have been reduced since preparation of the EIR document, the financial contribution has also been reduced to reflect the project's reduction in the percentage of cumulative traffic that would be sent to this intersection. The City of Santa Barbara has confirmed that the revised vehicle trip estimates and percentage contribution to the intersection improvements are acceptable (Rob Dayton, City of Santa Barbara Public Works e-mail 6/14/04).
4. The requirement to contribute funding to the Hot Springs/Cabrillo Highway 101 ramps is modified, such that the need to contribute funds for this improvement is triggered with a lower (more conservative) attendance maximum of 250 public attendees, rather than the previous trigger of 370 attendees (baseline). Because attendance and related vehicle trips for the approved project have been reduced since preparation of the EIR document, the financial contribution has also been reduced to reflect the project's reduction in the percentage of total traffic that would be sent to this intersection. The City of Santa Barbara has confirmed that the revised vehicle trip estimates and percentage contribution to the intersection improvements are acceptable (Rob Dayton, City of Santa Barbara Public Works e-mail 6/14/04).

Finding 1.4, Findings that Certain Unavoidable Impacts are Mitigated to the Maximum Extent Feasible, First Paragraph, language is amended:

The Final Environmental Impact Report and revision letters dated April 20, 2004 and June 7, 2004 on the Music Academy of the West Revised CUP project identify ~~two~~ three ~~two~~ temporary environmental impacts that cannot or may not be fully mitigated and are therefore considered unavoidable. ~~The first impact is temporary (10-15 years) and pertains to aesthetics. The project has substantially lessened this~~ these impacts by the incorporation of changes or alterations into the project where feasible. With regard to the short term grading period land use impact associated with transport of fill material to and from the site on neighborhood streets (if UPRR right of way access is unexpectedly not granted), the MPC finds that this impact is hereby reduced to a potentially significant, but mitigable level (Class II), given the reduction in fill necessitating transport, from the original estimate of 9,000 cubic yards to approximately 420 cubic yards (a 95% reduction) with the approved project. The project changes and alterations have not otherwise, although these changes and alteration have not reduced the impacts to a level of insignificance. To the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations included herein. The "Class I" impacts identified by the Final EIR is are discussed below, along with the appropriate findings as per CEQA Section 15091:

Finding 1.4.1, Findings that Certain Unavoidable Impacts are Mitigated to the Maximum Extent Feasible, Aesthetics; Land Use, language is amended:

The following aesthetic impact and land use impact are ~~is~~ considered significant and unavoidable in the short to mid-term (until proposed landscaping reaches sufficient height/size to provide screening from off-site public viewing areas particularly from the north, 10-15 years). From the east Butterfly Lane and its residences these impacts would be substantially lessened with regard to both the degree of impact and the duration of the impact, to primarily during construction, due to the revised project's lower elevation for the new student services building and resulting reduction in time needed for supplemental trees to reach screening heights, changes to the instructional building and associated service entry, retention of mature trees south of the exit drive previously proposed for removal, and planting of

additional perimeter screening vegetation prior to initiation of Master Plan improvements. The interim aesthetic impact is associated with the change in views, and the interim land use impact is associated with the change in visual character, when the project is viewed from north of the project site (Hwy. 101 and further north) and to a lesser extent from the east¹. For such views, the project's appearance will change from a predominantly landscaped estate to views of major construction (and later increased structural development), with substantial removal of mature, screening trees, more visible night-lighting and, overall, a more institutional setting. Development and related construction activities would be most noticeable from the north and to a lesser extent and duration from the east, due to the location of proposed development. Night-lighting and any unintentional loss of eucalyptus trees in the northern windrow, from natural or project-related causes, would exacerbate this impact in the short-term as these trees are located in the Montecito Sanitary District (MSD) sewer easement and cannot be replanted due to MSD concerns regarding operation and maintenance of the district's main inflow and outflow pipelines.

The project has provided for retention of numerous mature screening trees previously proposed for removal and planting of screening shrubbery, which at maturity (and sooner as viewed from Butterfly Lane and from residences to the east) will provide substantial screening of the site from off-site vegetation. Over the long-term, it is expected that project structures and night-lighting would be substantially, but not totally, screened from off-site viewing areas by virtue of proposed new plantings and the long-term impact would be mitigated to a less than significant level. Mitigation to address these impacts would include the same mitigation identified to address Class II, potentially significant aesthetic and land use impacts that can be feasibly mitigated or avoided (discussed below). No other feasible measures are known which would further reduce the impact.

Finding 1.8, Statement of Overriding Considerations, 1.8.8 is deleted:

~~1.8.8 The project would increase sales of various supplies and furnishings for the project benefiting the local economy.~~

Advisory Statement is amended:

Advisory statement from MPC regarding neighborhood compatibility and MPC intent in approving 90-CP-111 RV01: In granting this permit, the Montecito Planning Commission ~~believes~~ advises future decision-makers that based on evidence in the record at this time, the operation and site development at the Music Academy have reached a maximum level able to be found consistent with the health, welfare, safety, and convenience of the neighborhood and the Montecito Planning Commission recommends that no further increase in use, density, or development be allowed.

REVISIONS TO THE CEQA REVISION LETTER

Section 11 Background, language is amended:

The Music Academy of the West (MAW) CUP request² considered at the first Montecito Planning Commission (MPC) hearing on December 11, 2003 (see staff report dated November 25, 2003) was

¹ The change in views from the Butterfly Lane and its residences would be primarily during the construction period.

² This revised CUP request is also referred to by the Music Academy as the "Master Plan" and the "Renaissance Plan."

evaluated for environmental effects pursuant to CEQA in project EIR, 03-EIR-06. 03-EIR-06 incorporated by reference the discussion of cumulative effects from the Montecito Community Plan certified Program EIR. 03-EIR-06 identified Class I impacts (significant, adverse, unavoidable) associated with short-term temporary aesthetics/land use compatibility due to the change in views during the construction period and until screening landscaping is sufficient to offset tree loss and to provide screening of site development and development activities from off-site. Off-site views from Butterfly Lane (from the east) have been substantially reduced since preparation of the EIR as a result of reductions to the height of the student services building, changes to the instructional building and service driveway, retention of mature trees (previously proposed for removal) along the exit drive and planting of supplemental screening vegetation prior to initiation of Master Plan improvements. As a result of these revisions, impacts of short- to mid-term views of the project from off-site viewing areas to the east have been substantially reduced, although the level of temporary impact would remain the same (Class I)." ~~and~~ The EIR also identifies Class II impacts (potentially significant, adverse impacts that can be mitigated to less than significant levels) to Aesthetics, Archaeology, Biology, Fire Protection, Geology, Historic Resources, Noise, Land Use, Public Facilities and Traffic. An EIR Revision letter dated April 20, 2004 was prepared to reflect a number of changes to the project description subsequent to the December 2003 MPC hearing. That letter includes several attachments: 1) a memorandum to the MPC dated 12/10/03 (EIR clarifications), 2) figures showing Alternative Access Options A-O, and reduced project plans as proposed in March 2004. Based on the reduction in quantities of fill soil requiring transport to and from the site from approximately 9,000 cubic yards to approximately 420 cubic yards, a 95% reduction, the MPC has re-classified this impact as a Class II rather than a Class I impact.

EIR Aesthetics Mitigation Measure 8, language is added:

The requirement to remove the outdoor patio dining area is eliminated as the outdoor dining area is no longer part of the project proposal.

Project revisions include reduction in height of the new student services building, changes to the instructional building, retention of numerous mature screening trees (on exit drive) previously proposed for removal, and installation of supplemental perimeter landscaping prior to initiation of Master Plan improvements. As a result of these revisions, impacts of short- to mid-term views of the project from off-site viewing areas including Butterfly Lane and its residences and the duration of these impacts have been substantially lessened, although the level of impacts remains the same.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 13, language is deleted:

All events and activities shall begin no earlier than 9:00 am and shall end no later than 10:00 pm ~~Saturday through Wednesday~~ throughout the year. The exception to this shall be allowance for events on Thursdays and Fridays during the summer season, only, to end by 10:30 p.m. Once an evening event has ended, guests are expected to leave within approximately 30 minutes. If approximately 30 minutes becomes insufficient for guests to leave the premises, the MPC, as part of their compliance hearings, shall consider the requirement to move end times to earlier in the evening, sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 10:30 (11:00 for Thursday and Friday events in the summer season).

4/20/04 EIR Revision Letter Land Use Mitigation Measure 22, language is added:

The rooms/spaces in the new practice studio/instructional/student services building complex shall be used for musical practice, instruction, auditions, and rehearsals and meetings associated with music only. Rental of these spaces to others for these same activities would also be permitted. Performances

shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes. **Plan Requirements and Timing:** A note identifying these restrictions shall be included on the project building plans for this structure and the applicant shall submit future activity calendars to permit compliance staff along with other monitoring data to ensure compliance with this measure.

Land Use Mitigation Measures, summary of impacts, language added:

As indicated above, the MPC modified or eliminated some of the mitigation measures from the original EIR and from the April 20, 2004 EIR revision letter. The CUP conditions, as revised, would continue to mitigate the previously identified Class II potential land use compatibility/quality of life impacts to a less than significant level.³ ~~While the MPC changes would continue to result in no significant unavoidable land use/quality of life impacts,~~ The MPC has stated that the CUP, as conditioned, would constitute the maximum intensity of use appropriate to avoid significant long-term neighborhood compatibility and quality of life impacts. Project revisions include reduction in height of the new student services building, changes to the instructional building, retention of numerous mature screening trees (on exit drive) previously proposed for removal, and installation of supplemental perimeter landscaping prior to initiation of Master Plan improvements. As a result of these revisions, impacts of short- to mid-term views of the project from off-site viewing areas including Butterfly Lane and its residences and the duration of these impacts have been substantially lessened, although the level of impacts remains the same.

Traffic Mitigation Measure 4, language is added:

Regarding the Los Patos intersection future improvements, the applicant would still be required to contribute to the improvements at this intersection. However, the language detailing timing constraints is eliminated as the impact would only occur in the cumulative setting. Because attendance and related vehicle trips for the approved project have been reduced since preparation of the EIR document, the financial contribution has also been reduced to reflect the project's reduction in the percentage of total traffic that would be sent to this intersection. The City of Santa Barbara has confirmed that the revised vehicle trip estimates and percentage contribution to the intersection improvements are acceptable (Rob Dayton, City of Santa Barbara Public Works e-mail 6/14/04).

Traffic Mitigation Measure 6, language is added:

The requirement to contribute funding to the Hot Springs/Cabrillo Highway 101 ramps is modified, such that the need to contribute funds for this improvement is triggered with a lower (more conservative) attendance maximum of 250 public attendees, rather than the previous trigger of 370 attendees (baseline).

³ The exceptions to this are the temporary Class I impacts identified in the EIR during the construction period and until supplemental landscaping reaches sufficient heights to screen site development from off-site views, particularly north of the site (e.g. Highway 101, Coast Village Road areas). Views from Butterfly Lane and its residences would be impacted primarily during the construction period only, due to project revisions to the student services building (second story portion), revisions to the instructional building layout and associated service entry, retention of numerous mature screening trees previously proposed for removal along the exit drive and planting of supplemental perimeter screening vegetation prior to initiation of Master Plan improvements.

Because attendance and related vehicle trips for the approved project have been reduced since preparation of the EIR document, the financial contribution has also been reduced to reflect the project's reduction in the percentage of total traffic that would be sent to this intersection. The City of Santa Barbara has confirmed that the revised vehicle trip estimates and percentage contribution to the intersection improvements are acceptable (Rob Dayton, City of Santa Barbara Public Works e-mail 6/14/04).

Findings, language is added:

The finding from the EIR Revision letter dated April 20, 2004 is hereby revised as follows: It is the finding of the Planning and Development Department that based on revisions to the project, temporary impacts associated with views from Butterfly Lane and its residences (Aesthetics) and with the visual character/land use compatibility of the project with reference to Butterfly Lane and its residences (Land Use) have been substantially lessened, although the level of impact would remain Class I. Further, due to the 95% reduction in the amount of excess cut and fill material necessary to transport to and from the site, the previously identified Class I impact has been reduced to Class II. The MPC changes do not otherwise result in a change in the levels of impact identified in the existing CEQA analysis and that the previous environmental documents (03-EIR-06 and EIR Revision Letter dated April 20, 2004) as herein revised may be used to fulfill the environmental review requirements of the current project. The information contained herein does not require recirculation pursuant to CEQA Guidelines §15088.5.

REVISIONS TO THE CONDITIONS OF APPROVAL

Advisory Statement is amended:

Advisory statement from MPC regarding neighborhood compatibility and MPC intent in approving 90-CP-111 RV01: In granting this permit, the Montecito Planning Commission ~~believes~~ advises future decision-makers that based on evidence in the record at this time, the operation and site development at the Music Academy have reached a maximum level able to be found consistent with the health, welfare, safety, and convenience of the neighborhood and the Montecito Planning Commission recommends that no further increase in use, density, or development be allowed.

Condition No. 1, Summary of Physical Changes, First Bullet is amended:

- Remove ~~6061~~ mature trees and plant a minimum of 203 replacement trees; four (4) oak trees are proposed to be (removed and) transplanted;

Condition No. 1, Landscaping, Second Paragraph, First Sentence is amended:

With incorporation of project conditions, ~~6061~~ trees will be removed (including one oak tree), a minimum of 203 new trees will be planted, and 4 oak trees will be transplanted elsewhere on-site.

Condition No. 1, Rehearsal/Recital Hall (Reconstruction of Abravanel Hall), Second Paragraph, Last Sentence, language is added:

The finished floor elevation of the lower lobby for both the existing and reconstructed recital hall will be at approximately the same elevation.

Condition No. 1, Summer Season Site Attendance Maximums, Second Paragraph, Last Sentence is deleted:

~~A separate seating section will be provided in the renovated Abravanel Hall with 50 removable seats for MAW student seating, only for use during the summer school program.~~

Condition No. 2, language is added:

2. Any activity, event, use, or development of the site that is not expressly allowed under this permit or expressly exempt from CDP's under the Zoning Ordinance shall be and is prohibited and that all provisions of the permit shall be strictly construed. Subsequent to occupancy clearance, modifications to the CUP (other than those that would be exempt from permits) shall be subject to MPC review and approval.

Condition No. 14, First Sentence, language is added:

14. The program shall incorporate all protection and mitigation measures identified in the Bill Spiewak reports dated January 30, 2003, September 7, 2003, April 2, 2004 and May 18, 2004.

Condition No. 14(B)(s) is added:

14. s) The contract with the construction contractor shall include specific provisions for payment of substantial penalties for failure to protect trees on-site consistent with related project conditions (sample of the included contract language shall be submitted to P&D).

Condition No. 30, First and Last Paragraphs are amended:

30. The applicant shall ~~implement~~ submit a Cut-through Traffic Reduction Program (CTRP) to minimize land use compatibility impacts associated with any increased traffic in the surrounding residential neighborhood prior to approval of CDPs for the first phase of grading. The plan shall be implemented prior to occupancy clearance (with the exception of occupying the Miraflores remodel). The plan shall be designed consistent with, but not limited to, the description in the ATE traffic study dated 9/17/03. Some of the components from the ATE study are detailed below and some additional requirements have been added. The components identified below may be modified if it is determined that such modifications would still result in an effective CTRP.

Plan Requirements and Timing: The Program shall be submitted to Public Works and P&D for review and approval prior to approval of the first CDP for grading (as kiosk and return design may affect driveway details). The plan shall be implemented prior to occupancy clearance (with the exception of occupying the Miraflores remodel). P&D shall bring the CTRP and the results of the interim CTRP to the MPC for an informational briefing and receive MPC comments on the program prior to approving the CDP for the first phase of project grading.

Condition No. 34(d) is amended:

- d) Accompanying the annual monitoring reports shall be a signed statement from the ~~Director/~~President of the Music Academy of the West stating that a copy of the CUP has been distributed to and reviewed with the Music Academy Board and staff in order to ensure compliance with conditions. the Board of the Music Academy and the staff have read the Conditional Use Permit and understand the contents of it and agree to ensure compliance with the conditions.

Condition No. 47, First Sentence is amended:

The rooms/spaces in the new practice studio/instructional/student services building complex shall be used for musical practice, instruction, auditions, and rehearsals and meetings associated with music only.

Sincerely,



Jackie Campbell
Secretary to the Montecito Planning Commission

cc: Case File: 90-CP-111RV01
Montecito Planning Commission File
Lisa Martin, Planning Technician
Address File: 1070 Fairway Road, Montecito, CA 93108
Montecito Association, P.O. Box 5278, Montecito, CA 93150
Owner: Music Academy of the West, David Kuehn, President, 1070 Fairway Road, Montecito, CA 93108
Architect: Steve Metsch, Phillips, Metsch, Sweeney, & Moore Architects, 2020 Alameda Padre Serra, Santa Barbara, CA 93103
Attorney: Peter Brown, Hatch & Parent, 21 East Carrillo Street, Santa Barbara, CA 93101
Engineer: Scott Schell, Associated Transportation Engineers, 100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110
Jana Zimmer, Zimmer & Marcus, LLP, 2640 Encinas Lane, Santa Barbara, CA 93105
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Park Department
Public Works
Environmental Health Services
APCD
Supervisor Schwartz, First District
Commissioner Bierig
Commissioner Meghreblian
Commissioner Phillips
Commissioner Thielscher
Commissioner Wells
Mary Ann Slutzky, Deputy County Counsel
Natasha Heifetz Campbell, Planner

**Attachment: Findings
CEQA Letter
Conditions of Approval**

JC:erb

G:\GROUP\Permitting\Case Files\Cp\1990s\90 cases\90cp111\90cp111RV01\Final MPC Action\06-16-04actltr.doc

000325

ATTACHMENT A

FINDINGS

1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CEQA GUIDELINES SECTIONS 15090 AND 15091:

1.1 CONSIDERATION OF THE EIR

The Final Environmental Impact Report (EIR), 03-EIR-06, was presented to the Montecito Planning Commission and all voting members of the Commission have reviewed and considered the EIR, 03-EIR-06, its appendices and the revision letters dated April 20, 2004 and June 7, 2004 prior to approving this proposal. In addition, all voting Commissioners have reviewed and considered testimony and additional information presented at or prior to public hearing[s] on December 11, 2003, April 21, 2004 and June 16, 2004. The EIR as revised by the revision letters dated April 20, 2004 and June 7, 2004, as revised by the Montecito Planning Commission on June 16, 2004, reflects the independent judgment of the Montecito Planning Commission and is adequate for this proposal.

1.2 FULL DISCLOSURE

1.2.1 The Montecito Planning Commission finds and certifies that the Final EIR as revised by the revision letters dated April 20, 2004 and June 7, 2004, as revised by the Montecito Planning Commission on June 16, 2004, constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Commission further finds and certifies the Final EIR has been completed in compliance with CEQA.

1.2.2 Most of the mitigation measures from the project EIR, 03-EIR-06, have been incorporated as conditions of approval with no changes. However as identified in the revision letters dated April 20, 2004 and June 7, 2004, as revised by the Montecito Planning Commission on June 16, 2004, the language of some measures has been changed and some measures have been eliminated. These changes fall into one or more of the following categories:

- (i.e., changes spectrum timing of CDP gradig...)*
- The changes are minor in nature and are intended to clarify the original mitigation measures;
 - The measures are no longer applicable to the current project description;
 - The modified mitigation measures are equivalent or more effective than the originally proposed language;
 - The modified mitigation measures are more feasible, while still mitigating the associated impact(s);;
 - The original language or mitigation measure is unnecessary to avoid project impacts;
 - The changes better or further ensure a reduction in project impacts.

The changes/deletions do not cause additional significant environmental impacts nor do they change the conclusions of the EIR, although it is acknowledged that the impacts associated with the temporary change in views of the site from Butterfly Lane (aesthetics/land use) would be substantially reduced, even though the level of impact would not be changed.. Further, the changes would not trigger the need to re-circulate the EIR.

EIR mitigation measures which have been modified or eliminated are indicated below (by EIR section and mitigation measure numbers or by reference to applicable mitigation measures added in the April 20, 2004 EIR Revision Letter).

Aesthetics:

3. This measure has been supplemented in the project conditions to apply special consideration (for night-lighting) to the proposed northern parking area.
- 4a. The requirement addressing tree and other vegetation maintenance is modified to also be included in landscape/arborist maintenance contracts (in addition to being identified in the landscape plan).
- 4b. The requirement for vine planting on buildings is modified to exclude reference to the no longer proposed parking structure and language is added to take into account increased views to the interior (from the north) due to proposed regular trimming of the eucalyptus windrow.
- 4c. The requirement for more screening landscaping in the north is modified to exclude reference to the no longer proposed parking structure and language is added to address parking lot screening and night-lighting visibility.
4. The overall landscape plan requirements have been strengthened to maximize screening of the site from off-site, including the timing for installation of some perimeter plantings, and to maintain historic aspects of the landscaping.
5. This measure addressing the wrought iron railing on the parking structure is eliminated as the parking structure is no longer proposed.
6. The requirement to not allow structures' heights, as described in the project description, to be increased is modified to also address the sizes of structures.
7. Graffiti measure: The condition eliminates "in conjunction with condition #3 above", as this language is not relevant. Additional language is added to the monitoring component: "If new graffiti is observed, Permit Compliance shall direct Music Academy to repaint this wall section".
8. The requirement to remove the outdoor patio dining area is eliminated as the outdoor dining area is no longer part of the project proposal.

Air Quality:

1. Timing requirement for the final grading plan is modified/clarified to prior to approval of CDPs for grading (rather than prior to land use permit approval).
2. The timing requirement for dust control measures to be shown on grading and building plans is supplemented to include prior to P&D approval of related CDPs.
3. The requirement to use the Railroad right-of-way during grading activities has been modified as indicated below to account for the UPRR process and to specify that large trucks should use this route while it is available as well.

The applicant shall secure a Right-of-Way Agreement from the Union Pacific Railroad, if UPRR will grant such access for a 90-day period and, if available, an extension at a reasonable cost. **Plan Requirements and Timing:** Prior to approval of a Coastal Development Permit for grading, the applicant shall provide P&D with a copy of the Right-of-Way Agreement for access purposes, indicating ability to utilize the railroad right-of-way to export fill offsite for a minimum 90 day period. Large truck deliveries of building supplies shall also utilize this access while it is available.

Archaeology:

1. Minor change in timing: monitoring requires P&D to check plans for inclusion of this condition prior to approval (not issuance) of CDPs for grading.

Biology:

1. Timing for the Butterfly Enhancement Plan submittal (and P&D approval) is modified to specify prior to approval of CDPs for grading.
2. Tree protection plan: the plan has been revised to incorporate the three arborist recommendation letters (Bill Spiewak letters dated 1/30/04, 4/2/04, 5/18/04) and some of the specific recommendation language in these letters
- 2Ac. This measure has been modified to prohibit construction staging areas from being located the easement area.
- 2Ad. This measure has been modified to allow installation of impervious surfaces in tree root zone areas, where roots will already be cut for project development and would be unlikely to regenerate into these areas (e.g., the northern parking lot) as determined by the arborist.
- 2Ah. Regarding tree removal associated with an additional lane for returning cut-through traffic back to Fairway: This measure is updated to reflect elimination of this lane from the approved project. The new lane is only one option to be considered by the MPC as part of future compliance hearings, in the event that the MPC were to first find that the cut-thru reduction program (CTRP) as approved is not effective.

2Bc. This measure addressing time periods appropriate for tree removal is modified to specify that if monarch butterflies do return to the site, tree removal time periods shall be revised accordingly.

2Bd. Language is added for clarification: No grading (any earthwork activities) or development shall occur within the critical root zones of protected trees*.

The added footnote reads, "Protected trees are those not specifically proposed for removal on the approved tree disposition plan."

2Bd/e. The requirements to limit grading and development and to install fencing within critical root zones are modified to allow exception to these, consistent with the MPC approved tree disposition plan.

2Br. Language has been added to require the need for arborist monitoring to specifically address the trees in proximity to the student services, instructional, and new practice studio buildings and trees near the northern parking area.

2 - **Plan Requirements:** This component of the condition has added language to specify prior to approval of CDPs for grading.

3. This measure addressing excavation work is modified to address specific situations, like excavation for the service entry, where it may be necessary to use equipment in proximity to trees. Language is also added to refer back to specific Tree Protection Plan requirements.

4. This mitigation measure is incorporated as two separate conditions of approval. The first addresses non-native, invasive plantings. The second condition requires the landscape plan to incorporate all of the various landscape related measures (designed to address aesthetics, historic resources, etc, as well as biological resources).

Fire Safety:

1. Incorporation of the rummage storage mitigation as project conditions includes additional language. This language is added to clarify that the allowances for storage pursuant to Montecito Fire Protection District concerns do not override other project conditions, which may require further limitations on rummage storage on-site (to address land use compatibility issues).

Historic Resources:

1. The Plan Requirements and Timing section has been supplemented with a requirement for a historic landscape expert to review plans, in addition to the previously required landscape architect, given the importance of the historic designed landscape in the estate's overall historic value. References to "prior to approval of CDPs" now includes specificity regarding CDPs for grading.

2. The reference to project plans has been supplemented to specify that the project plans to be reviewed include grading, landscape, building plans and any signs (e.g., commemorative plaques). In addition, language is added to require that the historical experts attend MBAR and HLAC meetings and monitor construction activities to ensure compliance with approved plans (with regard to the historic structures and landscape).
3. The timing for review and approval of a revised landscape plan now specifies prior to approval of CDPs for grading.
- 5d. The requirement to provide more sky-line eucalyptus replacement trees (to off-set proposed removal) is revised to allow either eucalyptus or other sky-line trees acceptable from a historic landscape perspective.
5. The timing component now specifies prior to approval of CDPs for grading.

EIR Land Use Mitigation Measures:

2. This measure, requiring elimination of the outdoor terrace dining area, is not included in the project conditions of approval as this project component is no longer proposed.
3. This measure, which addresses on-site storage of resale merchandise/rummage, is revised to reflect the current storage and maintenance/storage buildings (previous versions of these buildings were located elsewhere and were of different sizes). The MPC further revised this measure to eliminate restrictions on the duration of the storage of resale shop merchandise in the new storage/maintenance building and modified the language addressing May Madness rummage to allow May Madness rummage to be stored on-site without time limitation in areas specifically designated for storage on the building plans, as these components were not determined to be necessary to ensure the effectiveness of the mitigation measure in reducing land use impacts to less than significant levels.
4. This measure addresses where construction related vehicles, equipment, and supplies shall be located (on-site) and where waiting trucks shall wait on-site (outside the exit drive easement area).

The MPC included additional language allowing an exception for trucks with supplies for specific areas (e.g., new trees to be planted north of the instructional building location), to ensure feasibility of this measure. The MPC also added language requiring the contractor to control vehicle traffic through the site (as part of the CTRP) using traffic control personnel to control vehicle entry. This would reduce cut-through traffic in the neighborhood during the construction period.
5. The MPC modified the allowance for unrestricted (attendance) fundraisers to once per year, for one day, during the non-summer season as follows: "Music Academy

fundraisers on campus shall be subject to the any-given-time, daily and seasonal attendance caps. The exception to this shall be limited to one, 1-day event per year, held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).

6. This measure addresses use of indoor amplification and requirement that doors and windows be closed to reduce spill-over of noise onto adjacent properties when amplification is in use. Language was added to this measure (in the EIR Revision letter dated April 20, 2004) requiring construction design to account for closing of windows, by ensuring alternate air circulation in areas where windows may need to remain closed for extended periods, including the option of non-opening windows in areas of the building(s) where indoor amplification is expected. The MPC made no further changes to this measure.
7. This CTRP measure from the EIR is revised as a project condition of approval to exclude the requirement for a "reject vehicle" return lane (although this is still one of several options for the MPC consider and potentially require at future compliance hearings, in the event that the MPC then finds that the CTRP is not sufficiently effective). The CTRP is also revised to include more specificity for CTRP components and a requirement that the MPC review the program's effectiveness at their regular compliance hearings on the project as well as allow the MPC to modify the CTRP to improve effectiveness as part of their compliance hearings. The MPC added language to this measure to change the resale shop hours to 12-3:00 p.m. and added more specific language with regard to timing (CTRP details approved prior to CDP for first phase of grading, CTRP implemented prior to occupancy clearance). The changes would facilitate the operation and effectiveness of the CTRP in reducing vehicle trips in the neighborhood.
8. Hours of operation for the resale shops have been modified from those proposed in the original EIR mitigation. The MPC requirement for the hours to be changed from the existing 1-4:00 p.m., Monday – Saturday to 12-3:00 p.m., Monday-Saturday would better ensure neighborhood compatibility by allowing the Fairway entrance gates to be closed more often during the peak cut-through traffic period of 3:30-6:30 p.m. (thereby reducing traffic in the neighborhood). Language is also added to require MFPD review and approval of storage areas. The MPC modified the language that was added as part of the 4/20/04 EIR Revision Letter (Land Use mitigation measure #21) that would have required resale shop operations during the non-summer to be "by appointment only". Elimination of this restriction is more feasible for the operations and still enables implementation of an effective CTRP and still assists in mitigating traffic impacts to less than significant levels.
9. The mitigation requiring a compliance hearing after one year has been modified to require subsequent compliance hearings every two years for a ten year period, unless the MPC decides to modify this requirement at one of their compliance hearings (e.g., increased or decreased frequency, elimination of this requirement or continuation of this requirement beyond the identified 10 year period). Two other mitigation measures have also been combined into this condition. The MPC further

modified this measure to require the first compliance hearing one year after operation of the first phase of Master Plan operations. In addition, the MPC made the following language changes: Project conditions may be modified or new conditions added to ensure effective compliance. These changes clarify and do not alter the intent or requirements of the original language of this measure.

10. This monitoring condition has been revised to specify submittal of the methodology (for P&D approval) prior to approval of CDPs for structures. In addition, the MPC added language regarding ticket sale records from the ticketing company including the number of tickets per event for the public, students and faculty/staff, as well as a requirement that the monitoring reports be accompanied by a signed statement from the Director/President of the Music Academy stating that the Academy Board and staff have read, understand, and will ensure compliance with the CUP conditions.
11. This measure, which addresses complaints and a trigger for MPC review of compliance with CUP conditions, has been incorporated into the condition requiring regular compliance hearings.

Changes to Land Use Mitigation Measures included in the 4/20/04 EIR Revision Letter: The conditions of approval also incorporate new mitigation measures added after completion of the proposed final EIR document to further address land use impacts particularly compatibility/quality of life impacts, to the surrounding neighborhood (see EIR revision letter dated April 20, 2004). These measures include:

4/20/04 EIR Revision Letter Land Use Mitigation Measures 9 and 10: These measures required that during the summer, there shall be no more than 5 events held on Saturdays and no events held on Sundays. The measures were modified to specify no public events and a footnote was added stating that summer students and faculty practicing on-site (not performing), staff doing office or grounds work and other basic administrative activities would still be allowed.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 11: This measure established a limit on the number of picnic concerts (7) during the summer. This measure was modified to allow up to 10 picnic concerts, consistent with the historic levels and the intent of the original language, which was to maintain (not increase) historic levels.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 13: This measure required that all Music Academy events and activities begin no earlier than 9:00 am and end no later than 10:30 pm. Once an evening event has ended, guests must leave premises within 30 minutes. If 30 minutes becomes insufficient for guests to leave the premises, end times shall be moved to earlier in the evening sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 11:00. This measure has been revised as follows:

“All events and activities shall begin no earlier than 9:00 am and shall end no later than 10:00 pm seven days a week throughout the year. The exception to this shall be allowance for events on Thursdays and Fridays during the summer season, only, to end by 10:30 p.m. Once an evening event has ended, guests are expected to leave within approximately 30

minutes. If approximately 30 minutes becomes insufficient for guests to leave the premises, the MPC, as part of their compliance hearings, shall consider the requirement to move end times to earlier in the evening, sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 10:30 (11:00 for Thursday and Friday events in the summer season).”

The Plan Requirements, Timing, and Monitoring components have also been revised to include more specificity for effective compliance.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 14: This measure identifies allowances and limitations for the new dining and kitchen facilities. New language was added to specify that, “The kitchen shall not be designed as a commercial or industrial kitchen. Rather, it shall be designed for catering purposes only, with an assumption of, and requirement for, minimal food preparation on-site.”

4/20/04 EIR Revision Letter Land Use Mitigation Measure 15: This measure addresses required replacement of screening perimeter vegetation. Language has been added to this measure to require that screening shrubs (in addition to trees) be replaced if lost and that replacement plantings be with comparably sized plantings, up to 24-inch box size.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 16: This measure addressed recommended changes to the instructional building. 16a and 16b have already been accomplished in the revised project plans. The MPC modified the requirement for frosted or other window material on the north and east sides of the structure (for privacy concerns) to allow the MBAR to determine appropriate window materials or treatments prior to approval of CDPs for structures (16c).

4/20/04 EIR Revision Letter Land Use Mitigation Measure 17: This measure addressed recommended changes to the student services building. 17a has already been accomplished in the revised project plans. The MPC modified the requirement for frosted or other window material on the north and east sides of the structure (for privacy concerns) to allow the MBAR to determine appropriate window materials or treatments prior to approval of CDPs for structures (17b).

4/20/04 EIR Revision Letter Land Use Mitigation Measure 18: “Drapes or curtains shall be installed on the windows on the east and north facing sides of the proposed new instructional and student services buildings and the north side of the proposed new practice studio building in order to reduce visibility of lighting at night when the buildings are viewed from off-site. In addition, the drapes shall be installed with a timer, to automatically close during night-time hours.” The MPC modified this language to allow the type of window treatments/coverings to be determined by P&D and MBAR.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 21: Resale shops: see discussion of EIR Land Use Mitigation Measure #8 above.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 22: “Limiting use of the practice studio, hall and instructional spaces in the new practice studio, instructional building and

student services buildings to musical practice and instruction. These spaces could not be used for performances. Exceptions to this would be allowance for up to 25 public attendees (total in these buildings) to view instruction/performance to accommodate donor and Compeer program viewing of student instruction.”

The MPC modified the language of this measure as follows:

“The rooms/spaces in the new practice studio/instructional/student services building complex shall be used for musical practice, instruction, auditions, rehearsals and meetings associated with music only. Rental of these spaces to others for these same activities would also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes. **Plan Requirements and Timing:** A note identifying these restrictions shall be included on the project building plans for this structure and the applicant shall submit future activity calendars to permit compliance staff along with other monitoring data to ensure compliance with this measure.”

While public attendance will still be limited by mandatory attendance caps on activities throughout the entire campus, the revised language will provide greater flexibility for the Music Academy operations during their busy summer season. The revised language still mitigates impacts to less than significant levels

4/20/04 EIR Revision Letter Land Use Mitigation Measure 23: “The 50 removable seats in the front of Abravanel Hall shall be for the exclusive use of the summer music students. If the students wish to sit with non-students (instructors, friends, family), they shall be seated in the regular fixed seating area, but in no case shall the removable seats be used by non-students. Only those removable student seats that will be occupied at a given performance shall be set-up, as it may be confusing and awkward to try to keep audience members out of un-used front and second row seats. (Perhaps students could bring out their own chairs).”

The MPC altered the language of this measure to allow flexibility in who sits where during performances within Abravanel Hall during the summer. However, the revised language requires that only 300 of the total 350 seats (50 removable seats for summer only use and 300 fixed seats) can be sold to/used by the public, consistent with the intent of the prior language.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 25: “During the non-summer, musicians/other performers shall not be counted toward the attendance maximums if they are actually performing at a concert or other event. However, if the activity involved is really instruction or rehearsal with others observing, the performer and audience shall be counted toward the attendance maximums. The intent of this condition is to not allow extension of the summer music program, with an unlimited number of students, in the non-summer.”

The MPC added language to **clarify** that the intent of this measure is to ensure compliance with the attendance caps.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 26: "All events open to the public shall be subject to the **public** attendee caps in the project description. Therefore, the May Madness weekend fundraiser, open to the public, shall be moved off-site (e.g., to Earl Warren Show grounds)."¹ The MPC modified this measure to allow a May Madness type of event to be held **on-site**, as it would be limited to only one, one-day event per year, to be held during the **less busy** (traffic) non-summer season.

As indicated above, as part of project approval, the MPC modified or eliminated some of the above measures. The **CUP conditions**, as revised, would continue to mitigate the previously identified Class II potential land use compatibility/quality of life impacts to a less than significant level. Conditions (specifically, condition 2) also include an advisory statement that the CUP as conditioned would constitute the maximum intensity of use appropriate to avoid significant long-term neighborhood compatibility and quality of life impacts and to reduce short to mid-term impacts to the maximum extent feasible.

Noise:

2. The stationary **construction** equipment referenced "shall be located as far as possible from occupied residences and." The hanging "and" is deleted
4. The EIR measure addressing allowance for outdoor amplification limited the frequency to 4 times per year. The EIR Revision letter dated April 20, 2004 recommended that **no outdoor amplification** be allowed to address land use compatibility impacts. The MPC revised the language of these measures to allow for outdoor amplification subject to the following restrictions:
 - a) Location: the "cloistered outdoor courtyard".
 - b) Frequency: **Two** times per year.
 - c) Duration: **No more** than 2 hours per event.
 - d) Level: **Shall not be** audible outside MAW property boundaries.
 - e) Time of Day: **Beginning** no earlier than 9:00 a.m. and ending no later than 9:00 p.m.
 - f) Limited to the spoken voice.

The limited use of a hand-held microphone, to be inaudible outside the MAW property, limited to use for the spoken voice, in the cloistered courtyard, for no more than two hours, two times per year would not result in significant noise or land use compatibility/quality of life impacts, particularly because this amplified sound will be inaudible off-site.

¹ See other project conditions addressing permitted storage on-site for May Madness event.

5. This measure addressing noise complaints is incorporated into the broader condition requiring regular compliance hearings.

Public Services - Solid Waste, Sewer, Water/Drainage (Geology incorporated with Water Drainage for conditions):

Solid Waste:

1. The timing for submittal of the Solid Waste Management Plan is revised to specify “prior to approval of CDPs for grading.”
2. The timing component is revised to specify that “All applicable materials shall be recycled prior to occupancy clearance.

Water:

3. The timing component requires that the water-conserving measures be graphically depicted prior to approval of CDPs for structures.

Sewer:

2. This measure addressing coordination with MSD and the City regarding sewer lines is modified to specify the *northern parking area* (rather than the parking structure) as well as the *approved new maintenance/storage and storage buildings*. The sentence beginning with, “Structural engineering shall...” is deleted as there are no longer structures proposed in close proximity to the edge of the sewer easement.

Traffic:

1. This measure limits activity levels on-site commensurate with the ability of the on-site parking supply to accommodate project generated parking demand. The condition is revised from the EIR mitigation language to reflect the reduction in the any-given-time attendance cap and related peak parking demand. The first three paragraphs of the EIR mitigation measures are replaced with the following language: Parking demand generated by project activities shall be accommodated within the on-site parking supply (285 passenger vehicle spaces, 5 additional stacked parking spaces and two bus spaces). In addition, the condition is revised such that the requirement to provide survey data for peak attendance weeks shall not be limited to the first year of regular operations or for 10 consecutive days, but shall be done annually during periods with events associated with peak attendance (most popular day-time Masters classes, etc.) and when high attendance is expected at consecutive events to ensure there is sufficient parking on-site and that the interval between events is adequate to allow vehicles to exit spaces in time for in-coming vehicles to park.. The portion that requires a return to the MPC for consideration of parking is eliminated as this aspect of the project would be evaluated regularly by the MPC in their project compliance hearings.

2. The mitigation specifying requirements for an off-site parking lot is eliminated as all parking would now be provided on the project site.
4. Regarding the Los Patos intersection future improvements, the applicant would still be required to contribute to the improvements at this intersection. However, the language detailing timing constraints is eliminated as the impact would only occur in the cumulative setting. Because attendance and related vehicle trips for the approved project have been reduced since preparation of the EIR document, the financial contribution has also been reduced to reflect the project's reduction in the percentage of cumulative traffic that would be sent to this intersection. The City of Santa Barbara has confirmed that the revised vehicle trip estimates and percentage contribution to the intersection improvements are acceptable (Rob Dayton, City of Santa Barbara Public Works e-mail 6/14/04).
5. The requirement to contribute funding to the Hot Springs/Cabrillo Highway 101 ramps is modified, such that the need to contribute funds for this improvement is triggered with a lower (more conservative) attendance maximum of 250 public attendees, rather than the previous trigger of 370 attendees (baseline). Because attendance and related vehicle trips for the approved project have been reduced since preparation of the EIR document, the financial contribution has also been reduced to reflect the project's reduction in the percentage of total traffic that would be sent to this intersection. The City of Santa Barbara has confirmed that the revised vehicle trip estimates and percentage contribution to the intersection improvements are acceptable (Rob Dayton, City of Santa Barbara Public Works e-mail 6/14/04).
7. The reference to an off-site parking lot is eliminated as this is no longer proposed. The ability to return to the MPC to evaluate adequacy of on-site parking, etc., is described as an item for discussion at the MPCs compliance hearings on the project.
8. This measure requiring applicant funding of on-going County compliance efforts (post approval), is supplemented to require unannounced permit compliance staff attendance at events on-site. The purpose of these visits includes performing manual attendance counts for comparison with submitted attendance data. Submittal of funds is also supplemented to occur prior to approval of CDPs for each new phase of development (CDP for grading unless no grading is necessary for a specific phase being permitted).
9. This measure is incorporated into the condition of approval which addresses adequacy of parking attendants. Given the reduction in any-given time attendance, the requirement for busing/carpooling is triggered when 95, rather than 80 staff/performers are present for a maximum capacity non-summer event (as discussed in the April 20, 2004 EIR Revision letter).
10. This measure requiring adequate time between sequential events on-site has been revised to require more time between events and a higher attendance trigger for this requirement.

11. The ability to return to the MPC to evaluate parking or other traffic related issues is discussed in condition #74, which addresses parking, but is also incorporated into the broader condition requiring MPC compliance hearings on the project after one year of operation and thereafter every two years for a ten year period, unless the MPC chooses to modify, extend or eliminate this schedule at one of these compliance hearings.

1.3 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Planning Commission, Ms. Jackie Campbell of Planning and Development located at 123 E. Anapamu St., Santa Barbara, CA 93101.

1.4 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

The Final Environmental Impact Report and revision letters dated April 20, 2004 and June 7, 2004 on the Music Academy of the West Revised CUP project identify two temporary environmental impacts that cannot or may not be fully mitigated and are therefore considered unavoidable. The project has substantially lessened these impacts by the incorporation of changes or alterations into the project where feasible. reduced the impacts to a level of insignificance. To the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations included herein. The "Class I" impacts identified by the Final EIR is discussed below, along with the appropriate findings as per CEQA Section 15091:

1.4.1 Aesthetics; Land Use: The following aesthetic impact and land use impact are considered significant and unavoidable in the short to mid-term. (until proposed landscaping reaches sufficient height/size to provide screening from off-site public viewing areas particularly from the north, 10-15 years). From Butterfly Lane and its residences these impacts would be substantially lessened with regard to both the degree of impact and the duration of the impact, to primarily during construction, due to the revised project's lower elevation for the new student services building and resulting reduction in time needed for supplemental trees to reach screening heights, changes to the instructional building and associated service entry, retention of mature trees south of the exit drive previously proposed for removal, and planting of additional perimeter screening vegetation prior to initiation of Master Plan improvements. The interim aesthetic impact is associated with the change in views, and the interim land use impact is associated with the change in visual character, when the project is viewed from north of the project site (Hwy. 101 and further north) and to a lesser extent from the east². For such views, the project's appearance will change from a predominantly landscaped estate to views of major construction (and later increased structural development), with

This

Long term aesthetic impacts are class II. This impact see section

US impact is substantially lessened by retention of trees of view from Butterfly Lane. The change in views from the Butterfly Lane and its residences would be primarily during the construction period.

search for private residences north of CN Road.

000338

substantial removal of mature, screening trees, more visible night-lighting and, overall, a more institutional setting. Development and related construction activities would be most noticeable from the north and to a lesser extent and duration from the east, due to the location of proposed development. Night-lighting and any unintentional loss of eucalyptus trees in the northern windrow, from natural or project-related causes, would exacerbate this impact in the short-term as these trees are located in the Montecito Sanitary District (MSD) sewer easement and cannot be replanted due to MSD concerns regarding operation and maintenance of the district's main inflow and outflow pipelines.

The project has provided for retention of numerous mature screening trees previously proposed for removal and planting of screening shrubbery, which at maturity (and sooner as viewed from Butterfly Lane and from residences to the east) will provide substantial screening of the site from off-site. ~~Over the long-term~~ Over the long-term, it is expected that project structures and night-lighting would be substantially, but not totally, screened from off-site viewing areas by virtue of proposed new plantings and the long-term impact would be mitigated to a less than significant level. Mitigation to address these impacts would include the same mitigation identified to address Class II, potentially significant aesthetic and land use impacts that can be feasibly mitigated or avoided (discussed below). No other feasible measures are known which would further reduce the impact.

within the mid-term
to mitigate by screen land use by aesthetics

1.5 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY CONDITIONS OF APPROVAL

The Final EIR, 03-EIR-06 and the revision letters dated April 20, 2004 and June 7, 2004, identified several subject areas for which the project is considered to cause or contribute to significant, but mitigable environmental impacts. As to each impact area, the project has incorporated conditions of approval³ which will reduce the impact to a level of insignificance. Each of these impacts is discussed below along with the appropriate findings as per CEQA Section 15091:

1.5.1 Aesthetics:

Potentially significant aesthetic impacts that can be feasibly mitigated or avoided are associated with:

Extensive tree removal, which would allow new public views into the site during construction, and until screening plantings reach sufficient heights, would negatively alter public views of the site.

Substantial increase in overall development as well as new structures, which are either closer to the perimeter of the property or of much greater size, massing and scale than existing structures on-site, would change views of what appears currently as a landscaped estate to a more institutional setting.

³ Conditions identified below under mitigation are summarized. For the full language of the conditions, refer to the final CUP Conditions of Approval as modified by the MPC on June 16, 2004.

Night-lighting of new development would potentially spill onto adjacent properties and increase visibility of new development from public viewing areas. Visibility of night-lighting itself would also increase over the existing setting when viewed from off-site.

Various project components would contribute to expansion of public views of non-residential uses in the neighborhood.

Mitigation

- a. Compliance with the Tree Protection Plan (Condition 14). The following shall be added to the Tree Protection Plan to reduce aesthetic impacts:

The TPP shall emphasize the protection (and retention, where feasible) of existing trees and shrubs that are critical to screening the property from off-site public viewing areas (e.g., particularly those trees that provide screening of the site when viewed from the north). In addition, the primary goal of tree maintenance activities (trimming, pruning) shall focus on maintaining the long-term health (and retention) of the trees. However, wherever possible, the maintenance activities shall also consider the goal of maintaining maximum screening provided by tree foliage.
- b. Night-lighting and its intensity shall be minimized to the extent feasible for security and safety purposes and night-lighting should be reduced following the close of activities on-site any given day.
- c. Use and approval of earth-tone colors (i.e., colors which blend with surrounding vegetation, soils, rocks, etc.) and muted colors for structural development, walls, signs, etc., unless the MBAR and P&D (with architectural historian input) conclude that alternative colors would be more compatible with the historic estate setting for specific structures.
- d. The landscape plan and tree disposition plan shall be revised to maximize the screening ability of site vegetation and to minimize the timeframe for new landscaping to provide such screening. At a minimum, the revised landscape and tree disposition plan shall include the following (see landscape plan and tree protection plan conditions in approved CUPP).
- e. Future structures shall not exceed the heights or sizes of individual structures identified in the project description and on the project plans.
- f. The graffiti on the remaining section of the northern wall shall be removed and the wall shall be painted in a color which blends in with the surrounding landscape.

In addition to measures specifically identified to address aesthetic impacts, the land use mitigation measures that address physical changes to the site, as well as the measures addressing the tree preservation plan, landscape plan and butterfly enhancement plan would also be required to address aesthetic impacts. These measures along with, but not limited to, those identified above have been found to mitigate these impacts to less than significant levels.

1.5.2 Archaeology:

Potentially significant archaeology impacts that could be feasibly mitigated or avoided are associated with the potential for significant, unknown buried cultural remains to be encountered within the project site during grading.

Mitigation

- a. In the event that archaeological remains are encountered during grading, work shall be stopped and the applicant shall fund evaluation of the resources encountered and shall implement recommended mitigation, consistent with County Archaeological Guidelines.

This mitigation measure has been found to mitigate this impact to less than significant levels.

1.5.3 Biological Resources:

Potentially significant biological impacts that can be feasibly mitigated or avoided are associated with the project would result in the removal of approximately ~~61~~ 60 specimen trees on-site, including, but not limited to, numerous eucalyptus trees which formerly supported roosting areas for monarch butterflies and 5 coast live oaks (4 of which would be transplanted on-site). No sensitive species of wildlife, including raptors or smaller bird species, have been identified on the project site. Re-establishment of the autumnal monarch roosting habitat in the northwest corner of the site is considered speculative due to a variety of factors (refer to the biological resources section of the EIR for expanded discussion of this issue).

Mitigation

- a. Implementation of an expanded tree protection and preservation plan, including replacement of trees removed with additional native trees.
- b. Implementation of a revised Butterfly Enhancement Plan for the area east of Miraflores on the slope above Butterfly Lane with a goal of re-establishing monarch butterfly habitat in an area under the control of the applicant (the northwest corner is subject to tree removal or restricted planting due to proximity to MSD and the MSD sewer easement along the northern property line).

Mitigation measures, including, but not limited to the measures stated above, have been found to mitigate this impact to insignificant levels, except for those impacts identified in section 1.4.1 above, which are substantially lessened by these measures.

1.5.4 Fire Protection:

Potentially significant fire safety impacts that can be feasibly mitigated or avoided with possible development and implementation of the Master Plan in a manner inconsistent with Montecito Fire Protection District (MFPD) requirements for on-site access, circulation, interior and exterior fire suppression, and storage of rummage/resale store merchandise.

Mitigation

- a. The applicant shall prepare a plan acceptable to the MFPD, which specifies the acceptable quantities, types, locations and duration of stored rummage and/or resale items.
- b. Access, circulation, design, and fire suppression water shall comply with all MFPD requirements. The MFPD shall review and approve final grading and building plans prior to CDPs.

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate this impact to less than significant levels.

1.5.5 Geology

Potentially significant geologic impacts that can be feasibly mitigated or avoided are associated with ground shaking from potential earthquakes (potential structural impacts). Project implementation and long-term operation could also result in increased erosion, sedimentation and runoff of other polluted surface water, as a result of grading and construction activities as well as runoff from increased impervious surfaces on-site, including parking areas, throughout the life of the project.

Mitigation

- a. The applicant shall prepare grading, drainage and erosion control plans for review and approval by P&D and the Flood Control District.
- b. Energy dissipaters shall be installed at the northern drainage improvements that empty into a swale, which would be used as a bio-filter.
- c. Buildings shall be designed consistent with Uniform Building Code Seismic Zone 4 requirements.
- d. Implementation of bio-filtration and other methods (water quality BMPs) on-site to minimize unfiltered runoff draining from the site to the ocean via storm drains with maintenance provisions for perpetuity.

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate these impacts to less than significant levels.

1.5.6 Historic Resources: Potentially significant historic impacts that can be feasibly mitigated or avoided are associated with historic structures and the historic designed landscape due to extensive tree removal, alteration of circulation and garden pathway features, modifications to Miraflores, and alterations to views of and within the site.

Mitigation

- a. Completion of the appropriate California Department of Parks and Recreation's Forms 523 for submission to the UCSB Department of Anthropology's Central Coast

Information Center.

- b. Historic American Building Survey (HABS) documentation to show the spatial relationships between the buildings and existing landscape features.
- c. The Miraflores extension shall replicate the original construction techniques and the change must be documented and plans detailing this placed in the Music Academy archive.
- d. Working drawings, including landscape plans for the project shall be reviewed by a Santa Barbara County approved architectural historian and an expert in historic landscape design to insure compliance with mitigation measures addressing historic resources.
- e. The new student services building link to existing Miraflores shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect, the historic integrity of the property and its environment. The Final Plans should be placed on file at UCSB.
- f. The applicant shall contract with an architectural historian (with input, as necessary from an expert in historic landscape design) to ensure that project plans (grading, landscape, structural development, any signs, etc.) are appropriately revised pursuant to project conditions that address historic resources and the architectural historian (and historic landscape expert) shall attend at all MBAR, and Historical Landmark Committee meetings.
- g. The new courtyard shall include replacement trees for those removed. In addition, the alignments of the historic axial path system shall be represented by embedding original materials.
- h. The existing pathway shall be retained across the new secondary access road (near Miraflores) and the plants and shrubs shall be retained on either side of the road. The surface of this emergency access road shall be planted if acceptable to MFPD.
- i. The landscape plan shall minimize impacts to the historic designed landscape, including adverse changes to spatial relationships, views between various site features, views from off-site, and to provide offsetting enhancement of altered historic landscape features.

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate historic impacts to less than significant levels.

1.5.7 Land Use Compatibility:

Potentially significant land use compatibility impacts that can be feasibly mitigated or avoided are associated with short-term construction impacts (including the transport of excess cut and fill soil to and from the site, previously identified as a Class I impact when this was estimated to involve 9,000 cubic yards of material requiring transport versus the revised project's need to transport approximately 420 cubic yards of fill material, a 95% reduction), change in views into

Other than
those identified
as Class I
from ~~Findings~~ above

the site and site development, increased traffic and parking demand during peak traffic periods (both standard and neighborhood peak traffic hours), the proposal to allow limited outdoor amplification, the proposal for increased attendance during the eight-week summer season, the potential allowance for two, one-day fundraisers instead of one⁴, two-day fundraiser, expanded resale activity from potential increased viewing and storage of resale items on-site and resale shop hours, the proposed construction and use of a new maintenance/storage building, the potential for substantially greater use of the larger and improved facilities throughout the site if the proposed attendance limitations were not enforced, as well as potential for the larger and improved kitchen and dining facilities to become a destination separate from Music Academy events similar to the situation experienced at Glen Annie Golf course. With regard to the short-term grading period land use impact associated with transport of fill material to and from the site on neighborhood streets (if UPRR right-of-way access is unexpectedly not granted), the MPC finds that this impact is hereby reduced to a potentially significant, but mitigable level (Class II), given the reduction in fill necessitating transport, from the original estimate of 9,000 cubic yards to approximately 420 cubic yards (a 95% reduction) with the approved project. The project changes and alterations have not otherwise

Mitigation

- a. The developer shall clear the project site of all excess construction debris prior to occupancy clearance for each construction phase and shall submit a construction traffic plan to the County and City for review and approval prior to issuance of CDPs.
- b. Requirement for perimeter screening in perpetuity, including requirement for replacement plant materials (whether trees, shrubs are lost either intentionally or due to natural causes).
- c. The instructional building shall be modified to reduce views from off-site of institutional development and to address privacy and potential nuisance concerns, including relocation of the service driveway/access to the northwest corner of the building, elimination of the northeast corner of the building to reduce visibility from off-site and to preserve 13 mature trees (and screening), requirement for MBAR to approve windows on north and east sides to address neighbor privacy concerns, and requirement that all balconies on instructional building be ornamental only. (Structural revision accomplished in approved project).
- d. The student services building shall be modified to reduce views from off-site views of institutional development and privacy concerns, including elimination of the top level of the northeast corner of the student services and requirement for MBAR to approve east facing windows to address neighbor privacy concerns. (Structural revision accomplished in approved project).
- e. Windows on the east and north sides of the instructional and student services buildings shall have window coverings installed with a timer to automatically close during nighttime hours (or alternate window treatment), to reduce visibility of lighting at night.

⁴ MPC modified this conclusion by determining that there could be only one, one-day fundraiser.

- f. When practice rooms in the instructional building are used for activities likely to generate nuisance noise for neighbors (e.g., any type of amplification, brass band practice, etc.), any north or east facing windows in the room shall be closed and the air circulation system shall accommodate this requirement.
- g. The proposed storage building shall not result in any tree removal due to screening value.
- h. The Rack and Treasure House hours shall be 12:00-3:00 p.m., Monday-Saturday throughout the year to minimize periods when the entrance gates must remain open to reduce cut-through traffic trips, and facilitate CTRP.
- i. To minimize the potential for additional traffic generation and expansion of non-residential use as well as to help offset other project effects on the neighborhood, resale/retail shop sales and viewing of merchandise shall be limited to merchandise located in Treasure House and The Rack only. Excess merchandise which cannot be accommodated in Treasure House or The Rack may also be stored in the new Storage building.
- j. The rooms/spaces in the new practice studio/instructional/student services building complex shall be used for musical practice, instruction and rehearsals only. Rental of these spaces to others for these same activities would also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes.
- k. In addition to the 300 fixed seats in Abravanel Hall, during the summer season only, 50 removable seats are allowed. No more than 300 seats shall be used for the public. Ticketing shall incorporate tickets for all in attendance at an event and shall include different types of tickets for students, faculty/staff and public attendees (public is anyone who is not a student, faculty or staff). There shall be no removable seats in Abravanel Hall during the non-summer season.
- l. To ensure adequacy of on-site parking, summer music students shall access the site using buses provided to and from Cate School. The exception to this shall be transferable permits for up to ten student vehicles/day. No additional student vehicles shall be parked on neighborhood streets to evade this restriction. Walking or bicycling to the site would also be acceptable.
- m. During the non-summer, musicians/other performers shall not be counted toward the attendance maximums if they are actually performing at a concert or other event. If the activity involved is really instruction or rehearsal with others observing, the performer and observers (audience) shall be counted toward the attendance maximums. The intent of this condition is to ensure compliance with the attendance caps and to not allow extension of the summer music program, with an unlimited number of students, in the non-summer.

- n. Music Academy fundraisers on campus shall be subject to the any given time, daily and seasonal attendance caps. The exception to this shall be limited to one, 1-day event per year, held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).
- o. Consistent with historic levels (and traffic assumptions), there shall be no more than five public Saturday events during the summer⁵.
- p. Consistent with historic levels (and traffic assumptions), there shall be no public Sunday events during the summer.⁶
- q. Picnic concerts shall be limited to no more than 10 during the summer.
- r. Rentals for seminars and meetings shall continue to be limited to 175 participants (rather than the applicant proposed 330) to avoid increased activity levels associated with increased rental activities (especially non-music related), including provision of expanded food service.
- s. All Music Academy events and activities shall begin no earlier than 9:00 am and shall end no later than 10:00 pm throughout the year. The exception to this shall be allowance for events on Thursdays and Fridays during the summer season only to end by 10:30 p.m. Once an evening event has ended, guests shall leave premises within 30 minutes. If 30 minutes becomes insufficient for guests to leave the premises, end times shall be moved to earlier in the evening sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 10:30 (11:00 for Thursday and Friday events in the summer season)..
- t. The cut-through traffic reduction program (CTRP) condition has also been revised and is based on the fee payment at the exit option, with the option for return lane or other method if proposed plan is not determined to be effective.
- u. The primary use of the kitchen and dining facilities shall be to provide lunch and dinner to summer music students, faculty, and staff. The secondary use of these facilities shall be for the use of non-summer staff to heat up (microwave) and refrigerate their lunches and for use by caterer for rental activities in non-summer. Therefore, the kitchen and dining facilities shall be limited as follows:
 - a) Not available to resale shops customers.
 - b) Not open as a snack bar or restaurant for the public or for public on-site for musical instruction, other lessons, rehearsals.
 - c) Not to be used to provide food for picnic concerts, except to supply coffee cart type fare.
 - d) Not to be used as a cafeteria for food preparation, except as typical office employee lounge.

⁵ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends.

⁶ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends.

- e) Food preparation and service shall be limited to caterers (no permanent kitchen staff) and shall minimize deliveries.
 - f) Except for caterer supplies for specific meals, food stuffs shall be limited to those typical of an office employee lounge.
- g) add from windows
- v. Construction routes shall be limited to those shown on the proposed construction route plan. The applicant shall secure a Right-of-Way Agreement from the Union Pacific Railroad, if UPRR will grant such access for a 90-day period and, if available, an extension at a reasonable cost. The applicant shall provide all adjacent property owners with a construction activity schedule and construction routes 10 days in advance of construction activities.

In addition to measures specifically identified to address land use impacts, mitigation measures to address aesthetics, air quality, biological resources, historic resources, and traffic and noise would also be required to address land use impacts. Mitigation measures including, but not limited to, the measures stated above have been found to mitigate land use (land use compatibility/quality of life) impacts to less than significant levels except for those impacts identified in section 1.4.1 above, which impacts have been substantially lessened by these measures.

1.5.8 Noise:

Potentially significant noise impacts that can be feasibly mitigated or avoided are associated with from short-term construction noise, use of outdoor amplification, and potential exposure to excessive interior noise levels in new structures.

Mitigation

- a. The applicant shall minimize noise impacts during construction period by limiting hours of loud activities and minimizing noise from stationary construction equipment.
- b. All use of amplified sound on-site in indoor locations shall occur with closed windows during periods when amplification is being used. Amplified sound in outdoor locations shall be limited to the following:
 - Location: the “cloistered outdoor courtyard”.
 - Frequency: Two times per year.
 - Duration: No more than 2 hours per event.
 - Level: Shall not be audible outside MAW property boundaries.
 - Time of Day: Beginning no earlier than 9:00 a.m. and ending no later than 9:00 p.m.
 - Limited to the spoken voice.
- e. Buildings shall be designed to attenuate noise in interior areas to less than 45 dBA.

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate noise impacts to less than significant levels.

Public Services (Solid Waste, Sewer, Water)

1.5.9 Public Services - Solid Waste:

Potentially significant solid waste impacts that can be feasibly mitigated or avoided are associated with waste generation of approximately 53 tons/year. The project would contribute cumulatively to generation of increased solid waste going to area landfills.

Solid Waste Mitigation

- a. Implementation of an expanded solid waste reduction plan.

Mitigation measures including, but not limited to, the measure stated above have been found to mitigate solid waste impacts to less than significant levels.

1.5.10 Public Services - Sewer:

Potentially significant solid waste impacts that can be feasibly mitigated or avoided are associated with existence of existing sewer infrastructure associated with the location of the main MSD inflow and outflow pipelines and City of Santa Barbara (Coast Village Road serviced) inflow sewer line within a 30 foot easement within and paralleling the northern property line, with resulting potential for community wide interruption of sewer service and/or sewage spills in the event that project development impacts operation or maintenance and repair of the underlying pipelines. In addition, the location and design of proposed structures and landscaping, and past encroachment of development and grading could affect the pipelines and sewer service.

Sewer Mitigation

- a. Prior to submitting plans to P&D for review, the applicant shall receive confirmation from MSD and the City of Santa Barbara (sign-off on plans) that the proposed location and design of structures and plantings is acceptable, to avoid impacts to their respective pipelines. In addition to design specifications, this may include other measures such as in-pipeline video documentation before and following completion of construction to ensure that no unanticipated damage occurred to the pipelines as a result of construction activities. Structural engineering shall also ensure that future maintenance or repair activities on the pipelines would not impact the integrity of the new structures (e.g., such activities may involve a deep, wide trench in proximity to the edge of these structures.

Mitigation measures including, but not limited to, the measure stated above have been found to mitigate sewer impacts to less than significant levels.

1.5.11 Public Services - Water:

Potentially significant water quality impacts that can be feasibly mitigated or avoided are associated with increased impervious surfaces on-site and the potential for degraded water quality from runoff of construction related rinse water or unfiltered storm water runoff.

Water Mitigation

- a. Measures identified in the Geology section.
- b. Construction related wash-off areas shall be designated to ensure polluted waters do not runoff into storm drains and the ocean.

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate water quality impacts to less than significant levels.

1.5.12 Transportation

Potentially significant transportation impacts that can be feasibly mitigated or avoided are associated with potential parking demand, project specific impacts at the Cabrillo Boulevard/Highway interchange, and cumulative impacts at Cabrillo/Highway 101 interchange and the Cabrillo/Los Patos/Channel Cabrillo Boulevard intersection, and specific short-term construction impacts at the Los Patos/Cabrillo/Channel intersection and the Hot Springs/Cabrillo/Highway 101 ramps intersection.

Mitigation

- a. In order to ensure that project generated parking demand can be accommodated on-site, once the Master Plan is operational, the applicant shall monitor event parking during large events (300 plus attendees) to determine whether parking is indeed adequate to accommodate on-site parking for the proposed any given time maximum public attendance. Project conditions, which affect parking, may be modified based on the results of these surveys at the required compliance report hearings with the Montecito Planning Commission.
- c. Until such time as the improvements to the Cabrillo/Los Patos-Channel intersection and the Cabrillo/U.S. 101 interchange/ramps are completed, the following measure shall be implemented: The MAW shall schedule Master Classes with more than 250 students to start and end outside of the 4:00-6:00 p.m. peak commute period (such as a 4:00 P.M. start and a 6:00 P.M. end or a 1:00 start and a 2:50 end).
- d. The applicant shall contribute \$17,400.00 (the project's proportional share of a \$200,000.00 round-about, assuming the project would contribute 8.7% or 18 PHT out of 208 cumulative PHT to the intersection) to design and implement the necessary improvements at the Los Patos/Cabrillo Boulevard/Channel Drive intersection.
- e. The applicant shall contribute funds representing the project's proportional share of the approved improvement at Hot Springs/Cabrillo/Highway 101 ramps. This contribution shall only be required if the applicant no longer wishes to limit attendance to baseline levels for events that would generate vehicle trips from 4:00-6:00 pm .
- g. The applicant shall prepare and submit a construction traffic plan to the County and the City of Santa Barbara prior to approval of a CDP for grading.

- h. The MAW shall deploy an adequate number of parking attendants for the larger events on-site as well as at any off-site lot, as necessary, to ensure that identified parking is maximized (and parking on neighborhood streets is avoided or minimized).
- i. The applicant shall deposit funds to cover on-going staff review and compliance efforts.
- j. If more than 95 staff and performers are present for a maximum capacity non-summer event, staff or performers above this number shall be carpooled or bused to the Academy campus.
- k. At least 40 minutes shall be scheduled between the start and end times of larger events on-site (those involving combined consecutive event attendance of 550 or more public attendees, such as 300 at the first afternoon Master Class and 250 at the second Master Class).

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate transportation impacts to less than significant levels.

1.5.13 Quality of Life

Quality of life issues are specifically addressed in the land use section of the EIR, including, but not limited to, the effects of project related noise, traffic, and change in the visual character of the area. The land use section addresses these issues with regard to a neighbor/neighborhood perspective, rather than limiting discussion to whether related noise, traffic or aesthetic thresholds are exceeded. Mitigation to address these land use compatibility/quality of life issues are also included in the land use section of the EIR and the EIR Revision Letter dated April 20, 2004 as revised by the CEQA Revision Letter dated June 7, 2004 (and incorporated into project conditions of approval).

1.6 FINDING THAT MITIGATION OF CERTAIN IMPACTS IS WITHIN THE RESPONSIBILITY AND JURISDICTION OF ANOTHER PUBLIC AGENCY

Full mitigation of impacts to the Cabrillo/Hot Springs/Highway 101 ramps intersection and the Cabrillo/Los Patos intersection are within the responsibility and City of Santa Barbara's permitting jurisdiction. Staff has coordinated with planners at the City's Community Development and Public Works Departments in assessing mitigation strategies for these intersections. The project has been conditioned to ensure that significant project specific and cumulative impacts to these intersections do not occur and to provide appropriate payment for the project's proportionate share of ultimate intersection improvements.

1.7 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES ARE NOT FEASIBLE

The Final EIR, 03-EIR-06, prepared for the project evaluated the alternatives listed below as methods of reducing or eliminating potentially significant environmental impacts.

No Project Alternative;

No Project alternative, No Project with Off-Site Parking Lot;
Proposed Master Plan with Only Surface Parking On-site/Off-Site Parking Lot;
Residential On-Site (12 Units)/Relocation of Music Conservatory to Off-Site;
Residential On-Site (90 Units- Extend Adjacent DR-10 Zoning)/Relocation of Music Conservatory to Off-Site;
Residential On-Site (Assisted Living Facility)/Relocation of Music Conservatory to Off-Site;
Project Redesign I;
Project Redesign II Plus Relocate Large Events (300+ Attendees) Off-Site;
Other Off-Site Alternatives.

The April 20, 2004 EIR Revision Letter also evaluated 15 access alternatives.

After the first Montecito Planning Commission hearing, the applicant modified the project, and the project has been conditioned, to generally conform to many elements of the Project Redesign I and II alternatives. These modifications and alternatives include elimination of the parking structure (thereby allowing possible access to/from the Montecito Sanitary District property if this became feasible in the future;) reduction in the number of fixed seats in the recital hall to 300 total seats for the public (the allowance for an additional 50 removable seats, during the summer only, would provide seating capacity for 350 people in the summer, with no more than 300 of the total seats occupied by/sold to the public); further reductions in any one time, daily, and seasonal public attendance limitations; relocation of the maintenance and storage functions on campus; incorporation of the dining area into the student services building and reduction of its size; limitations for on-site storage of items for the Rack and Treasure House; and incorporation of cut-through traffic reduction plan improvements.

The Planning Commission finds that each alternative specified below is infeasible and less desirable than the proposed project, and therefore is rejected, for the following reasons:

- 1.7.1 No Project. This alternative would achieve none of the project objectives and would forego all of the project's benefits which are itemized in the Statement of Overriding Considerations. For these reasons, the no project alternative is rejected.
- 1.7.2 No Project Plus Off-Site Parking Lot. The applicant has withdrawn its application with the City of Santa Barbara for an off-site parking lot on Channel Drive, and its lease with the Santa Barbara Cemetery Association has been terminated; therefore, this site is no longer under the control of the applicant. As with the no project alternative, this alternative would achieve none of the project objectives and would forego all of the project's benefits which are itemized in the Statement of Overriding Considerations. The addition of the off-site parking lot to the no project alternative does not serve to reduce overall impacts below those associated with the no project alternative. Accordingly, this alternative is rejected.
- 1.7.3 Master Plan Plus Permanent Off-Site Parking Lot Across From Santa Barbara Cemetery. The applicant has withdrawn its application with the City of Santa Barbara for an off-site parking lot on Channel Drive, and its lease with the Santa Barbara Cemetery Association

has been terminated; as a result, this site is no longer under the control of the applicant, and no permanent off-site location sufficient to provide parking for the project is available to and/or under the control of the applicant. For these reasons, this alternative is rejected.

1.7.4 Residential On-Site (12 Units)/Relocation of Music Conservatory Off-Site (Residential A).

Depending on the potential site chosen, general plan and/or zoning amendments could be required to implement the alternative. Although this alternative creates the greatest reduction in environmental impacts, it is speculative that the alternative could be feasibly accomplished. No alternative site for relocation of the Conservatory activities and facilities is under the control of the applicant. Thus, the alternative would not meet the objectives of the project and would forego all of the project's benefits, which are set forth in the Statement of Overriding Considerations. For these reasons, the Planning Commission finds this alternative infeasible and less desirable than the project and rejects it.

1.7.5 Residential On-Site (90 Units)/Relocation of Music Conservatory Off-Site (Residential B)

Depending on the potential site, general plan and/or zoning amendments could be required to implement the alternative. This alternative would not produce fewer environmental impacts than the proposed project, while at the same time meeting none of the project's objectives and providing none of the project's benefits. No alternative site for relocation of the Conservatory activities and facilities is under the control of the applicant. As with alternative 1.7.4 above, accomplishment of the alternative is speculative because of the applicant's lack of control of a properly-designated property for relocation of the Conservatory activities. The Planning Commission finds that this alternative is infeasible and therefore rejects it.

1.7.6 Residential On-Site (Assisted Living Facility)/Relocation of Conservatory Uses Off-Site.

Depending on the potential site, general plan and/or zoning amendments could be required to implement the alternative. This alternative would not produce fewer environmental impacts than the proposed project, while meeting none of the project's objectives and providing none of the project's benefits. No alternative site for relocation of the Conservatory activities and facilities is under the control of the applicant. As with alternative 1.7.5 above, accomplishment of the alternative is speculative because of the applicant's lack of control of a properly-designated property for relocation of the Conservatory activities. The Planning Commission finds that this alternative is infeasible and rejects it.

1.7.7 Project Redesign I. This alternative is identified as achieving the greatest reduction in project environmental impacts in the EIR (Section 8.8 Environmentally Superior Alternative). Many of the alternative's elements have been incorporated into the approved project including:

Alteration of the parking (structure) component to allow perimeter landscaping along the north;

Circulation design which allows for the potential future option of access using Monte Cristo or MSD access;

The size and seating capacity of Abravanel Hall have been reduced (below the level identified in this alternative);

Any-given-time attendance limits have been reduced to reflect reduction in seating capacity;

The instructional building and service drive have been revised to avoid mature trees, including oaks near the former northeast corner of the building;

The outdoor patio eating area has been relocated, not to the cloistered courtyard, but away from the property perimeter; and

A CTRP incorporating kiosk personnel (although not at the actual entrance) is included in the project description and conditions;

However, several elements of this alternative are infeasible. The parking structure has been eliminated from the project, the Planning Commission having determined that such a structure would not be appropriate on the project site. Further, the Montecito Sanitary District has expressly rejected the creation of an access/egress drive on District property for use by Academy patrons. Location of dining within the cloistered patio as an outdoor activity does not provide a dedicated all-weather dining space, and would interfere with efficient operation of conservatory activities. Location of a kiosk at the site's Fairway entrance gate, and access to the Rack and Treasure House exclusively from Butterfly Lane, are not necessary for cut-through traffic reduction, and would interfere with efficient circulation within the project site. For these reasons, the Planning Commission finds that this alternative is infeasible and less desirable than the project as currently proposed and conditioned, and therefore is rejected.

1.7.8 Project Redesign (Off-Site Location for Events Involving 300 or More Attendees). As pointed out above, many of this alternative's elements, including elimination of the parking structure and modification rather than replacement of the recital hall, have been incorporated into the proposed project. The proposed project provides for seating for 330 members of the public and 50 seats during the summer only for students, faculty and staff; the alternative's limitation of total seating to 300 persons (including students, faculty and staff) would compromise the quality and efficiency of the Academy's Conservatory activities. Many activities would have to be held off-site, thereby interfering with the instructional program through time lost in transportation and weakening of the campus setting required for instructional excellence. Replacement of instructional space by maintenance and storage facilities would also impair educational activities by reducing the area available for practice and instruction. For these reasons, the Planning Commission finds that this alternative is infeasible and less desirable than the project, and therefore is rejected.

1.7.9 Other Off-Site Locations. None of the sites selected for this alternative is a feasible site for relocation of the Academy's year-round operation. Cate School is available only during the summer, and lacks adequate instructional facilities for the entire Academy program. Location of year-round Academy operations there would create greater environmental impacts than the proposed project. The St. Francis Hospital site is not configured for Conservatory instruction, would require extensive remodeling, and is already proposed for residential use in conjunction with the Cottage Hospital renovation project. The Granada building is currently the subject of a Performing Arts Center

(auditorium) proposal; the building would require extensive remodeling and is not configured appropriately to serve as a music conservatory. None of these sites is under the control of the applicant; the relocation of the Academy's operations of these sites is speculative, and would achieve neither the project's objectives nor its benefits. For these reasons, the Planning Commission finds that this alternative is infeasible and less desirable than the project, and therefore is rejected.

1.8 STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR, for the Music Academy of the West Revised Conditional Use Permit, the EIR Revision Letter dated April 20, 2004 and CEQA Revision letter dated June 7, 2004 identify project impacts to aesthetics and land use (visual change)⁷ as temporary significant environmental impacts which are considered unavoidable. The Montecito Planning Commission has determined that the present project is consistent with the Montecito Community Plan. Having balanced the benefits of the project against its potential significant and unavoidable effects, the Montecito Planning Commission hereby determines that the project's potential unavoidable impacts are acceptable in light of the project's benefits, and that approval of the project is warranted, notwithstanding that all identified impacts are not fully mitigated. (CEQA Sections 5043, 15092 and 15093). Each benefit set forth below constitutes an overriding consideration warranting approval of the project independent of the other benefits:

- 1.8.1: The project would result in a reduction in total annual attendance and related vehicle trips and reduction in total non-summer season (44-week non-summer season) vehicle trips⁸.
- 1.8.2: The project would provide expanded opportunity for the interested public to attend summer music program musical events and overall increased and improved opportunity for community access to the arts.
- 1.8.3: The project would provide expanded opportunity for access to improved musical facilities and performance venues for students and professional musicians.
- 1.8.4: The project would result in elimination of weddings on the project site, which have been the subject of complaints by neighbors.
- 1.8.5: The project would enhance the overall quality of instruction for young musicians, including those musicians attending the internationally known summer music program. This program is tuition free for participating students.
- 1.8.6: The project would result in construction of new and improved recital hall on-site, benefiting both performers and guests.
- 1.8.7 The project would create a short-term increase in construction related employment opportunities from drivers of heavy equipment to design professionals.

⁷ To the extent aesthetic/land use impacts associated with temporary change in views from Butterfly Lane and its residences would be significant, these impacts have been substantially reduced due to project revisions including reduction in height of the new student services building, changes to the instructional building, retention of numerous mature screening trees (on exit drive) previously proposed for removal, and installation of supplemental perimeter landscaping prior to initiation of Master Plan improvements

⁸ There would still be periodic peak traffic periods with greater vehicle trips throughout the year (start and end times for high attendance events), given the proposal for increased physical capacity and any given time attendance.

- 1.8.9 The project will reduce annual public attendance on the site from historically-achieved levels.
- 1.8.10 The project will enhance the historic gardens on the Music Academy property, which are regularly used by neighboring residents.
- 1.8.11 The project will implement a Cut-Through Reduction Program on the site, which will eliminate significant amounts of traffic that cuts through the Music Academy site, with the capacity to reduce traffic levels in the neighborhood.

1.9 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6. requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 CONDITIONAL USE PERMIT FINDINGS

Pursuant to Section 35-172.8, a Conditional Use Permit application shall only be approved if all of the findings below are made. Therefore Montecito Planning Commission adopts the following findings for approval of the Conditional Use Permit:

2.1.1 That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.

The 9-acre project site is adequate in size and shape to accommodate the proposed project components. The site is located within the urban area; the surrounding area contains a mix of residential, commercial, and public facilities. Required grading for the project will not impact any significant landforms, and a enhanced plantings are proposed to encourage re-use of the site by Monarch Butterflies which historically roosted on-site and along much of Butterfly Lane. Project building coverage is consistent with that of surrounding residential properties.

Incorporation and implementation of the conditions of approval, particularly those conditions addressing grading, drainage, transportation, aesthetics, and land use compatibility, would ensure that the size, shape, location and physical characteristics of the project site can accommodate the expanded music conservatory and secondary uses and development proposed.

2.1.2 That adverse environmental impacts are mitigated to the maximum extent feasible.

The EIR and revision letters prepared for the project indicate that the project would result in a temporary significant unavoidable (Class I) impacts in the areas of aesthetics/visual

resources and land use⁹ The project has substantially lessened these significant unavoidable adverse impacts by the incorporation of changes or alterations into the project, where feasible. A detailed statement of these impacts and of the project's mitigation measures is contained in the project's CEQA Findings found in § 1.0 of these Findings and incorporated herein by this reference. To the extent the remaining impacts in these issue areas are significant and unavoidable, the Montecito Planning Commission has deemed such impacts to be acceptable when weighed against the overriding benefits created by the project, as stated in the Statement of Overriding Considerations provided herein.

The EIR and revision letters further indicate that the project creates significant but mitigable impacts in a number of issue areas. These areas include aesthetics, archaeology, biological resources, fire protection, geology, historic resources, land use compatibility (including previously classified Class I impact from transport of fill on neighborhood streets if UPRR right-of-way is possible – reduced from previous 9,000 cubic yards to approximately 420 cubic yards), noise, public services, and transportation. As to each issue area, mitigation measures incorporated by the project conditions of approval will reduce the project's impact to a level of less than significance. A detailed statement of these impacts and of the project's mitigation measures is contained in the project CEQA Findings contained in § 1.0 of these findings and incorporated herein by this reference.

Conditions of approval derived from required mitigation measures in the EIR are designed to address potentially significant adverse environmental impacts. Additional conditions of approval have been added to address specific policy issues as well as to address adverse, but less than significant environmental impacts to the maximum extent feasible.

2.1.3 *That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.*

The EIR and two revision letters determined that the project's impacts on transportation can be mitigated to a level of insignificance. Project-generated traffic will not exceed County thresholds of significance for County roadways, which will continue to operate at acceptable levels of service with project-added traffic. The same conclusions are true as to area intersections; as to the Hot Springs Road/Cabrillo Boulevard/Hwy.101 intersection, conditions of approval, including but not limited to limitations on attendance during the peak hour, would ensure that area streets and highways are adequate and properly designed to accommodate any additional project traffic on the street system. Cumulative impacts on City of Santa Barbara streets can be fully mitigated by the project's payment of its proportionate share of the cost of regional improvements for affected intersections. The project complies with all relevant Montecito Community Plan transportation policies.

⁹ To the extent aesthetic/land use impacts associated with temporary change in views from Butterfly Lane and its residences would be significant, these impacts have been substantially reduced due to project revisions including reduction in height of the new student services building, changes to the instructional building, retention of numerous mature screening trees (on exit drive) previously proposed for removal, and installation of supplemental perimeter landscaping prior to initiation of Master Plan improvements.

Implementation of conditions of approval relating to traffic, parking design, access design and limiting attendance during the peak hour would ensure that the area streets and highways are adequate and properly designed to accommodate any additional project traffic on the street system.

2.1.4 *That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.*

Existing public services would adequately serve the expanded project, subject to requirements in the condition letters provided by Montecito Sanitary District and Montecito Fire Protection District.

2.1.5 *That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.*

Development pursuant to the conditional use permit will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area. The existing CUP, 90-CP-11cz, was approved in 1992 and was found to be compatible with surrounding single-family residential development at that time. Under the Music Academy's current permit, musical activities are essentially unrestricted. The proposed project imposes attendance caps on Music Academy musical activities that will substantially restrict future growth of such activities. In addition, annual attendance at the Music Academy will be reduced from historically-achieved levels under the new permit. Furthermore, implementation of the proposed Cut-Through Reduction Program can eliminate substantial numbers of cut-through trips that are presently occurring in the neighborhood and that are likely to significantly increase in the future without implementation of the Cut-Through Reduction Program. The scale and building coverage of the project is consistent with that of surrounding properties, and estate perimeter landscaping will be maintained or supplemented. Project changes including reduction in the size and height of the student services building, revisions to the instructional building and related service entry, retention of mature screening trees along the exit drive (previously proposed for removal) and planting of supplemental perimeter landscaping prior to initiation of Master Plan improvements minimize the duration of visual change of the property from off-site.

A music conservatory has been permitted as a conditionally permitted use pursuant to a number of Conditional Use Permits that have been issued for the site since 1951. The existing CUP, 90-CP-111cz, was approved in 1992 and was found to be compatible with the predominantly single family neighborhood at that time. The proposed project would increase structural development on-site to a level which could accommodate significantly greater activity levels throughout the year. However, the applicant has proposed attendance limitations which would increase activity levels only 8 weeks out of the year, during their summer season, and would decrease activity levels during the rest of the year as well as on an annual basis. The project area has historically included a number of non-residential uses besides the Music Academy. These include the Biltmore Hotel, Coral

Casino, ARCO Conference Center, Montecito Sanitary District and Santa Barbara Cemetery.

Implementation and compliance with conditions of approval that address neighborhood compatibility (conditions that address aesthetics, noise, land use, traffic and water quality as well as the project specific conditions, and the project description, including the critical attendance caps) would ensure that the project would not be detrimental to the neighborhood or be incompatible with the surrounding area. The conditions include both limitations on existing activities as well as limitations on the proposed physical development and future operations.

Advisory statement from MPC regarding neighborhood compatibility and MPC intent in approving 90-CP-111 RV01: In granting this permit, the Montecito Planning Commission advises future decision-makers that based on the evidence in the record at this time, the operation and site development at the Music Academy have reached a maximum level able to be found consistent with the health, welfare, safety, and convenience of the neighborhood and the Montecito Planning Commission recommends that no further increase in use, density, or development be allowed.

2.1.6 That the project is in conformance with the applicable provisions and policies of this Article II and the Coastal Land Use Plan.

As discussed in the issue, policy, and zoning ordinance consistency sections of the staff report and memoranda to the MPC dated November 25, 2003, March 31, 2004, April 20, 2004, and June 7, 2004 update (incorporated herein by reference), the project as conditioned would be consistent with the Coastal Land Use Plan and Article II.

2.1.7 That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.

The project is not located in a designated rural area.

2.1.8 That the project will not conflict with any easements required for public access through, or public use of the property.

There are no easements for public use or public access through the property. However, the Music Academy has historically allowed pedestrian access through heir property from the pedestrian gate at the terminus of Monte Cristo and the Music Academy does not propose to alter this access.

2.1.9 That the proposed use is not inconsistent with the intent of the zone district.

A music conservatory has been permitted as a conditionally permitted use pursuant to a number of Conditional Use Permits that have been issued for the site since 1951. The existing CUP, 90-CP-111cz, was approved in 1992 and was found to be compatible with the predominantly single family neighborhood at that time. The proposed project would

increase structural development on-site to a level which could accommodate significantly greater activity levels throughout the year. However, the applicant has proposed attendance limitations which would increase activity levels only 8 weeks out of the year, during their summer season, and would decrease activity levels during the rest of the year as well as on an annual basis. The project area has historically included a number of non-residential uses besides the Music Academy. These include the Biltmore Hotel, Coral Casino, ARCO Conference Center, Montecito Sanitary District and Santa Barbara Cemetery. Project conditions include both limitations on existing activities as well as limitations on the proposed physical development and future operations. With incorporation of project conditions addressing aesthetics, land use, air quality, geology, fire safety, noise, biological resources, historic resources, traffic, the "project-specific" conditions, and the project description condition (#1, including the critical attendance caps), the project would be consistent with the intent of the 1-E-1 zone district.

The Music Academy has operated on the project site since 1951. The property was granted a Montecito Community Plan designation of educational/institutional in 1992. The conditions of approval imposed under the CUP, including but not limited to those addressing aesthetics/ visual resources, land use compatibility, air quality, geology, fire safety, noise, biological resources, historic resources, and transportation, all project-specific conditions, and the project description, including attendance caps, protect the residential characteristics of those residential properties in the surrounding area. The maintenance and upgrading of the project's historic gardens, which are freely used by neighborhood residents, and the specific enhancements to the Music Academy's nationally- and internationally-recognized instructional program that the CUP accomplishes promote a suitable environment for family life.

G:\GROUP\Permitting\Case Files\Cp\1990s\90 cases\90cp111\90cp111RV01\Final MPC Action\MPCFinding062504.doc

TO: Montecito Planning Commission

FROM: Anne Almy, Environmental Hearing Officer
Development Review Division, Planning and Development
Contract Planner: Natasha Heifetz Campbell

DATE: June 16, 2004

RE: Montecito Planning Commission changes to the proposed final CEQA Analysis for the Music Academy of the West CUP (03-EIR-06 and EIR Revision Letter dated April 20, 2004) do not alter the environmental impacts of the project evaluated in the EIR nor would the changes require recirculation of the EIR (CEQA Guidelines §15088.5).

I. LOCATION:

The project site is generally bounded by the Union Pacific Railroad tracks on the north, Fairway Road and single family residence on the south, Butterfly Lane on the east and El Montecito Verde condominiums, a single family residence and the Montecito Sanitary District facilities on the west, commonly known as 1070 Fairway Road (also known as The Fairway), in the Montecito Planning area, First Supervisorial District.

II. BACKGROUND:

The Music Academy of the West (MAW) CUP request¹ considered at the first Montecito Planning Commission (MPC) hearing on December 11, 2003 (see staff report dated November 25, 2003) was evaluated for environmental effects pursuant to CEQA in project EIR, 03-EIR-06. 03-EIR-06 incorporated by reference the discussion of cumulative effects from the Montecito Community Plan certified Program EIR. 03-EIR-06 identified Class I impacts (significant, adverse, unavoidable) associated with temporary aesthetics/land use compatibility due to the change in views during the construction period and until screening landscaping is sufficient to offset tree loss and to provide screening of site development and development activities from off-site. Off-site views from Butterfly Lane (from the east) have been substantially reduced since preparation of the EIR as a result of reductions to the height of the student services building, changes to the instructional building and service driveway, retention of mature trees (previously proposed for removal) along the exit drive and planting of supplemental screening vegetation prior to initiation of Master Plan improvements. As a result of these revisions, impacts of short- to mid-term views of the project from off-site viewing areas to the east have been substantially reduced, although the level of temporary impact would remain the same (Class I).”The EIR also identifies Class II impacts (potentially significant, adverse impacts that can be mitigated to less than significant levels) to Aesthetics, Archaeology, Biology, Fire Protection, Geology, Historic Resources, Noise, Land Use, Public Facilities and Traffic. An EIR Revision letter dated April 20, 2004 was prepared to reflect a number of changes to the project description

¹ This revised CUP request is also referred to by the Music Academy as the “Master Plan” and the “Renaissance Plan.”

subsequent to the December 2003 MPC hearing. That letter includes several attachments: 1) a memorandum to the MPC dated 12/10/03 (EIR clarifications), 2) figures showing Alternative Access Options A-O, and reduced project plans as proposed in March 2004. Based on the reduction in quantities of fill soil requiring transport to and from the site from approximately 9,000 cubic yards to approximately 420 cubic yards, a 95% reduction, the MPC has re-classified this impact as a Class II rather than a Class I impact.

III. MPC CHANGES TO MITIGATION MEASURES

Most of the mitigation measures identified in 03-EIR-06 and the April 20, 2004 EIR Revision letter have been incorporated into the project conditions of approval. Mitigation measures which have been modified or eliminated are identified below. The changes are appropriate for one or more of the following reasons:

- The changes are minor in nature and are intended to clarify the original mitigation measures;
- The measures are no longer applicable to the current project description;
- The modified mitigation measures are equivalent or more effective than the originally proposed language;
- The modified mitigation measures are more feasible, while still mitigating the associated impact(s);
- The original language or mitigation measure is unnecessary to avoid project impacts;
- The changes better or further ensure a reduction in project impacts.

The changes to the mitigation measures, which have been incorporated into the proposed project conditions (proposed for and modified by the MPC at the June 16, 2004 MPC hearing) would not alter the level of project impacts identified in the EIR nor would these changes create additional significant environmental impacts. Further, the changes would not trigger the need to recirculate the EIR.

CEQA mitigation measures which have been modified or eliminated are indicated below (by EIR section and mitigation measure numbers or by reference to applicable mitigation measures added in the April 20, 2004 EIR Revision Letter).

EIR Aesthetics Mitigation Measures:

3. This measure has been supplemented in the project conditions to apply special consideration (for night-lighting) to the proposed northern parking area.
- 4a. The requirement addressing tree and other vegetation maintenance is modified to also be included in landscape/arborist maintenance contracts (in addition to being identified in the landscape plan).
- 4b. The requirement for vine planting on buildings is modified to exclude reference to the no longer proposed parking structure and language is added to take into account

increased views to the interior (from the north) due to proposed regular trimming of the eucalyptus windrow.

- 4c. The requirement for more screening landscaping in the north is modified to exclude reference to the no longer proposed parking structure and language is added to address parking lot screening and night-lighting visibility.
4. The overall landscape plan requirements have been strengthened to maximize screening of the site from off-site, including the timing for installation of some perimeter plantings, and to maintain historic aspects of the landscaping.
5. This measure addressing the wrought iron railing on the parking structure is eliminated as the parking structure is no longer proposed.
6. The requirement to not allow structures' heights, as described in the project description, to be increased is modified to also address the sizes of structures.
7. Graffiti measure: The condition eliminates "in conjunction with condition #3 above", as this language is not relevant. Additional language is added to the monitoring component: "If new graffiti is observed, Permit Compliance shall direct Music Academy to repaint this wall section".
8. The requirement to remove the outdoor patio dining area is eliminated as the outdoor dining area is no longer part of the project proposal.

Project revisions include reduction in height of the new student services building, changes to the instructional building, retention of numerous mature screening trees (on exit drive) previously proposed for removal, and installation of supplemental perimeter landscaping prior to initiation of Master Plan improvements. As a result of these revisions, impacts of short- to mid-term views of the project from off-site viewing areas including Butterfly Lane and its residences and the duration of these impacts have been substantially lessened, although the level of impacts remains the same.

EIR Air Quality Mitigation Measures:

1. Timing requirement for the final grading plan is modified/clarified to prior to approval of CDPs for grading (rather than prior to land use permit approval).
2. The timing requirement for dust control measures to be shown on grading and building plans is supplemented to include prior to P&D approval of related CDPs.
3. The requirement to use the Railroad right-of-way during grading activities has been modified as indicated below to account for the UPRR process and to specify that large trucks should use this route while it is available as well.

The applicant shall secure a Right-of-Way Agreement from the Union Pacific Railroad, if UPRR will grant such access for a 90-day period and, if available, an extension at a reasonable cost. **Plan Requirements and Timing:** Prior to approval of a Coastal Development Permit for grading, the applicant shall provide P&D with a copy of the Right-of-Way Agreement for access purposes, indicating ability to utilize the railroad right-of-way to export fill offsite for a minimum 90 day period. Large truck deliveries of building supplies shall also utilize this access while it is available.

EIR Archaeology Mitigation Measures:

1. Minor change in timing: monitoring requires P&D to check plans for inclusion of this condition prior to approval (not issuance) of CDPs for grading.

EIR Biology Mitigation Measures:

1. Timing for the Butterfly Enhancement Plan submittal (and P&D approval) is modified to specify prior to approval of CDPs for grading.
2. Tree protection plan: the plan has been revised to incorporate the three arborist recommendation letters (Bill Spiewak letters dated 1/30/04, 4/2/04, and 5/18/04) and some of the specific recommendation language in these letters.
 - 2Ac. This measure has been modified to prohibit construction staging areas from being located the easement area.
 - 2Ad. This measure has been modified to allow installation of impervious surfaces in tree root zone areas, where roots will already be cut for project development and would be unlikely to regenerate into these areas (e.g., the northern parking lot) as determined by the arborist.
 - 2Ah. Regarding tree removal associated with an additional lane for returning cut-through traffic back to Fairway: this measure is updated to reflect elimination of this lane from the approved project. The new lane is only one option to be considered by the MPC as part of future compliance hearings, in the event that the MPC were to first find that the cut-thru reduction program (CTRP) as approved is not effective.
 - 2Bc. This measure addressing time periods appropriate for tree removal is modified to specify that if monarch butterflies do return to the site, tree removal time periods shall be revised accordingly.
 - 2Bd. Language is added for clarification: No grading (any earthwork activities) or development shall occur within the critical root zones of protected trees.*
The added footnote reads, "Protected trees are those not specifically proposed for removal on the approved tree disposition plan."

- 2Bd/e. The requirements to limit grading and development and to install fencing within critical root zones are modified to allow exception to these, consistent with the MPC approved tree disposition plan.
- 2Br. Language has been added to require the need for arborist monitoring to specifically address the trees in proximity to the student services, instructional and new practice studio buildings and trees near the northern parking area.
- 2 - **Plan Requirements:** This component of the condition has added language to specify prior to approval of CDPs for grading.
3. This measure addressing excavation work is modified to address specific situations, like excavation for the service entry, where it may be necessary to use equipment in proximity to trees. Language is also added to refer back to specific Tree Protection Plan requirements.
4. This mitigation measure is incorporated as two separate conditions of approval. The first addresses non-native, invasive plantings. The second condition requires the landscape plan to incorporate all of the various landscape related measures (designed to address aesthetics, historic resources, etc, as well as biological resources).

EIR Fire Safety Mitigation Measures:

1. Incorporation of the rummage storage mitigation as project conditions includes additional language. This language is added to clarify that the allowances for storage pursuant to Montecito Fire Protection District concerns do not override other project conditions, which require further limitations on rummage storage on-site (to address land use compatibility issues).

EIR Historic Resources Mitigation Measures:

1. The Plan Requirements and Timing section has been supplemented with a requirement for a historic landscape expert to review plans, in addition to the previously required landscape architect, given the importance of the historic designed landscape in the estate's overall historic value. References to "prior to approval of CDPs" now includes specificity regarding CDPs for grading.
2. The reference to project plans has been supplemented to specify that the project plans to be reviewed include grading, landscape, building plans and any signs (e.g., commemorative plaques). In addition, language is added to require that the historical experts attend MBAR and HLAC meetings and monitor construction activities to ensure compliance with approved plans (with regard to the historic structures and landscape).

3. The timing for review and approval of a revised landscape plan now specifies prior to approval of CDPs for grading.
- 5d. The requirement to provide more sky-line eucalyptus replacement trees (to off-set proposed removal) is revised to allow either eucalyptus or other sky-line trees acceptable from a historic landscape perspective.
5. Timing component: the timing now specifies prior to approval of CDPs for grading.

EIR Land Use Mitigation Measures:

2. This measure, requiring elimination of the outdoor terrace dining area, is not included in the project conditions of approval as this project component is no longer proposed.
3. This measure, which addresses on-site storage of resale merchandise/rummage, is revised to reflect the current storage and maintenance/storage buildings (previous versions of these buildings were located elsewhere and were of different sizes). The MPC further revised this measure to eliminate restrictions on the duration of the storage of resale shop merchandise in the new storage/maintenance building and modified the language addressing May Madness rummage to allow May Madness rummage to be stored on-site without time limitation in areas specifically designated for storage on the building plans, as these components were not determined necessary to ensure the effectiveness of the mitigation measure in reducing land use impacts to less than significant levels.
4. This measure addresses where construction related vehicles, equipment, and supplies shall be located (on-site) and where waiting trucks shall wait on-site (outside the exit drive easement area).

The MPC included additional language allowing an exception for trucks with supplies for specific areas (e.g., new trees to be planted north of the instructional building location), to ensure feasibility of this measure. The MPC also added language requiring the contractor to control vehicle traffic through the site (as part of the CTRP) using traffic control personnel to control vehicle entry. This would reduce cut-through traffic in the neighborhood during the construction period.
5. The MPC modified the allowance for unrestricted (attendance) fundraisers to once per year, for one day, during the non-summer season as follows:
“Music Academy fundraisers on campus shall be subject to the any given time, daily and seasonal attendance caps. The exception to this shall be limited to one, 1-day event per year, held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).”
6. This measure addresses use of indoor amplification and requirement that doors and windows be closed to reduce spill-over of noise onto adjacent properties when amplification is in use. Language was added to this measure (in the EIR Revision

letter dated April 20, 2004) requiring construction design to account for closing of windows, by ensuring alternate air circulation in areas where windows may need to remain closed for extended periods, including the option of non-opening windows in areas of the building(s) where indoor amplification is expected. The MPC made no further changes to this measure.

7. This CTRP measure from the EIR is revised as a project condition of approval to exclude the requirement for a “reject vehicle” return lane (although this is still one of several options for the MPC to consider and potentially require at future compliance hearings, in the event that the MPC then finds that the CTRP is not sufficiently effective). The CTRP is also revised to include more specificity for CTRP components and a requirement that the MPC review the program’s effectiveness at their regular compliance hearings on the project as well as allow the MPC to modify the CTRP to improve effectiveness as part of their compliance hearings. The MPC added language to this measure to change the resale shop hours to 12-3:00 p.m. and added more specific language with regard to timing (CTRP details approved prior to CDP for first phase of grading, CTRP implemented prior to occupancy clearance). The changes would facilitate the operation and effectiveness of the CTRP in reducing vehicle trips in the neighborhood.

8. Hours of operation for the resale shops have been modified from those proposed in the original EIR mitigation. The MPC requirement for the hours to be changed from the existing 1-4:00 p.m., Monday – Saturday to 12-3:00 p.m., Monday – Saturday, would better ensure neighborhood compatibility by allowing the Fairway entrance gates to be closed more often during the peak cut-through traffic period of 3:30-6:30 p.m. (thereby reducing traffic in the neighborhood). Language is also added to require MFPD review and approval of storage areas. The MPC modified the language that was added as part of the 4/20/04 EIR Revision Letter (Land Use mitigation measure #21) that would have required resale shop operations during the non-summer to be “by appointment only”. Elimination of this restriction is more feasible for the applicant, and still allows implementation of an effective CTRP.
9. The mitigation requiring a compliance hearing after one year has been modified to require subsequent compliance hearings every two years for a ten year period, unless the MPC decides to modify this requirement at one of their compliance hearings (e.g., increased or decreased frequency, elimination of this requirement or continuation of this requirement beyond the identified 10 year period). Two other mitigation measures have also been combined into this condition. The MPC further modified this measure to require the first compliance hearing one year after operation of the first phase of Master Plan operations. In addition, the MPC made the following language changes: Project conditions may be modified or new conditions added to ensure effective compliance. These changes clarify and do not alter the intent or requirements of the original language of this measure.
10. This monitoring condition has been revised to specify submittal of the methodology (for P&D approval) prior to approval of CDPs for structures. In addition, the MPC added language regarding ticket sale records from the ticketing company including the number of tickets per event for the public, students and faculty/staff, as well as a requirement that the monitoring reports be accompanied by a signed statement from the Director/President of the Music Academy stating that the Academy Board and staff have read, understand, and will ensure compliance with the CUP conditions.
11. This measure, which addresses complaints and a trigger for MPC review of compliance with CUP conditions, has been incorporated into the condition requiring regular compliance hearings.

Changes to Land Use Mitigation Measures included in the 4/20/04 EIR Revision Letter: The conditions of approval also incorporate new mitigation measures added after completion of the proposed final EIR document to further address land use impacts particularly compatibility/quality of life impacts, to the surrounding neighborhood (see EIR revision letter dated April 20, 2004). These measures include:

4/20/04 EIR Revision Letter Land Use Mitigation Measures 9 and 10: These measures required that during the summer, there shall be no more than 5 events held on Saturdays and no events held on Sundays. The measures were modified to specify no public events and a footnote was added stating that summer students and faculty practicing on-site (not

performing), staff doing office or grounds work and other basic administrative activities would still be allowed.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 11: This measure established a limit on the number of picnic concerts (7) during the summer. This measure was modified to allow up to 10 picnic concerts, consistent with the historic levels and the intent of the original language, which was to maintain (not increase) historic levels.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 13: This measure required that all Music Academy events and activities begin no earlier than 9:00 am and end no later than 10:30 pm. Once an evening event has ended, guests must leave premises within 30 minutes. If 30 minutes becomes insufficient for guests to leave the premises, end times shall be moved to earlier in the evening sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 11:00. This measure has been revised as follows:

“All events and activities shall begin no earlier than 9:00 am and shall end no later than 10:00 pm throughout the year. The exception to this shall be allowance for events on Thursdays and Fridays during the summer season, only, to end by 10:30 p.m. Once an evening event has ended, guests are expected to leave within approximately 30 minutes. If approximately 30 minutes becomes insufficient for guests to leave the premises, the MPC, as part of their compliance hearings, shall consider the requirement to move end times to earlier in the evening, sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 10:30 (11:00 for Thursday and Friday events in the summer season).”

The Plan Requirements, Timing, and Monitoring components have also been revised to include more specificity for effective compliance.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 14: This measure identifies allowances and limitations for the new dining and kitchen facilities. New language was added to specify that, “The kitchen shall not be designed as a commercial or industrial kitchen. Rather, it shall be designed for catering purposes only, with an assumption of, and requirement for, minimal food preparation on-site.”

4/20/04 EIR Revision Letter Land Use Mitigation Measure 15: This measure addresses required replacement of screening perimeter vegetation. Language has been added to this measure to require that screening shrubs (in addition to trees) be replaced if lost and that replacement plantings be with comparably sized plantings, up to 24-inch box size.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 16: This measure addressed recommended changes to the instructional building. The changes in 16a and 16b have already been accomplished in the revised project plans. The MPC modified the requirement for frosted or other window material on the north and east sides of the structure (for privacy

concerns) to allow the MBAR to determine appropriate window materials or treatments prior to approval of CDPs for structures (16c).

4/20/04 EIR Revision Letter Land Use Mitigation Measure 17: This measure addressed recommended changes to the student services building. 17a has already been accomplished in the revised project plans. The MPC modified the requirement for frosted or other window material on the north and east sides of the structure (for privacy concerns) to allow the MBAR to determine appropriate window materials or treatments prior to approval of CDPs for structures (17b).

4/20/04 EIR Revision Letter Land Use Mitigation Measure 18: “Drapes or curtains shall be installed on the windows on the east and north facing sides of the proposed new instructional and student services buildings and the north side of the proposed new practice studio building in order to reduce visibility of lighting at night when the buildings are viewed from off-site. In addition, the drapes shall be installed with a timer, to automatically close during night-time hours.” The MPC modified this language to allow the type of window treatments/coverings to be determined by P&D and MBAR.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 21: Resale shops - see discussion of EIR Land Use Mitigation Measure #8 above for changes.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 22: This measure limited use of the practice studio, hall and instructional spaces in the new practice studio, instructional building and student services buildings to musical practice and instruction. These spaces could not be used for performances. An exception was identified allowing up to 25 public attendees (total in these buildings) to view instruction/performance to accommodate donor and Compeer program viewing of student instruction.

The MPC modified the language of this measure as follows:

“The rooms/spaces in the new practice studio/instructional/student services building complex shall be used for musical practice, instruction, auditions, rehearsals and meetings associated with music only. Rental of these spaces to others for these same activities would also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes. **Plan Requirements and Timing:** A note identifying these restrictions shall be included on the project building plans for this structure and the applicant shall submit future activity calendars to permit compliance staff along with other monitoring data to ensure compliance with this measure.”

While public attendance will still be limited by mandatory attendance caps on activities throughout the entire campus, the revised language will provide greater flexibility for the Music Academy operations during their busy summer season.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 23: “The 50 removable seats in the front of Abravanel Hall shall be for the exclusive use of the summer music students. If the students wish to sit with non-students (instructors, friends, family), they shall be seated in the regular fixed seating area, but in no case shall the removable seats be used by non-students. Only those removable student seats that will be occupied at a given performance shall be set-up, as it may be confusing and awkward to try to keep audience members out of un-used front and second row seats. (Perhaps students could bring out their own chairs).”

The MPC altered the language of this measure to allow flexibility with regard to who (students, faculty, staff, public) sits where during performances within Abravanel Hall during the summer. However, the revised language requires that only 300 of the total 350 seats (50 removable seats for summer only use and 300 fixed seats) can be sold to/used by the public, consistent with the intent of the prior language.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 25: “During the non-summer, musicians/other performers shall not be counted toward the attendance maximums if they are actually performing at a concert or other event. However, if the activity involved is really instruction or rehearsal with others observing, the performer and audience shall be counted toward the attendance maximums. The intent of this condition is to not allow extension of the summer music program, with an unlimited number of students, in the non-summer.”

The MPC added language to clarify that the intent of this measure is to ensure compliance with the attendance caps.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 26: “All events open to the public shall be subject to the public attendee caps in the project description. Therefore, the May Madness weekend fundraiser, open to the public, shall be moved off-site (e.g., to Earl Warren Show grounds)².” The MPC modified this measure to allow one, one-day, May Madness type of event to be held on-site, as it would be limited to a single, one-day event per year, to be held during the less busy (traffic) non-summer season.

As indicated above, the MPC modified or eliminated some of the mitigation measures from the original EIR and from the April 20, 2004 EIR revision letter. The CUP conditions, as revised, would continue to mitigate the previously identified Class II potential land use compatibility/quality of life impacts to a less than significant level.³ The MPC has stated that the CUP, as conditioned, would

² See other project conditions addressing permitted storage on-site for May Madness event.

³ The exceptions to this are the temporary Class I impacts identified in the EIR during the construction period and until supplemental landscaping reaches sufficient heights to screen site development from off-site views, particularly north of the site (e.g. Highway 101, Coast Village Road areas). Views from Butterfly Lane and its residences would be impacted primarily during the construction period only, due to project revisions to the

constitute the maximum intensity of use appropriate to avoid significant long-term neighborhood compatibility and quality of life impacts. Project revisions include reduction in height of the new student services building, changes to the instructional building, retention of numerous mature screening trees (on exit drive) previously proposed for removal, and installation of supplemental perimeter landscaping prior to initiation of Master Plan improvements. As a result of these revisions, impacts of short- to mid-term views of the project from off-site viewing areas including Butterfly Lane and its residences and the duration of these impacts have been substantially lessened, although the level of impacts remains the same.

Noise:

2. The stationary construction equipment referenced “shall be located as far as possible from occupied residences and.” The hanging “and” is deleted.
4. The EIR measure addressing allowance for outdoor amplification limited the frequency to 4 times per year. The EIR Revision letter dated April 20, 2004 recommended that no outdoor amplification be allowed to address land use compatibility impacts. The MPC revised the language of these measures to allow for outdoor amplification subject to the following restrictions:
 - a) Location: the “cloistered outdoor courtyard”.
 - b) Frequency: Two times per year.
 - c) Duration: No more than 2 hours per event.
 - d) Level: Shall not be audible outside MAW property boundaries.
 - e) Time of Day: Beginning no earlier than 9:00 a.m. and ending no later than 9:00 p.m.
 - f) Limited to the spoken voice.

The limited use of a hand-held microphone, to be inaudible outside the MAW property, limited to use for the spoken voice, in the cloistered courtyard, for no more than two hours, two times per year would not result in significant noise or land use compatibility/quality of life impacts, particularly because this amplified sound will be inaudible off-site.

5. This measure addressing noise complaints is incorporated into the broader condition requiring regular compliance hearings.

student services building (second story portion), revisions to the instructional building layout and associated service entry, retention of numerous mature screening trees previously proposed for removal along the exit drive and planting of supplemental perimeter screening vegetation prior to initiation of Master Plan improvements.

Public Services - Solid Waste, Sewer, Water/Drainage (Geology incorporated with Water Drainage for conditions):

Solid Waste:

1. The timing for submittal of the Solid Waste Management Plan is revised to specify “prior to approval of CDPs for grading.”
2. The timing component is revised to specify that “All applicable materials shall be recycled prior to occupancy clearance.

Water:

3. The timing component requires that the water-conserving measures be graphically depicted prior to approval of CDPs for structures.

Sewer:

2. This measure addressing coordination with MSD and the City regarding sewer lines is modified to specify the *northern parking area* (rather than the parking structure) as well as the *approved new maintenance/storage and storage buildings*. The sentence beginning with, “Structural engineering shall...” is deleted as there are no longer structures proposed in close proximity to the edge of the sewer easement.

Traffic:

1. This measure limits activity levels on-site commensurate with the ability of the on-site parking supply to accommodate project generated parking demand. The condition is revised from the EIR mitigation language to reflect the reduction in the any-given-time attendance cap and related peak parking demand. The first three paragraphs of the EIR mitigation measures are replaced with the following language: Project generated parking demand shall be accommodated by on-site parking (285 passenger vehicle spaces, 5 additional stacked parking spaces and two bus spaces). To facilitate on-site parking and avoid project generated parking demand on neighborhood streets, the MAW shall:

In addition, the condition is revised such that the requirement to provide survey data for peak attendance weeks shall not be limited to the first year of regular operations or for 10 consecutive days, but shall be done annually during periods with events associated with peak attendance (most popular day-time Masters classes, etc.) and when high attendance is expected at consecutive events to ensure there is sufficient parking on-site and that the interval between events is adequate to allow vehicles to exit spaces in time for in-coming vehicles to park. The component that requires a return to the MPC for consideration of parking is modified to specify that adequacy

of on-site parking will be one of the items to be evaluated by the MPC at their regular compliance hearings.

2. The mitigation specifying requirements for an off-site parking lot is eliminated as all parking would now be provided on the project site.
4. Regarding the Los Patos intersection future improvements, the applicant would still be required to contribute to the improvements at this intersection. However, the language detailing timing constraints is eliminated as the impact would only occur in the cumulative setting. Because attendance and related vehicle trips for the approved project have been reduced since preparation of the EIR document, the financial contribution has also been reduced to reflect the project's reduction in the percentage of total traffic that would be sent to this intersection. The City of Santa Barbara has confirmed that the revised vehicle trip estimates and percentage contribution to the intersection improvements are acceptable (Rob Dayton, City of Santa Barbara Public Works e-mail 6/14/04).
5. The construction traffic plan is modified as indicated below:
 - b. Identify the truck routes, which minimize effects on pedestrians and bicyclists and nuisance to neighbors. This shall include use of the UPRR right of way as/if permitted by UPRR for a 90-day period and, if available, an extension at a reasonable cost;
 - e. During the construction period, a gate control program shall be implemented to eliminate cut-through traffic.
6. The requirement to contribute funding to the Hot Springs/Cabrillo Highway 101 ramps is modified, such that the need to contribute funds for this improvement is triggered with a lower (more conservative) attendance maximum of 250 public attendees, rather than the previous trigger of 370 attendees (baseline). Because attendance and related vehicle trips for the approved project have been reduced since preparation of the EIR document, the financial contribution has also been reduced to reflect the project's reduction in the percentage of total traffic that would be sent to this intersection. The City of Santa Barbara has confirmed that the revised vehicle trip estimates and percentage contribution to the intersection improvements are acceptable (Rob Dayton, City of Santa Barbara Public Works e-mail 6/14/04).
7. The reference to an off-site parking lot is eliminated as this is no longer proposed. The ability to return to the MPC to evaluate adequacy of on-site parking, etc., is described as an item for discussion at the MPC compliance hearings on the project.
8. This measure requiring applicant funding of on-going County compliance efforts (post approval), is supplemented to require unannounced permit compliance staff attendance at events on-site. The purpose of these visits includes performing manual attendance counts for comparison with submitted attendance data. Submittal of funds is also supplemented to occur prior to approval of CDPs for each new phase of

development (CDP for grading unless no grading is necessary for a specific phase being permitted).

9. This measure is incorporated into the condition of approval which addresses adequacy of parking attendants.
10. This measure requiring adequate time between sequential events on-site has been revised to require more time between events and a higher attendance trigger for this requirement.
11. The ability to return to the MPC to evaluate parking or other traffic related issues is discussed in condition #74, which addresses parking, but is also incorporated into the broader condition requiring MPC compliance hearings on the project after one year of operation and thereafter every two years for a ten year period, unless the MPC chooses to modify, extend or eliminate this schedule at one of these compliance hearings.

IV. FINDINGS:

The finding from the EIR Revision letter dated April 20, 2004 is hereby revised as follows: It is the finding of the Planning and Development Department that based on revisions to the project, temporary impacts associated with views from Butterfly Lane and its residences (Aesthetics) and with the visual character/land use compatibility of the project with reference to Butterfly Lane and its residences (Land Use) have been substantially lessened, although the level of impact would remain Class I. Further, due to the 95% reduction in the amount of excess cut and fill material necessary to transport to and from the site, the previously identified Class I impact has been reduced to Class II. The MPC changes do not otherwise result in a change in the levels of impact identified in the existing CEQA analysis and that the previous environmental documents (03-EIR-06 and EIR Revision Letter dated April 20, 2004) as herein revised may be used to fulfill the environmental review requirements of the current project. The information contained herein does not require recirculation pursuant to CEQA Guidelines §15088.5.

G:\GROUP\Permitting\Case Files\Cp\1990s\90 cases\90cp111\90cp111RV01\Final MPC Action\MPCFinalCEQARevisionletter062504.doc

000375

ATTACHMENT D

Date: June 16, 2004

PRELIMINARY DRAFT
SANTA BARBARA COUNTY CONDITIONAL USE PERMIT
ARTICLE III, CHAPTER 35
CASE NO. 90-CP-111 RV01

I. A Conditional Use Permit is Hereby Granted:

TO: The Music Academy of the West

APN: 9-282-029, -030

PROJECT ADDRESS: 1070 Fairway Rd

ZONE: 1-E-1

AREA: Montecito

SUPERVISORIAL DISTRICT: First

FOR: Music Conservatory

Advisory statement from the Montecito Planning Commission with regard to neighborhood compatibility and its intent in approving 90-CP-111 RV01: In granting this permit, the Montecito Planning Commission advises future decision-makers that based on the evidence in the record at this time, the operation and site development at the Music Academy have reached a maximum level able to be found consistent with the health, welfare, safety, and convenience of the neighborhood and the Montecito Planning Commission recommends that no further increase in use, density, or development be allowed.

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

1. This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-L, with Planning Commission hearing stamp date of June 16, 2004 (plans dated May 2004 except plan PL-2 dated 1/30/04), and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The Music Academy of the West (MAW) Revised CUP, 90-CP-111 RV01, (also referred to as the MAW "Master Plan" or "Renaissance Plan") includes both physical and operational components. A summary of these components is listed immediately below, with specific details described later in this section. This CUP (90-CP-111 RV) represents a revision to the previous Music Academy of the West CUP (90-CP-111cz) and supersedes the prior CUP.

Summary of Physical Changes:

- Remove 61 mature trees and plant a minimum of 203 replacement trees; four (4) oak trees are proposed to be (removed and) transplanted;
- Modify existing landscape components including the entrance allee, garden pathways and courtyards;
- Earthwork necessary to accommodate new structures, circulation and parking. Earthwork would involve 11,089 cubic yards cut, 64910,670 cubic yards fill. Approximately 419 cubic yards of excess fill would need to be exported off of the site;
- Construct a secondary (emergency only) access from Fairway to the motor court in front of Miraflores;
- Widen, regrade and otherwise modify internal access roads and parking areas¹;
- Alter campus-wide development with a net increase of 50,630 square feet of structural development and a net increase in overall building footprints of 15,900 square feet;
- Provide 290 surface parking spaces;
- Add 2,790 SF through reconstruction of Abravanel Hall (the primary recital hall). Abravanel Hall will have a total of 300 fixed seats plus 50 temporary seats in the summer season only. No more than 300 of the total 350 seats shall be sold to/used by the public (defined as anyone not a student, faculty or staff);
- Demolish Harger Studio and storage building north of Harger Studio and Wood 1 as well as Wood 2 Practice Studios (including the employee apartment);
- Construct a new Instructional Building in the general location of existing Wood 2 practice studio building and not extending north of existing Wood 2;
- Construct a new Practice Studio Building including a residential unit between Abravanel Hall and the new Instructional Building in the general location of existing Wood 1;
- Construct a new Student Services Building that would link Miraflores (the historic main residence) and the new Instructional Building;
- Construct a new maintenance & storage building in the northwest corner of the site; and
- Construct a new storage building between Treasure House and The Rack.

Summary of Operational Changes:

- Relocate primary instruction for the (up to) 50 vocal and accompanying students to the on-site campus. These, along with the up to 100 instrumental students historically receiving instruction exclusively on-site, will bring total enrollment allowed to no more than 150 students. The number of vocal and instrumental students is to be determined by the MAW, but cannot exceed 150 total students.
- Students would continue to reside off-site but all (up to 150) students would receive lunch and dinner at the proposed new and improved catering kitchen and indoor dining

¹No grading to occur within the easternmost section of the internal roadway, which is a paved easement not owned by the MAW.

facilities at the Music Academy. (The existing terrace on the east side of Miraflores would remain as well);

- Limit public attendance for all activities² as follows: Any- given- time (330), Daily (900), eight-week Summer Season (22,000) and 44-week Non-Summer Season (25,000) for an Annual Public Attendance Maximum of 47,000. The limitations would not apply to staff, faculty, other employees, summer music students, other performers, or people attending or performing administrative functions (e.g., volunteers);
- Activities related to a music conservatory shall be subject to the proposed attendance caps and other restrictions (conservatory uses/activities would no longer be unrestricted as under 90-CP-111cz);
- Weddings shall not be an allowed use on-site;
- Educational programs in the arts shall be subject to (and included within) the proposal for campus-wide any- given- time, daily, and non-summer season public attendance limitations;
- Meetings/seminars and non-profit benefits, *taken together*, shall total no more than 41 events annually to occur during the non-summer season only. Any given time attendance for meetings and seminars shall be limited to 175 participants and otherwise subject to the daily and non-summer attendance limits. Non-profit benefits shall be subject to the any given time, daily and non-summer season public attendance caps;
- Provide all project generated parking on-site;
- Provision of 285 parking spaces plus an additional 5 spaces using stacked parking (per the approved modification to the standard Zoning Ordinance requirement for 332 spaces for this use);;
- Allow for parking lot paving in the north end of the property within the sideyard setback from the western property line;
- Allow for modification to the Zoning Ordinance height limitation of 25 feet for the renovated Abravanel Hall (existing Hall is currently 34.8 feet, no change to height is proposed);
- The hours of operation for Treasure House and The Rack shall be Monday-Saturday, 12:00-3:00 p.m. During the non-summer period the same hours shall apply;
- Implement a *Cut-Through Reduction Plan (CTRP)* to discourage vehicles coming to the MAW for no reason other than to gain access to the east of the site (Butterfly Lane and beyond) using the MAW internal road as a circulation “short-cut.” The plan as proposed by the applicant would require cut-through traffic to pay a substantial fee \$10.00 minimum) to exit the campus;
- In the short-term implement a more simple cut-through program prior to implementing the more elaborate long-term program.

² The exception to this would be one, 1-day fundraiser per year, held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).

- Provide summer student bus remote control access for entry at gates on Butterfly Lane and implement a cell phone system allowing large delivery truck (and other non-summer student buses) entry at Butterfly Lane (some trucks would continue to enter on Fairway).

Following is a more detailed discussion of the proposed Master Plan Revised Conditional Use Permit project description:

Landscaping

The Landscape Master Plan includes landscape enhancements throughout the property, such as new screening elements along The Fairway, and new slope planting north and east of Miraflores. The design goals of the landscape plan are to: 1) honor the historic landscape by restoring critical design elements to the allee and by using historically accurate plantings and skyline trees, 2) effectively enhance vegetation and trees along the perimeter of the site to screen MAW building improvements from the street and neighboring properties, so that the site appears substantially unchanged to the immediate neighbors (with retention of many existing trees and following establishment of new landscaping) and 3) to supplement and enhance landscaping in the southeast corner of the site, in an attempt to attract monarch butterflies back to this historic roosting area, behind the main house (Miraflores). These landscape improvements would result in landscape coverage of approximately 197,040 SF (~ 4.75 acres) of the 9 acre project site. Of this total, approximately 12,000 SF (~ .28 acres) would be lawn and non-drought tolerant landscaping with the balance, approximately 185,040 SF (~ 4.47 acres), made up of a combination of mature landscaping and trees, as well as new drought tolerant plantings.

With incorporation of project conditions, 61 trees will be removed (including two oak tree), a minimum of 203 new trees will be planted, and 4 oak trees will be transplanted elsewhere on-site. Planting of 106 new oaks (5-gallon, 15 gallon and 24-inch box) is included in the project landscape plan.

Building Revisions/Physical Changes

SITE PLAN REVISIONS						
BUILDINGS	EXISTING FOOTPRINT (SF)	PROPOSED FOOTPRINT (SF)	EXISTING FLOOR AREA (SF)	PROPOSED FLOOR AREA (SF)	NET CHANGE FOOTPRINT (SF)	NET CHANGE FLOOR AREA(SF)
CAMPUS TOTAL	34,730	49,270	44,370	95,920	+15,900	+50,630
ABRAVANEL HALL— Additions	7,290	10,080	11,340	14,130	+2,790	+2,790
COMBINED NEW PRACTICE STUDIO BLDG/INSTRUCTIONAL CENTER, (INCLUDING ~1,900 SF RESIDENTIAL UNIT) - replaces Wood 1 and Wood 2 practice studio (and ex. apartment) bldgs	6,440	13,670	7,900	39,480	7,230	31,580

SITE PLAN REVISIONS

BUILDINGS	EXISTING FOOTPRINT (SF)	PROPOSED FOOTPRINT (SF)	EXISTING FLOOR AREA (SF)	PROPOSED FLOOR AREA (SF)	NET CHANGE FOOTPRINT (SF)	NET CHANGE FLOOR AREA(SF)
STUDENT SERVICES	N/A	3,980 *	N/A	14,530 *	+3,980*	+ 14,530*
THE RACK	1,200	Same	1,600	Same	No Change	No Change
TREASURE HOUSE	940	Same	940	Same	No Change	No Change
NEW MAINTENANCE/ STORAGE	N/A	1,610	N/A	1,470	+1,610	+1,470
RESIDENCE (near Treasure	1,270	Same	1,270	Same	No Change	No Change
NEW STORAGE	N/A	1,080	N/A	950	+1,080	+950
MIRAFLORES (former residence)	11,250	Same	14,980	Same	No Change	No Change
CLAEYSSSENS STUDIOS	4,650	Same	4,650	Same	No Change	No Change
HARGER BRASS STUDIO & MAINTENANCE ADDITION	1,690	N/A	1,690	N/A	-1,690	-1,690

			EXISTING AREA (SF)	PROPOSED AREA (SF)	NET CHANGE FOOTPRINT (SF)	NET CHANGE AREA (SF)
LANDSCAPE	N/A	N/A	259,280	197,040		-62,240
PAVING))	N/A	N/A	80,380 SF	115,670		+35,280
			EXISTING	PROPOSED		
PARKING	N/A	N/A	214 ³ SPACES	285 SPACES (+5 w/stacked parking)		+76

Rehearsal/Recital Hall (Reconstruction of Abravanel Hall)

³ The 214 spaces include the 31 temporary parking spaces approved in the northwest corner. Use of the temporary gravel parking area is proposed to continue until the new parking is developed.

Abravanel Hall (the main recital hall) would be reconstructed, featuring raked, fixed seating with a maximum permanent seating capacity of 300 plus allowance for an additional 50 removable seats during the summer season only. No more than 300 of the total 350 seats shall be sold to/used by the public⁴. The hall would have improved acoustics, optimized for chamber music and would remain the indoor venue with the largest seating capacity. The MAW will continue to schedule events off-site that will be attended by more members of the public than the maximum allowed in the replacement hall.

Based on the County's methodology for calculating building height; the existing building is 34.8 feet. Because there is a 25-foot height limitation in this zone district, pursuant to Section 35-172.12 of the Coastal Zoning ordinance, this revised CUP includes approval of a modification to allow the reconstructed hall to remain at its current height, as the proposed changes to the hall will not alter the existing exterior roof height in any way. The finished floor elevation of the lower lobby for both the existing and reconstructed recital hall will be at approximately the same elevation.

Parking

A new expanded parking area is included in the northwest corner of the property. A total of 285 parking spaces plus 5 additional spaces using stacked parking (see Civil Plan) are included, most will be located in the northwest portion of the property.

Wood Practice Studio Replacement Building (Instructional Building)

Wood 2 practice studio building will be removed and replaced with a new instructional building which will provide expanded and improved practice studio spaces for individual students and a range of ensembles, including vocal students' preparation for opera performance. The height of the new building will be 25-feet. The new Instructional building would be lower in height (above sea level) than *Miraflores*, to which it will be linked (via the proposed student services building). (The floor plans, including specific uses and spaces specified for the new Instructional, Practice Studio and Student Services Buildings, may be rearranged within these three buildings as part of the final building plans, to reflect the physical revisions to these buildings during the MPC hearings on the project.)

Student Services (Link building between the new Instructional Building and Miraflores)

Linking the proposed Wood Replacement/Instructional Building with the main house (*Miraflores*) is a building dedicated primarily to administrative offices supporting student services. The student services building will include a basement storage area, a catering kitchen (not an industrial or commercial type of kitchen) and a faculty and student dining area. The Music Academy will continue to have all meals catered under the proposed plan (caterers typically prepare food off-site, but some limited on-site food preparation is permitted). Catered meals will be provided to Music Academy students, faculty and staff as well as to those groups attending some of the permitted activities on-site (meetings/seminars, non-profit benefits, and MAW administrative functions such as Council dinners etc.) When these aforementioned activities are not occurring, the kitchen uses and foodstuffs will be limited to a typical office lounge (popcorn, heating or keeping cold food brought from home, etc.) The dining room will not be open to the general public and the improved MAW facilities will not serve as a restaurant or snack bar to the general public. (Caterers will be used to provide and serve food on-site. The MAW will not hire a chef or other kitchen employees to staff the kitchen/dining facilities). For

⁴ The public is anyone who is not a student, faculty, or staff, including, but not limited to MAW donors, students' friends and family, etc.

specific allowances /restrictions for the kitchen/dining facilities, refer to condition of approval 40.

In joining together the Instructional Building, *Miraflores*, the Student Services Building, and the new Practice Studio Building, a new “interior” courtyard is created in the heart of the campus. Outdoor MAW gatherings could occur here in an insulated and well-screened area. (The floor plans, including specific uses and spaces specified for the new Instructional, Practice Studio and Student Services Buildings, may be rearranged within these three buildings as part of the final building plans, to reflect the physical revisions to these buildings during the MPC hearings on the project.).

New Practice Studio Building

A new, larger practice studio building is included in the area where the existing Wood 1 practice studio building is located. This structure will contain approximately 20 teaching studios, ensemble rooms and individual practice rooms. A residential unit to replace the one being removed from Wood 2 will also be located in this structure. (The floor plans, including specific uses and spaces specified for the new Instructional, Practice Studio and Student Services Buildings, may be rearranged within these three buildings as part of the final building plans, to reflect the physical revisions to these buildings during the MPC hearings on the project.).

New Storage & Maintenance Buildings

A 1,610 SF structure is proposed in the northwest portion of the site and will be used for campus maintenance and storage. The building will have a maximum height of 18.6-feet. A storage building of 1,380 with a height of 13-feet is proposed between the Rack and Treasure House at the toe of the slope on which these buildings are located.

Operational Changes

The physical changes described above are intended to improve the quality of the existing instructional, practice and performance facilities on the MAW campus and to accommodate instruction for all 150 summer students at the project site. The revised CUP maintains the same total number of students in the summer program, but will relocate primary instruction for the vocal and vocal accompanying students from Cate to the MAW campus.

1. Revise the project description condition (#1), to reflect the revised CUP approval;
2. Eliminate weddings as a permitted use onsite;
3. Allow meetings/seminars and non-profit events, taken together, to total no more than 41 events and limit these to the non-summer season. Public attendance at these events shall be subject to and included within the campus-wide attendance caps: any given time (330), daily (900) and non-summer season (25,000) limitations, with the exception that meetings/seminars shall be restricted to no more than 175 participants/event (consistent with historic levels); and
4. Upon completion of on-site parking improvements (290 spaces), project related parking demand shall be accommodated on the project site (not in overflow lots or on-street).

Attendance Limitations

In addition to Abravanel Hall, the other existing indoor venues that can accommodate group gatherings are two large rooms in *Miraflores* that will remain (Lehmann Hall and Stewart Hall) and one in the Wood studio building (Singher Studio), which will be removed with the

demolition of the Wood practice studio building. Singher Studio will be replaced by two larger rooms in the proposed Instructional Building. During the summer, one of these new rooms is proposed to normally be reserved for use by the vocal students for the blocking of operas (rehearsing where to stand on the stage) and vocal instruction and orchestra practice will take place in the other room. During the non-summer period, these rooms can be used for instruction, practice, rehearsals, auditions and meetings associated with music.

The maximum allowable capacities of the proposed venues are identified in table below.

Venue	Floor Area (SF)	Maximum Allowable Seating Capacity
Abravanel Hall	14,130	350 MAX (300 fixed public seats +50 removable seats - no more than 300 seats for public use/sale)
Lehmann Hall	1,761	195
Stewart Hall	972	92
Instructional Bldg Lower Level	1,800	171
Instructional Bldg Upper Level	2,700	257
New Practice Studio Building Rooms	N/A	N/A
Master Plan Maximum Indoor Seating Capacity with Public Attendance Caps (330-Any-Given-Time Public Attendees) (with 50 removable seats in Abravanel Hall for summer use only)		330 max public attendees) (Summer & Non-Summer)

Attendance shall be limited through restrictions on the maximum number of members of the public who can be on the Academy campus. Faculty, staff, summer music program students, performers and non-staff attendees at administrative activities on-site (including volunteers) will not be counted toward the proposed maximum attendance limits. Fundraisers shall be subject to the any given time, daily and seasonal attendance caps and are not considered administrative functions. The exception to this is the one day fundraiser to be held during the non-summer period, which is not subject to any of the attendance caps.

The specific public attendance limitations proposed are as follows:

1. Any given time (330) - this will apply to either individual or conjunctive use of multiple venues on-site (indoor and outdoor).
2. Daily 900; and
3. Annual (47,000) based on the following seasonal attendance caps:
 - a) Summer (22,000)
 - b) Non-Summer (25,000) season

<p>Table 1 Music Academy Attendance Figures ^(a)</p>
<p>Music Academy Attendance</p>

Maximum Attendance	Existing Baseline	Proposed Project	Net Change
Any-given-time	382	330	-52 ^(b)
Daily	None	900	N/A ^(c)
Summer (8-weeks)	15,828 ^(d)	22,000	+6,172
Non-Summer (44 weeks) ^(e)	53,766	25,000	-28,766
Annual	71,447	47,000	-24,447

(a) Figures do not include faculty, staff, students, other performers or employees or people attending administrative functions.

(b) To avoid parking and other conflicts, special administrative functions (board meetings, dinners, etc.) shall not occur concurrently with high attendance events. Therefore, administrative activities are not expected to increase occupancy of the site over and above the proposed any-one time attendance maximum. Also, special administrative functions are not to be subject to the daily, seasonal and annual attendance limits either under baseline conditions or the proposed project scenarios (Fundraisers shall not count as administrative functions).

(c) Seasonal attendance caps limit the number of days where the daily maximum could be reached.

(d) The new summer public attendance caps will result in a 39% increase in public audience members (est. 15.5% increase in traffic) for the summer period.

(e) When more than 95 performers and staff are present for a maximum capacity non-summer event, staff or performers above this number shall be bused to the MAW campus.

These limitations shall apply to all activities and events conducted on campus and shall apply 7 days a week. Any exceptions to these limitations are identified below.

Non-Summer Season

The proposed non-summer attendance limit shall include participants at both conservatory activities (musical classes, rehearsals, recitals, recording and concerts, classes and meetings sponsored by the Music Academy related to education in music, meetings related to music not sponsored by the Music Academy), MAW fundraisers, and rental activities (meetings, seminars, and non-profit benefits). The rental activities/special events (seminars, meetings, non-profit benefits and educational programs in the arts⁵) shall only occur during the non-summer season.

Existing audience attendance in the non-summer season has been reduced under this permit to provide assurance to the community that the Academy does not become a commercial endeavor. Activities subject to the attendance limitations shall include all music conservatory activities associated with the Music Academy, community groups, and other members of the public (e.g., concerts, meetings related to music, rehearsals, workshops and instruction, public use of practice studios, recording sessions, etc.) and all special events/rental activities (conferences, meetings, seminars, non-profit benefits, educational programs in the arts). Special events/rental activities shall be permitted as follows:

1. Seminars/meetings and non-profit benefits, *taken together*, shall be restricted to a total of 41 events, subject to, and included within, the campus-wide attendance restrictions. The exception to this will be that the seminars and meetings will be further restricted to the historic maximum of no more than 175 participants per activity/event.

⁵ Educational programs in the arts are defined as "programs or classes in the performing arts that are not sponsored or directed by the Music Academy."

2. Educational programs in the arts are be subject to the attendance caps, with all non-summer students, faculty, and/or instructors (other than those performing at a concert) counted toward the maximum attendance limitations.
3. Weddings shall not be a permitted use⁶.

Music Academy administrative activities will remain unchanged under the new permit and are specifically not included within these attendance limits. However, the Academy shall schedule any special administrative activities⁷, such that they shall not occur at the same time as large events on-site. The intent of this is to avoid the combination of event and administrative attendance at levels that would challenge traffic circulation and on-site parking demand or that will create other logistical problems.

Summer Season (8 weeks, mid-June to mid-August) Site Attendance Maximums

The attendance maximums for the summer season shall not include up to 89 staff/faculty (including all conservatory, administrative, maintenance, service and other staff), up to 150 students/performers, or attendees at administrative activities on-site such as MAW board meetings, auxiliary meetings, council dinners, etc. As with the non-summer period, Music Academy administrative activities shall remain unchanged under the new permit and shall not be included within the proposed attendance limits. However any special administrative activities⁸, involving greater numbers of people, shall not occur at the same time as large events on-site. Fundraisers, subject to the any given time, daily and seasonal attendance caps may occur during the summer. However, the one day per year fundraiser, which is not subject to the attendance caps as well as rentals, special events, and non-profit benefits shall not occur during the 8-week summer season.

Attendance at the Music Academy's Summer Festival shall be limited to a total of 22,000 persons.

Summer Instructional Program

Reconstruction of Abravanel Recital Hall: A renovated recital hall is proposed to enhance the educational experience of the students as well as improve the facilities for MAW patrons and the public. *Off-Campus Master Classes:* The MAW will continue to schedule selected Master Classes off campus, as necessary (e.g., to accommodate a concert with more public attendance than is permitted on-site and/or in specific venues on-site).

Summer School: Instructional activities for the Summer School consist of individual and group instruction, individual and group rehearsals and practice sessions, orchestra rehearsals (no orchestra performances), and other school activities. The 150-maximum number of students in

⁶ The Other non-conservatory uses allowed on-site shall be limited to meetings, seminars, non-profit benefits, educational programs in the arts, MAW administrative functions, maintenance activities, fundraisers subject to attendance caps (except one day per year not subject to the caps) and the resale shops (as conditioned). Inclusion of an accessory musical component in an activity other than the above allowed uses shall not convert a non-permitted use to a permitted use simply because music has been included (e.g., rental for a reception which has musicians for entertainment).

⁷ Defined as administrative activities, such as board meetings, auxiliary member meetings, etc., which involve more people than regular staff activities.

⁸ Defined as administrative activities, such as board meetings, auxiliary member meetings, etc., which involve more people than regular staff activities.

the overall summer music program shall not change under the revised CUP. However, up to 50⁹ vocal and vocal accompanying students, that have received primary instruction at Cate School, shall receive all instruction at the Music Academy upon completion of new facilities onsite. Following project implementation, all 150 students will receive both lunch and dinner (catered meals, not prepared on-site) at the Music Academy campus. The number of vocal and instrumental students is to be determined by the MAW, but cannot exceed 150 total students.

Other Music Academy Operations

Fundraising Events Open to the General Public (no attendance cap): One, 1-day fundraiser (e.g., May Madness) will not be subject to the attendance caps. This event is to take place during the non-summer period. Other fundraising activities will be subject to the attendance caps.

Resale Shop Hours: The hours for the resale shops will be Monday-Saturday, 12:00-3:00 p.m...

On-Site Residences: Both the caretaker's residence and an employee apartment (replacing the existing apartment being removed in Wood 2) will be retained on site.

Modifications to the Coastal Zoning Ordinance Standards

As discussed earlier in this section, the revised CUP includes modifications to the following standards in Article II:

1. Modification to the 25-foot height limit (Section 35-172.12) for the proposed renovation of Abravanel Recital Hall, which will remain at its existing height (34.8 feet).
2. Modification to the number of parking spaces required by Division 6 Parking Regulations (Section 35-109). The MAW will provide a total of 285 parking spaces (plus 5 more using stacked parking) on-site. The Zoning Ordinance will normally require provision of 332 spaces.
3. Modification to the side yard setback for the 1-E-1 zone district, to allow parking lot paving within two feet of the western property line.

Project Phasing

The phasing of proposed Master Plan improvements is to be contingent upon several factors, with adequate funding a primary consideration. The Master Plan has been conceived as one continuous project and ideally will be finished as such. If it is necessary to break the proposed development into phases (due to funding or operational issues), the MAW will still complete the Miraflores remodel, the Phase 2 components identified below, and grading for Phase 3 during the first phases of construction.

Anticipated Phase 1a

- Miraflores Restoration/Remodel

Anticipated Phase 1b

- New Parking Areas
- New Storage

⁹ These 50 students would continue to be part of (not in addition to) the 150 maximum students in the summer program.

- New Maintenance & Storage
- Main entrance driveway
- Motor Court
- Remove Wood 1 and 2
- New Student Services Building
- New Instructional Center
- Realign the internal roadway
- Remove Harger Studio
- Install perimeter and interior screening landscaping
- Grading for the New Practice Studio Building

Anticipated Phase 2

- Construction of New Practice Studio Building w/apartment

Anticipate Phase 3

- Reconstruction of Abravanel Hall

Grading

The preliminary grading and drainage plan (Figure 7) estimates earth work quantities as follows:

Grading/Phasing Calculations

Phase	Cut	Fill	Export/ (Possible Import)	Total Construction Period	Duration for Grading Component
1a	None	None	None	10 months	None
1b	10,907	10,625	282 (cut)	20 months	6-8 weeks
2				10 months	None
3	182	45	137 (cut)	10 months	2 weeks
1-4 Totals	11,089	10,670	419 (export cut)	42 months	9-13 weeks
<p>* Pursuant to the project grading plan, these quantities are approximate in place volumes calculated from the existing ground (per topographic contours or spot elevations on the grading plan) to the proposed finish grade or sub-grade (per the design surface elevations on the grading plan). The quantities have not been factored to include allowances for bulking, clearing and grubbing, subsidence, shrinkage, over excavation and recompaction, underground utility and substructure spoils and construction methods. (Based on other County projects, staff believes it is appropriate to assume that actual quantities may be up to 30% greater than shown, particularly with regard to exportation of excess fill material).</p>					

If the funding is available, the total construction period is expected to be shortened, as additional equipment and crews will be able to work simultaneously in the various areas of the site (Steve Metsch, project architect). The staging area for all construction vehicles will be along the northern property boundary near the UPRR right-of-way. Excess fill is proposed to be exported off-site using the adjacent railroad right-of-way to access Channel Drive near Cabrillo Boulevard, subject to issuance of a right-of-way agreement with Union Pacific. Any use of this route for exportation of excess fill or other construction vehicle traffic will reduce construction traffic on the immediate neighborhood streets.

Utilities and Services

The site is currently served by the Montecito Water District, Montecito Sanitary District, the Montecito Fire Protection District, and the Santa Barbara County Sheriff. The additional facilities identified as part of this application will also be served by these Districts.

Short-term Cut-Through Traffic Reduction Program (CTRP)

The MAW will take traffic roadway counts in the beginning of their summer 2004 music program. In approximately the third week in July 2004, the MAW will implement a simple, initial CTRP. This will involve temporary traffic controls, such as person present at the exit explaining and handing-out information about not using the MAW private drive as a cut-through route, closing gates when activities are not occurring on-site, etc.).

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Within three years after granting this permit, construction and/or the use shall commence. (Three years is measured from expiration of a 10 day appeal period, or 10 working days after the California Coastal Commission (CCC) receipt of Board of Supervisor's final action, if appealed to the Board of Supervisors. If appealed to the CCC, the date shall be measured from CCC final action.

2. Any activity, event, use, or development of the site that is not expressly allowed under this permit or expressly exempt from CDPs under the Zoning Ordinance shall be and is prohibited and that all provisions of the permit shall be strictly construed. Subsequent to occupancy clearance, modifications to the CUP (other than those that would be exempt from permits) shall be subject to MPC review and approval.

Conditions Derived from EIR Mitigation Measures

Aesthetics

3. Compliance with the Tree Protection Plan (Condition 13). The following shall be added to the Tree Protection Plan to reduce aesthetic impacts:
 - a. The TPP shall emphasize the protection (and retention, where feasible) of existing trees and shrubs that are critical to screening the property from off-site (e.g., particularly those trees that provide screening of the site when viewed from the north and east). In addition, the primary goal of tree maintenance activities (trimming, pruning) shall focus on maintaining the long-term health (and retention) of the trees.

However, wherever possible, the maintenance activities shall also consider the goal of maintaining maximum screening provided by tree foliage. Trimming or thinning of trees that provide screening as viewed from off-site shall be limited to activities necessary to protect the health of the trees, in response to mandatory fuel management standards directed by Montecito Fire Protection District, due to serious safety concerns, and/or due to serious threats to structures (e.g., significant, unstable limb expected to damage roof of structure, etc.).

Plan Requirements and Timing: The applicant shall revise the Tree Protection Plan to include this requirement and submit this for P&D review and approval prior to approval of CDPs. Applicant shall maintain copies of arborist documentation of arborist recommendation for tree thinning/limbing for screening trees. P&D shall check the plan for compliance with this measure.

MONITORING: Permit Compliance shall site inspect during construction activities to ensure compliance.

4. Night-lighting and its intensity shall be minimized to the extent feasible for security and safety purposes and night-lighting should be reduced following the close of activities on-site any given day. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. The height of night-lighting shall also be minimized to reduce its visibility from off-site. This would apply to both the height of light fixtures as well as minimizing the location of night lighting in the upper portions structures, particularly those at the highest elevations on-site (e.g., recital hall, instructional building). Applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m., except when activities end at or later than 10:00 p.m. For these exceptions, lighting shall be dimmed to the maximum extent feasible and at the earliest possible time after 10:00 p.m. At a minimum, the lighting plan shall show all proposed lighting on or along structures, roads, walkways, and garden and patio areas. Special consideration shall be given to lighting of perimeter development and pathways, driveway entrances and exits and all existing and proposed indoor and outdoor lighting on the sides of structures facing the property perimeter (e.g., the north and east sides of the student services building and new instructional building and the north sides of the new practice studio building and renovated Abravanel Hall) as well as the northern parking area to minimize visibility from off-site.. **Plan Requirements and Timing:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the MBAR prior to approval of CDPs for grading.

MONITORING: P&D and MBAR shall review a Lighting Plan for compliance with this measure prior to approval of a CDPs for structures or prior to CDPs for grading (if trenching for lighting is required). Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

5. Use and approval of earth-tone colors (i.e., colors which blend with surrounding vegetation, soils, rocks, etc.) and muted colors for structural development, walls, signs, etc., unless the MBAR and P&D (with architectural historian input) conclude that alternative colors would be more compatible with the historic estate setting for specific structures. **Plan Requirements and Timing:** The color of the new storage and maintenance buildings shall specifically be considered to minimize the visibility of these structures from the north. Colors for all structures shall be reviewed and approved by the MBAR and P&D for compliance with this measure prior to approval of CDPs for structures. The applicant shall present color boards for the specific structures at the architectural meetings and to P&D. Buildings shall be painted prior to occupancy clearance.

MONITORING: Permit Compliance shall site inspect for conformance to submitted color boards during construction activities and prior to occupancy clearance.

6. The landscape plan and tree disposition plan shall be revised to maximize the screening ability of site vegetation and to minimize the timeframe for new landscaping to provide such screening. At a minimum, the revised landscape and tree disposition plan shall include the following:
 - a. The plans shall include existing mature trees, perimeter shrubs and historic gardens that are proposed to remain as well as new plantings identified in the landscape plan. Normal maintenance activities are expected, however, tree maintenance trimming should not exceed that explicitly recommended for tree health by the arborist and vegetation modification for fire fuel management purposes should not exceed that explicitly required by the MFPD¹⁰, as these activities also reduce vegetative screening of the site. This should be noted on the landscape plan as well as in contracts for any landscape maintenance, tree service work, or related work on-site.
 - b. An attractive, hardy, drought resistant vine should be planted to screen all portions of the proposed storage and maintenance buildings, which would be visible from Hwy 101. This vine treatment shall also be considered for portions of all new structures in the Master Plan that would be visible from off-site (subject to MBAR review and approval), at least until other proposed landscaping reaches sufficient height to provide screening for these buildings (and taking into account proposed regular pruning and trimming of the eucalyptus windrow along the northern property line).
 - c. Screening landscaping shall be incorporated along the northern property line and the northern portion of the western property line and additional parking lot trees shall be added (with the goal in the parking lot area of accomplishing 50% canopy cover in 10-12 years) to provide screening from the north, to minimize the effects of night lighting in the parking area, as well as to break up the expanse of parking area as viewed from the historic property interior.
 - d. Clinging vines and/or vertical planting shall be provided on trash enclosure walls and any other masonry walls where appropriate, as determined by MBAR and P&D, to soften the visual effects of the structures and to discourage the occurrence of graffiti.
 - e. A six foot wall or fence shall be installed along the eastern property line, between the northeast corner and the exit driveway, to provide visual screening and so avoid land use conflicts (e.g., vehicle headlights in the new parking area shining onto the residential properties to the east).
 - f. The largest feasible size of replacement plantings (for trees, shrubs: 15 gallon minimum, but also using 24-inch+ box sizes) and/or fast growing plants from the landscape plan palette shall be incorporated into the landscape plan where screening or immediate visual effect are at issue. This may include, but would not be limited to, inclusion of vines on structures that would be visible from off-site and specific

¹⁰ MFPD will limit fuel modification north of the instructional building to removal of decadent (dead) vegetation and to limbs of live foliage extending within 10 feet of the building (per 5/11/04 Jim Langhorne site visit and 5/27/04 MFPD letter).

(new) tree locations where the short-term screening¹¹ is more critical than long-term growth due to other existing and proposed plantings in the immediate area (e.g. loss of windrow eucalyptus and need for immediate replacement for screening).

- g. The final landscape plan shall augment landscaping near the proposed emergency access on Fairway to minimize views into the site.
- h. Vines shall be planted on the roof of Abravanel Hall in a manner which allows them to “spill” over the top of this structure (or alternatively, vines may be designed to grow up Abravanel Hall from plantings on the northern face balcony). The goal of placing vines on the north face of Abravanel Hall would be to provide screening of the structure from the north, until new plantings north of the new parking area are mature. The vines would serve to break up the massing and to provide partial screening of this structure as viewed from off-site.
- i. The final landscape plan shall include additional trees or shrubs between the western property line from Fairway Road to the northern extent of the El Montecito Verde condominiums and the entrance drive.
- j. Additional trees (and potentially shrubs) consistent with the historic designed landscape (possibly acacia, oaks, pittosporum) shall be planted between the reflection pool garden and any new access road to the west of this garden to ensure its screened setting is maintained.
- k. Protection of the existing trees and planting of additional trees and shrubs north of the instructional building and east of the student services building shall be emphasized to provide maximum screening of these new structures from off-site. Planting of additional screening vegetation on the slope above the exit drive and on the slope west of Butterfly Lane shall begin no later than the fall of 2004., in coordination with the project landscape architect and an arborist, butterfly expert and architectural historian with landscape expertise. These experts shall be consulted to review proposed plantings consistent with project conditions that address new plantings on-site (e.g. tree protection plan, landscape plan, butterfly enhancement plan, perimeter landscaping requirements, and requirements that address the historic nature of the site landscaping). The applicant shall document these plantings and shall identify the plantings on the proposed final landscape plan (when applying for project CDPs). (This planting would occur prior to the MAW applying for CDPs for Master Plan implementation and a separate CDP would not be required for installation of these plantings).

Plan Requirements/Timing: Prior to approval of CDPs for grading, the applicant/owner shall enter into an agreement with the County to install required landscaping and water-conserving irrigation systems and maintain required landscaping for the life of the project. The applicant shall also submit four copies of a final landscape and water-conserving irrigation plan to P&D for review and approval. Prior to occupancy clearance, landscape and irrigation shall be installed.

MONITORING: Prior to occupancy clearance, Permit Compliance staff shall photo document installation. Permit Compliance staff shall check maintenance as needed. Release of any performance security requires Permit Compliance signature.

¹¹ Sometimes installation of larger trees addresses short-term screening, but installation of smaller plantings may result in faster establishment and overall growth.

7. Future structures shall not exceed the heights (including maximum height above sea level as indicated by story poles erected prior to the MPC hearing of 5/19/04) or the overall sizes of structures identified in the project description and on the project plans. Post discretionary approval changes to proposed building heights which do not exceed, but rather reduce the heights or sizes identified in the project description and on the project plans would also be acceptable. **Plan requirement:** This measure shall be included on building plans. **Timing:** Plans shall be submitted prior to approval of Coastal Development Permits for structures.

MONITORING: Height of building(s) shall be checked by Building and Safety during frame/inspection approval.

8. The graffiti on the remaining section of the northern wall shall be removed and the wall shall be painted in a color which blends in with the surrounding landscape. This wall shall be repainted within 72 hours, as necessary, if there is new graffiti in the future. If feasible, this wall section shall also be planted with a vine to reduce re-occurrence of graffiti or the wall may be permanently removed subject to compliance with tree protection measures and replaced with a vine covered fence, railing, or wall. **Plan Requirement/Timing:** The applicant shall submit proposed wall color for review and approval by MBAR and P&D and shall subsequently submit photo-documentation to show that this measure has been implemented prior to approval of CDPs for structures.

MONITORING: P&D shall site inspect. If new graffiti is observed, Permit Compliance shall direct Music Academy to repaint this wall section

Air Quality

9. If any portion of the project site is graded and left undeveloped for over 30 days, the applicant shall employ the following methods immediately to inhibit dust generation:
- seeding and watering to revegetate graded areas; and/or
 - spreading of soil binders; and/or
 - any other methods deemed appropriate by the Air Pollution Control District and/or P&D.

If grading activities are discontinued for over six weeks, applicant shall contact both Permit Compliance staff and the Grading Inspector to site inspect revegetation/soil binding. **Plan Requirements:** These requirements shall be noted on the grading plan. **Timing:** The final grading plan shall be submitted to P&D for review and approval prior to approval of CDPs for grading.

MONITORING: Permit Compliance staff and Grading Inspector shall perform periodic site inspections.

10. Dust generated by the development activities shall be retained onsite and kept to a minimum by following the dust control measures listed below. Reclaimed water should be used whenever possible.
- 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. (Wetting of soil shall be sufficient to minimize dust only and should not be to an extent that soil is washed off the site or into storm drains).

- 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 the wind speed 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.
- d) Trucks transporting soil, sand, cut or fill materials and/or construction debris to or from the site shall be tarped from the point of origin.
- e) The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to P&D and the Air Pollution Control District prior to land use clearance.

Plan Requirements: All requirements shall be shown on grading and building plans prior to approval of CDPs for grading. **Timing:** This condition shall be adhered to throughout all grading and construction periods.

MONITORING: P&D shall ensure measures are on plans. Permit Compliance, Grading, and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site. Permit Compliance and APCD inspectors shall respond to nuisance complaints.

- 11. The applicant shall secure a Right-of-Way Agreement from the Union Pacific Railroad, if UPRR will grant such access for a 90-day period and, if available, an extension at a reasonable cost. **Plan Requirements and Timing:** Prior to approval of a Coastal Development Permit for grading, the applicant shall provide P&D with a copy of the Right-of-Way Agreement for access purposes, indicating ability to utilize the railroad right-of-way to export fill offsite (for a minimum 90 day period). Large truck deliveries of building supplies shall also utilize this access while it is available.

MONITORING: P&D shall ensure the Agreement has been secured.

Archaeology

- 12. All contractors and construction personnel shall be alerted to the potential for disturbing unknown archaeological artifacts and remains during grading. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans.

MONITORING: P&D shall check plans prior to issuance of Coastal Development Permits for grading and shall spot check in the field.

Biological Resources

- 13. A Butterfly Habitat Restoration and Enhancement Plan shall be prepared by a P&D

approved monarch butterfly specialist in coordination with the preparer of the landscape plan. This plan shall be included as a separate component of the final landscape plan. The goal shall be to plant a circle of tall trees that enclose an open space, generally on the south and east sides of Miraflores. The maximum area shall be restored and enhanced on this slope (the restoration area shall not be limited by the designated area on the preliminary landscape plan).

- a) The plan shall be coordinated with the Montecito Fire Protection District (MFPD) to ensure that fire safety vegetation clearance is accounted for and designed into the proposed planting program. The specific plantings shall also be discussed with MFPD as proper placement (in relation to structures) may minimize the need for extensive pruning and other maintenance activities. In order to ensure coordination, the applicant shall provide written documentation from Montecito Fire Protection District stating specific requirements for tree trimming in this area following a meeting with the Music Academy and a specialist on monarch butterflies, acceptable to the County. To ensure that habitat enhancement is maximized in this area, vegetation clearance for fire safety shall not exceed the requirements identified by MFPD;
- b) Approximately 10 eucalyptus trees or other trees including oaks, sycamores, ironwood bay trees or other trees deemed acceptable by the monarch specialist and P&D shall be planted in front of the existing eucalyptus row, behind (south and east of) Miraflores to provide adequate density;
- c) The slope plantings shall be planted in a manner that will contribute to the creation of a protected circle;
- d) Additional eucalyptus or a combination of sycamores, tall coast live oak trees or other tall trees identified in b) above shall be incorporated to increase the density of trees in this area;
- e) Trimming of trees and shrubs near Miraflores to allow ocean views shall be prohibited, given this area's designation as a butterfly enhancement area. Trimming in this area would run counter to this goal. Trimming shall only be allowed to address mandatory Fire District requirements and/or to address imminent health threats to the trees (as identified by an arborist report). In the unlikely event that trees must be substantially trimmed or removed to address imminent health threats (e.g., concern that the tree likely to fall on the structure), replacement trees shall be planted;
- f) The enhancement area shall be planted in a manner which provides for a perimeter of dense, tall trees;
- g) Some of the new trees in the enhancement area (5-10% of total trees in this area, or as determined appropriate by P&D biologist) shall be larger, 24-inch box trees that have been shaped for height to accelerate immediate replacement of foraging and nesting habitat on-site for smaller bird species and roosting habitat for monarch butterflies. It is understood that the majority of trees planted would be from smaller containers, which provide benefits over the long-term. The restoration plan shall specify the type and size of trees to be planted, taking into account the proposed planting location and species;
- h) Where space permits, the landscape plan shall be modified (and expanded in area) to include more clusters or groves of native plantings to enhance their habitat value. This is particularly applicable on the slope areas south and east of Miraflores, where there may be room to cluster more oaks adjacent to existing oaks. In addition, native under-story plants (e.g., groundcovers and low-growing shrubs) could be used to increase habitat complexity and diversity (i.e. value to wildlife) and to help compensate for the fact that

space will not allow a replacement ratio of 3:1 for non-native trees. It is possible to accommodate this goal as well as maintaining a butterfly enhancement area that includes tall trees on the perimeter and a sort of opening in the center, a typical component of monarch aggregation sites. The density, species, and long-term maintenance in this area should ensure this area would not become overgrown, consistent with the goal of re-establishing habitat for monarch butterflies in this area;

- i) A P&D qualified arborist or biologist shall oversee such installation;
- j) The applicant shall meet with the Park Department to determine the feasibility of providing off-site plantings (e.g., at Lookout Park) to address cumulative loss of monarch butterfly habitat. This could potentially involve planting of both trees and milkweed; and
- k) Long-term maintenance requirements shall be specified to include on-going, periodic monitoring and weeding out of detrimental invasive species in the butterfly enhancement area.

Plan Requirements and Timing: The applicant shall submit the revised Landscape Plan, including the Butterfly Habitat Restoration and Enhancement Plan component for P&D and MBAR review and approval prior to approval of CDP for grading.

MONITORING: Permit Compliance shall site inspect to ensure implementation of plan as approved.

14. A tree protection and replacement program, prepared by a P&D-approved arborist/biologist shall be implemented. The program shall incorporate all protection and mitigation measures identified in the Bill Spiewak reports dated January 30, 2003, September 7, 2003, April 2, 2004 and May 18, 2004. These measures include, but are not limited to requirement for root pruning and irrigation in the winter of 2004 for trees with grading to occur within the critical root zone, such as some trees north of the new instructional building, Miraflores, Abravanel Hall, the new parking areas and south of The Rack). Tree removal shall be minimized wherever possible. The plan shall further include, but not be limited to, the following components:

A. Program elements to be graphically depicted on final grading and building plans:

- a) The location and extent of dripline for all trees and the type and location of any fencing. Trees located beyond 50 feet of proposed construction and staging activities may be shown with overall canopy and then size, type and number of trees simply listed for the canopy area). The critical root zones of trees located within 50 feet of construction activities shall be determined by an arborist and indicated on plans. The existing tree disposition plan shall be updated accordingly.
- b) Construction envelopes shall be designated (fenced or otherwise clearly demarked in the field) to clarify the boundaries of the development area and to avoid damage to protected trees¹² and other vegetation on-site. All ground disturbances including grading for buildings, access-ways, easements, subsurface grading, sewage disposal and well placement shall be prohibited outside construction envelopes.
- c) Equipment storage and staging areas shall be designated on approved grading and building plans, preferably within existing paved areas of the site (but outside of the easement along the exit drive) to avoid damage to protected trees. Special

¹² "Protected" trees are defined as those not identified for removal or transplanting.

consideration shall be given to proposed construction access for trucks using the UPRR right of way with regard to protection of the eucalyptus trees.

- d) Paving shall be pervious material wherever possible (e.g., gravel, brick without mortar) where access roads or driveways would be extended to encroach within the critical root zones of protected trees, except where roots will already be cut for project development and would be unlikely to grow back into these areas (e.g., the northern parking lot) as determined by the arborist.
- e) Permanent tree wells or retaining walls to protect trees in proximity to grading work, new fill material, or changes in drainage shall be specified on approved plans and shall be installed prior to approval of Coastal Development Permits for project grading/construction activities. A P&D qualified arborist or biologist shall oversee such installation.
- f) Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding. These plans shall be subject to review and approval by P&D or a P&D qualified biologist/arborist.
- g) All utilities shall be placed in construction envelopes or within or directly adjacent to roadways and driveways or in a designated utility corridor in order to minimize impacts to trees.
- h) All access improvements (e.g., along the allee, northern parking area, new service turn-out, etc.) shall minimize tree removal to the maximum extent possible. If a new return lane to Fairway is ever added pursuant to direction at MPC compliance hearings (to address CTRP), this lane would have specifically limited use (for returning vehicles unrelated to the Music Academy back onto the public road) and, therefore, would not be subject to standard roadway design standards. Therefore any future lane construction shall be designed to absolutely minimize any tree removal.

B. Program elements to be printed as conditions on final grading and building plans:

- a). All replacement trees shall be identified as to species, size and location on the final landscape plan. Any performance securities required for installation and maintenance of the replacement trees identified in the proposed landscape plan will be released by P&D after its inspection and approval of such installation. 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). The plantings shall be protected as necessary (e.g., gopher fencing) during the maintenance period.
- b). It is acknowledged that the standard tree replacement ratios of 10:1 for native trees and 3:1 for non-native trees cannot be accommodated on-site given the extensive tree removal proposed on-site. However, the landscape plan shall maximize the number of replacement trees to be replanted on-site as well as the size of the replacement trees (only where immediate visual screening is an issue). Non-native trees removed can also be replaced with natives, except in area(s) proposed for restoration for monarch habitat or where specific non-native species have been identified as replacement trees to address specific aesthetic or historic impacts (as identified in the aesthetic and historic resource sections' mitigation measures). If unanticipated damage or loss of trees results from construction activities, these trees shall be replaced at the standard ratios identified above.
- c). Tree removal shall be timed to avoid the period of peak breeding activity for birds. Therefore tree removal shall be limited to late July through early February. This

condition shall be re-visited in the unexpected event that monarch butterflies return to roosting on-site. If this occurs, the site would need to be carefully monitored to determine the extent to which trees on-site are providing habitat for birds and monarch butterflies and tree removal timing revised accordingly.

including approved safety changes.

*Field AS
affecting the
trees within
near the
inside of
shall be subject
to the arborist
recommendation.*

- d). No grading (any earthwork activities) or development shall occur within the critical root zones of protected¹³ trees that occur in the construction area, except as identified in the MPC approved plans. Where grading, trenching, or other earthwork activities would occur within the critical root zone (as established by a qualified arborist and indicated on the grading plans), the arborist shall be present during earthwork to determine the best way to accomplish necessary grading, while protecting the health of the tree to the maximum extent feasible. Where it is possible to minimize damage to trees identified for removal, protection and retention of these trees shall also be attempted.
- e). All protected trees within 25 feet of proposed ground disturbances shall be temporarily fenced with chain-link or other material satisfactory to P&D throughout all grading and construction activities. The fencing shall be installed outside the critical root zone of each protected tree unless infeasible consistent with the approved grading plan (e.g., tree numbers 42 and 43 located north and west of existing Wood 2) and shall be staked every six feet. Where fencing cannot be accommodated outside of the critical root zone, alternate maximum protection shall be provided pursuant to arborist recommendation, including but not limited to fencing with or without stakes closer to the tree, placement of straw bales between the construction area and trees to be protected, etc.
- f). No construction equipment shall be parked or stored within any protected tree critical root zone. No construction equipment shall be operated within six feet of any protected tree critical root zone, except as allowed pursuant to the approved final grading plan and tree protection plan (e.g., grading would occur within the critical root zone of several trees such as the Moreton Bay Fig and a swamp mahogany near the new service entry to the instructional building as identified on the project plans). The tree protection plan shall identify which trees would fall within this exception.
- g). No fill soil, rocks, or construction materials shall be stored or placed within the critical root zone of all protected trees unless such fill is identified on the final grading plan. Any approved fill shall be minimized to the maximum extent feasible in these areas. The tree protection plan shall identify which trees would fall within this exception.
- h). No artificial surface, pervious or impervious, shall be placed within the critical root zone of any protected tree, except as allowed pursuant to the approved final grading plan (e.g., grading and building construction would occur within the critical root zone of several trees such as the Moreton Bay Fig tree as identified on the project plans). Where this would occur, arborist recommendations shall be incorporated to minimize degradation to affected trees. The tree protection plan shall identify which trees would fall within this exception.
- i). Any roots encountered that are one inch in diameter or greater shall be cleanly cut. This shall be done under the direction of a P&D approved arborist/biologist.

¹³ Protected trees are those not specifically proposed for removal on the approved tree disposition plan.

- j). Any trenching required within the critical root zone or sensitive root zone of any specimen tree shall be done by hand, except as allowed in d) above.
- k). No permanent irrigation shall occur within the critical root zone of any existing oak tree, unless irrigation has historically occurred in this area.
- l). Any construction activity required within three feet of a protected tree's critical root zone shall be done with rubber wheeled equipment or hand tools, (the latter for oaks), except as allowed in d) above.
- m). Only designated trees shall be removed.
- n). Any trees which are unintentionally or accidentally removed and/or damaged (more than 25% of root zone disturbed) during construction activities shall be replaced and maintained for the life of the project. Posting of a performance security may also be required as well as hiring of an outside consultant biologist to assess the damage and recommend mitigation. The required mitigation shall be done immediately under the direction of P&D prior to any further work occurring on site.
- o). Maintenance of proposed replacement trees and shrubs shall be accomplished through water-conserving irrigation techniques.
- p). The four oak trees scheduled for transplanting on the tree disposition plan shall be boxed and replanted as proposed on-site. These trees shall be maintained and monitored until clearly established or replaced.
- q). All trees located within 25 feet of proposed buildings shall be protected from stucco or paint during construction.
- r). A P&D approved arborist shall be onsite throughout all grading and construction activities which may impact trees proposed for protection that are located near the northern property line, near the new secondary access road, north of the new instructional and practice studio buildings, east of the student services building and in other locations where protected trees would be located within 25 feet of the edge of heavy equipment.
- s). The contract with the construction contractor shall include specific provisions for payment of substantial penalties for failure to protect trees on-site consistent with related project conditions (sample of the included contract language shall be submitted to P&D).

Plan Requirements: Prior to approval of Coastal Development Permit for grading, the applicant shall submit a copy of the tree protection plan to P&D for review and approval. All aspects of the plan shall be implemented as approved. Prior to approval of Coastal Development Permit for grading, the applicant shall successfully file and receipt evidence of posting a performance security which is acceptable to P&D. **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 evaluate all tree protection and replacement measures. Release of performance security requires Permit Compliance staff signature.

- 15. Excavation work within or adjacent to protected trees shall be avoided to the maximum extent feasible. Where excavation must be performed within sensitive areas (as

determined by P&D), it shall be performed with hand tools only unless determined infeasible and alternate method approved by arborist pursuant to condition 12Bd above. If the use of hand tools is deemed infeasible by P&D, excavation work may be authorized by P&D to be completed in another manner (e.g., with rubber-tired construction equipment weighing five tons or less. If significant large rocks are present, or if spoil placement will impact surrounding trees, then a small tracked excavator (i.e., 215 or smaller track hoe) may be used as determined by P&D staff (e.g., to accommodate grading for the new service entry -not a vehicle driveway- into the instructional building). Trenching routes for installation or extension of new utilities shall be reviewed and approved by P&D and shall be shown on project grading plans prior to approval of CDPs for grading. **Plan requirements and Timing:** The above measure shall be noted on all grading and construction plans prior to approval of related CDPs.

MONITORING: P&D shall ensure compliance on site during construction.

16. The final landscape plan shall be reviewed to ensure that the new plantings around the Miraflores outdoor terrace would not include non-native invasive species (except eucalyptus), particularly species that could compromise the success of the monarch butterfly enhancement area. Long-term monitoring to address removal of detrimental, non-native species shall also be addressed in the final landscape plan. **Plan Requirements and Timing:** The applicant shall submit the final landscape plan consistent with this measure. P&D shall review and approve this component prior to approval of CDP for grading.

MONITORING: P&D shall ensure compliance on site during construction and follow-up compliance evaluations.

17. The final landscape plan shall include a component which identifies the various project conditions that address the project landscaping from the tree protection plan to the butterfly enhancement plan to measures specific to maintaining the integrity of the historic designed landscape. This shall be referenced and used to guide on-going maintenance activities on the project grounds and to facilitate compliance with project conditions that are designed to protect the aesthetic, historic and biological values of the site's natural vegetation and historic designed landscape plantings. **Plan Requirements and Timing:** This component shall be submitted as part of the final landscape plan. P&D shall review and approve this component prior to approval of CDP for grading.

MONITORING: P&D shall ensure compliance on site during construction

Fire Protection

18. The applicant shall work with MFPD to define in greater detail acceptable quantities and types of rummage and/or resale items which can be stored on-site as well as specific locations for storage. However, in no case shall this be interpreted to override limitations imposed by other project condition(s) regarding where rummage/resale items may be stored. **Plan Requirements and Timing:** A plan which describes the agreement with MFPD (in text and graphic depiction on plans), with regard to on-site storage of rummage and resale items shall be submitted prior to approval of CDPs for structural development. The Fire Department shall sign-off on plans prior to approval of CDPs for structural development.

MONITORING: Permit compliance shall field check proposed storage areas in coordination with MFPD following occupancy to ensure compliance with the above-referenced agreement.

19. The applicant shall work with MFPD to ensure access and design of the Master Plan complies with MFPD requirements. **Plan Requirements and Timing:** Prior to approval of

a CDP for grading or development, the plans shall be reviewed and approved by the MFPD to ensure the project circulation design, fire suppression water, and sprinklers are consistent with Fire District requirements.

MONITORING: Permit compliance and building inspectors shall field check to ensure compliance during the construction phase.

Historic Resources

20. The following recommendations in the Final Phase 1-2 Historic Resources Study submitted by Lex Palmer (January 7, 2000; Update Letter April 6, 2000) shall be incorporated into the project design:
- a) Completion of the appropriate California Department of Parks and Recreation Forms 523 (Primary, Location, and Building, Structure, and Object) for submission to the UCSB Department of Anthropology's Central Coast Information Center for all historic structures;
 - b) Historic American Building Survey (HABS) documentation consisting of HABS Level II drawings and photographs shall be performed on the Music Academy property to show the spatial relationships between the buildings and existing landscape features; preparation of HABS Level 1 documentation of Miraflores consisting of measured drawings and large format photographs, history and description of the building, courtyard, and surrounding landscaping;
 - c) The Miraflores extension shall replicate the original construction techniques, all original configurations, and shall utilize the original window and door hardware. The change must be documented and plans detailing this placed in the Music Academy archive;
 - d) Preliminary and Final Working drawings, including landscape plans for the project shall be reviewed by a Santa Barbara County approved architectural historian and an expert in historic landscape design to insure compliance with mitigation measures addressing historic resources.
 - e) The character-defining elements of the Miraflores west elevation are the plain wall surfaces, low-massing, fenestration, doorways, and building hardware such as downspouts, door latches and locks. The new construction associated with the student services building link to existing Miraflores shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. The introduction of a visual gap in the wall created by a plaster reveal 2-4 inches deep on the exterior and interior junction of the new student services building hallway and Miraflores north elevation achieves this goal. The interior reveal shall be accentuated by the use of different floor tile or a metal seam in the floor. The Final Plans should be placed on file with Kurt Heifrich, Curator of the Architectural Drawing Collection, University Art Museum, University of California Santa Barbara, CA 93106 893-5354

Plan Requirements and Timing: All construction techniques and other recommended measures related to historic resources (e.g., landscape plan) shall be incorporated into design of the project and detailed on building plans. The final grading, landscape, and building plans shall be reviewed and approved by P&D, a P&D approved architectural historian, an expert in historic landscaping design and the MBAR prior to approval of CDPs for grading or construction. The Historic Resources Reports and Addenda shall be

made available to each of the afore-mentioned parties prior to their review of the final plans. The final plans shall also be brought to the County Landmarks Committee for their comments prior to approval of CDPs for grading. Prior to approval of CDPs for grading, the applicant shall submit to P&D written confirmation that all applicable forms and documentation of historic structures have been prepared and submitted consistent with these measures. Special emphasis, including photo-documentation of all elevations, shall be given to Miraflores, as this historic structure would be physically altered as a result of project implementation.

MONITORING: Building Inspectors shall ensure that all elements have been installed according to the approved plans. If another Historic Resources survey (showing that appropriate materials have been utilized) is determined by P&D to be required, P&D will ensure recommended materials and architectural elements have been incorporated prior to occupancy clearance.

21. The applicant shall contract with an architectural historian (with input, as necessary from an expert in historic landscape design) who shall review and consult with P&D to ensure project plans (grading, landscape, structural development, any signs or commemorative plaques, etc.) are appropriately revised pursuant to project conditions that address historic resources. The contracted specialists shall also be required to attend at all MBAR, and Historical Landmark Committee meetings and to monitor construction and consult with P&D as necessary during construction to ensure development's consistency with approved plans. **Plan Requirements and Timing:** The applicant shall submit the proposed contract to P&D for review and approval with applications for CDPs. The architectural historian shall be available to answer questions raised by P&D, MBAR, and the Landmark Committee and shall sign-off on all final plans prior to approval of CDPs.

MONITORING: The architectural historian and historic landscape expert shall periodically monitor site development and shall sign off that development has been implemented consistent with the conditions of approval and approved plans, prior to occupancy clearance for the historical structures. Building Inspectors and Permit Compliance shall inspect to ensure that grading and other improvements are consistent with approved plans.

22. The new courtyard shall be modified to include replacement trees for those removed. In addition, the alignments of the historic axial path system should be represented by embedding original materials (e.g., random cut stone, cast concrete textured to give the impression that they are stone, brick). New hardscape materials shall follow the historic design wherever possible, with the exception that the spaces between concrete pavers may be a gravel-textured concrete instead of the original gravel matrix (to better conform to ADA standards). **Plan Requirements and Timing:** The applicant shall submit a revised landscape for P&D and BAR review and approval, prior to approval of CDPs for grading. The revised plan shall include the above changes.

MONITORING: Building Inspectors and Permit Compliance shall inspect to ensure compliance with the approved landscape and grading plans. The hardscape materials in the new courtyard shall be installed and planting of replacement trees in this area shall be initiated prior to occupancy clearance for the student services building.

23. The existing pathway shall be retained across the new secondary access road (near Miraflores) and the plants and shrubs shall be retained on either side of the road. The surface of this emergency-only access road shall be planted if a surface that can be planted is acceptable to Montecito Fire Protection District. A botanical specialist should monitor cut and compaction activities associated with installation of this emergency access road to avoid/minimize damage to trees. **Plan Requirements and Timing:** Prior to approval of the CDP for grading, the tree disposition, grading and landscape plans shall be revised to address the above changes.

MONITORING: Permit Compliance shall site inspect to ensure construction of the secondary access road, as approved.

24. The landscape plan shall be revised to reduce impacts to the historic designed landscape, including adverse changes to spatial relationships, views between various site features, views from off-site, and to provide offsetting enhancement of altered historic landscape features.
- a) Existing vegetation shall be retained or, if replacement plantings are necessary, new vegetation of a similar character shall be planted that would screen the new construction from the pool/terrace area.
 - b) The Reflecting Pool Garden shall retain its original design.
 - c) More sky-line eucalyptus trees (or other skyline trees that are acceptable from a historic landscape perspective) shall be included in the landscape plan.
 - d) The pittosporum hedge along the allee shall be revised to be continuous, (e.g., not open for views into the new “Encore Society Garden.”)
 - e) Perennial flowers should not be planted as a linear feature along the (allee) hedge.
 - f) The hardscape and landscape design of the central courtyard shall reflect Thiene’s design approach (geometric and axial alignment of features).
 - g) A few rose bushes typical of the period, shall be reintroduced into the garden to partially restore the garden originally conceived by Thiene as a rose garden.
 - h) A plaque to both Reginald Johnson and Paul Thiene shall be located on the original. Miraflores building and a plaque to Yoch shall be placed in the Don Quixote courtyard (with 1992 redesign noted). An alternative would be a plaque to all three on the entry gate walls on The Fairway. The language and design of the plaques shall be reviewed and approved by an architectural historian acceptable to P&D.
 - j) Skyline trees of a similar character and height should be planted (maximum number feasible) to replace the approximately 20 eucalyptus trees planned for removal.
 - j) The Encore Society Garden, shall be screened from the allee and the Reflecting Pool Garden and path leading to it.
 - k) The newly rendered topiary accents in the Octagon Forecourt shall be removed.
 - l) A qualified historic landscape architect shall review the final plans for the landscape design and monitor the work as it proceeds in order to assure that Thiene’s original landscape design is adhered to as closely as possible.

Plan Requirements and Timing: Prior to approval of the CDP for grading, the plans shall be revised to address the above changes. The plan shall be approved by the MBAR, and P&D in consultation with the contracted historic landscape architect prior to approval of CDPs for grading.

MONITORING: Permit Compliance shall site inspect to ensure installation of landscaping consistent with approved plans.

Land Use Compatibility

25. The developer shall clear the project site of all excess construction debris. If the improvements are developed in phases, the debris shall be removed at the completion of each phase, at a minimum. **Plan Requirement:** This requirement shall be noted on final building plans prior to approval of CDPs for structures.. **Timing:** Debris clearance shall occur prior to occupancy clearance for each phase of development.

MONITORING: P&D shall site inspect prior to occupancy clearance.

- a) On-site resale/retail sales and viewing of merchandise shall be limited to merchandise located in Treasure House and The Rack only. Under no circumstances shall resale items be available for viewing or sale if they are located in another location on-site. Resale merchandise may be stored at the Rack, Treasure House and any excess merchandise which cannot be accommodated in Treasure House or The Rack may also be stored in the new Storage building between Treasure House and The Rack and in the new Storage/Maintenance building. May Madness rummage may be stored without time limitation in areas specifically designated for storage on the building plans.

Plan Requirements and Timing: Project plans shall specify the restrictions and exceptions for storage of rummage and resale as indicated above. The plans shall be reviewed and approved by P&D and MFPR prior to approval of CDPs for structures.

MONITORING: Permit Compliance shall monitor periodically for compliance.

27. All construction related vehicles (including construction worker vehicles), equipment, and supplies shall be located within the project site. In addition, waiting trucks (supply delivery trucks, vehicles transporting fill, etc.,) shall wait on-site (and outside the portion of the exit drive which is actually off-site and within an access easement to the MAW¹⁴), rather than on neighborhood streets. The contractor shall control vehicle traffic through the site (as part of the CTRP) using traffic control personnel at both the entrance and exit gates. In the event that the project gate(s) are closed during construction, contractor shall otherwise control vehicle entry.

Plan Requirements and Timing: The project grading and construction plans shall graphically specify the locations (on-site) for all construction related vehicle parking, staging/equipment storage areas, and waiting areas for supply trucks and vehicles transporting excess fill material. This information shall be indicated on the plans and shall be reviewed and approved by P&D prior to approval of CDPs for grading., to ensure the staging and parking areas do not impact the site's biological or historic resources. In addition, contractor shall ensure that access through the site is controlled to minimize cut-through traffic.

MONITORING: Permit Compliance shall monitor periodically for compliance.

28. Music Academy fundraisers on campus shall be subject to the any given time, daily and seasonal attendance caps. The exception to this shall be limited to one, 1-day event per year,

¹⁴ The exception shall be that trucks with supplies for specific areas (e.g., new trees to be planted north of the instructional building location) shall be allowed to park and unload/load supplies here.

held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).

29. Indoor amplification shall be located where doors and windows can (and shall) be closed to reduce spill-over of noise onto adjacent properties. Construction design shall take this into account by ensuring alternate air circulation in areas where windows may need to remain closed for extended periods. To avoid potential nuisance complaints, non-opening windows may be incorporated into areas of the building(s) where indoor amplification is expected **Plan Requirements and Timing:** Air circulation method(s) shall be identified on the project plans for portions of the building(s) which may include indoor amplification prior to approval of CDPs for applicable structures.

MONITORING: Building & Safety shall check for appropriate inclusion on plans and proper construction methods in the field to accomplish this condition.

30. The applicant shall submit a Cut-through Traffic Reduction Program (CTRP) to minimize land use compatibility impacts associated with any increased traffic in the surrounding residential neighborhood prior to approval of CDPs for the first phase of grading. The plan shall be implemented prior to occupancy clearance (with the exception of occupying the Miraflores remodel). The plan shall be designed consistent with, but not limited to, the description in the ATE traffic study dated 9/17/03. Some of the components from the ATE study are detailed below and some additional requirements have been added. The components identified below may be modified if it is determined that such modifications would still result in an effective CTRP.

- a) Provide a “ticket-spitter” before arriving at the fork in the entrance drive, where the driver would receive a ticket and provide signage that indicates that validation of the ticket will be required or a minimum \$10.00 fee will be charged upon exiting the site.
- b) An access card, pass or sensor installed on the windshield to open the gate (rather than punching in a code) shall be issued to Music Academy staff, faculty, for up to 10 student vehicles and others who are regularly on-site when the gates are normally closed. There shall be a protocol for either confirming the card holder at the kiosk (through information on the card) or for regularly checking to see which cards have been used and how often (to ensure access cards have not been duplicated or otherwise used improperly). In addition, such access card, pass or sensor shall be valid for no more than 12 months from the date of issue.
- c) Whenever the entrance gates are open, a kiosk on the exit segment shall be manned to collect validated tickets or the exit fee (for non-validated tickets). If cut-through vehicles are found to be cutting through at other times (by following other cars in through the gate or because access cards are being inappropriately reproduced), the kiosk shall be manned during these times of known cut-through traffic. A computer system shall be used to track cut-through vehicle data for the CTRP.
- d) Others who frequent the site intermittently, but who do not have access cards, would access the site by using an intercom system at the entrance, (like the existing system), to contact administrative personnel, the caretaker, etc. to allow entry.
- e) If the CTRP is not found to be successful in substantially reducing cut-through traffic, the MPC shall consider the need for and specific modifications to improve the program’s effectiveness (as necessary) at their regular compliance hearing(s). The MPC shall determine the need to implement modifications to the program, including, but not limited to the options identified below:

- i) Increasing the times and times of day when the kiosk is manned;
 - ii) Increasing the fee to \$20.00 or more for cut-through vehicles;
 - iii) Adding a manned presence (second kiosk) at the entrance near the ticket spitter;
 - iv) A narrow, chip-sealed CTRP return lane shall be installed between the existing entrance road and the reflection pool garden. A kiosk shall be placed prior to the fork in the entrance road. There shall be a mechanical arm or gate on the access road continuing north past the kiosk to allow kiosk personnel to stop cut-through vehicles and turn them back to Fairway using the return lane. There shall also be two mechanical arms or gates, controlled by kiosk personnel, installed at both ends of the return lane to: 1) keep vehicles parked in the allee from using the return lane as an exit back to Fairway and 2) keep vehicles from trying to enter this lane from Fairway when the entrance gates are closed.
 - v) One of the other access options;
 - vi) Any other measure determined to be appropriate. The MPC shall determine the need for and type of modifications to the program at their compliance hearing(s).
- f) The plan shall include a recommended protocol for determining the effectiveness of the CTRP;
 - g) The plan shall include the times when the entrance gates will remain open and closed and shall maximize the periods when the gates remain closed to facilitate a reduction in cut-through traffic.
 - h) A protocol shall be proposed for continuously changing tickets and validation stamps to ensure the system is not abused.
 - i) The resale shops shall be open Monday-Saturday from 12:00-3:00 p.m., allowing the gates to be closed during the peak cut-through traffic period unless they would otherwise be open to accommodate other MAW activities (e.g., summer Master Classes).
 - j) As weekend activities would be limited during the summer (no Sunday public events and only five public Saturday public events), the gates shall typically be closed (except the five Saturdays) on the summer weekends. If the gates are open on Saturday afternoons to accommodate the resale shops, the kiosk shall be manned throughout this time period;
 - k) The plan shall incorporate use of driveway counts to assist in better determining cut-through traffic periods and to improve the on-going CTRP).

Plan Requirements and Timing: The Program shall be submitted to Public Works and P&D for review and approval prior to approval of the first CDP for grading (as kiosk and return design may affect driveway details). The plan shall be implemented prior to occupancy clearance (with the exception of occupying the Miraflores remodel). Prior to approving the CDP for the first phase of project grading, P&D shall bring the CTRP to the MPC for an informational briefing and receive MPC comments on the program. This briefing shall also include a report on the applicant's interim CTRP and its effectiveness.

MONITORING: Permit Compliance shall monitor periodically for compliance.

31. Prior to increasing attendance under the permit, the CTRP shall be in effect and all proposed parking shall be completed and available.
32. The hours of operation of Treasure House and The Rack shall be Monday - Saturday from 12:00-3:00 p.m. This change to the resale shop operations is required to facilitate the effectiveness of a cut-through traffic reduction program and thereby offset increased traffic and related land use impacts on the neighborhood. (This condition in no way requires that the resale shops must remain on-site). **Plan Requirements and Timing:** These changes to resale shop operations shall be noted on relevant Music Academy hard copy and website informational materials and at the entrance to the resale shops. Examples of the changed hours on materials shall be submitted to P&D prior to issuance of CDPs for structures.

MONITORING: Permit Compliance shall monitor periodically for compliance

33. Within one year after the first phase of Master Plan operations have been operational, the project shall return to the Montecito Planning Commission for a report on compliance with, and effectiveness of, all project conditions, with a special focus on compliance with attendance caps, the cut-through traffic reduction program and other traffic related conditions (e.g., parking, construction or delivery traffic, etc.). This hearing shall take place sooner if a sufficient number of complaints received prior to this time period necessitate an earlier hearing (at the discretion of the Director of P&D). If the CUP is implemented over a number of years, more than one hearing may be appropriate as determined by P&D. Following this hearing, the project shall return to the Montecito Planning Commission for compliance updates every two years for a minimum ten year period. At the last required compliance hearing, the Montecito Planning Commission shall determine whether or how often to continue having compliance hearings on the CUP or whether an alternative method for evaluating on-going compliance would be appropriate. The MPC may also alter the schedule for compliance hearings as part of their compliance hearings. Project conditions may be modified or new conditions added to ensure effective compliance. **Plan Requirements and Timing:** The applicant shall be required to fund staff time and any specific evaluations necessary to bring the project forward for the Montecito Planning Commission (or Director of P&D) consideration. Refusal to fund work necessary to return to the Montecito Planning Commission would be considered a violation of the CUP. (Previous conditions 35, 40 and 64 have been incorporated into this condition).

MONITORING: Permit Compliance shall ensure that the project receives required review by the MPC as directed by this condition.

34. The MAW shall be required to provide monitoring reports twice annually.
 - a) Monitoring shall cover individual event attendance (ticket sale records from ticketing company including the number of tickets per event for public, students, and faculty/staff), daily attendance, and seasonal attendance. Attendees shall include all regular guests as well as any students, faculty, staff, or other employees who are not performing or working at the event and attendance for these different sub-groups shall be provided.
 - b) The monitoring shall include a specific break down of seminars, conferences, non-profit events, educational programs in the arts and conservatory activities.
 - c) The monitoring shall include the results of the periodic monitoring of parking required to determine adequacy of on-site parking in meeting project demand.

- d) Accompanying the annual monitoring reports shall be a signed statement from the President of the Music Academy of the West stating that a copy the Conditional Use Permit has been distributed to and reviewed with the Music Academy Board and staff in order to ensure compliance with the conditions.

Plan Requirements and Timing: The applicant shall submit a methodology for monitoring per the above requirements to P&D for review prior to approval of CDP for construction.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) during events to perform manual counts on-site () during both the summer and non-summer periods. Manual counts for events shall be compared with the event attendance data submitted in the project monitoring reports . The data will not be exact as Permit Compliance will not be able to differentiate who is a public vs. non-public member. However, the data will still be useful for comparison purposes as the monitoring data will break out the number of public attendees. ..

35. Consistent with historic levels, there shall be no more than five public Saturday events during the summer¹⁵. **Plan Requirements and Timing:** Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the year's summer calendar.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) to determine compliance with this measure.

36. Consistent with historic levels, there shall be no Sunday public events during the summer¹⁶. **Plan Requirements and Timing:** Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the summer calendar.

MONITORING: Permit Compliance shall periodically visit the site (unannounced) to determine compliance with this measure.

37. Picnic concerts shall be limited to no more than ten per summer. **Plan Requirements and Timing:** Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the summer calendar.

MONITORING: Permit Compliance shall review summer schedule information (e.g., on the MAW website or local newspapers) to confirm scheduled picnic concerts.

38. Rentals for seminars and meetings shall continue to be limited to 175 participants with a maximum end time of 10:00 p.m. **Plan Requirements and Timing:** The MAW shall include notice of this requirement in all rental contracts for events and other activities on-site along with a meaningful financial penalty for transgressions. This requirement shall also be posted on-site during applicable evening events to facilitate compliance. Examples of the contract language and the language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development.

¹⁵ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends. Summer students and faculty practicing on-site (not performances), staff doing office or grounds work and other basic administrative activities would still be allowed.

¹⁶ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends. . Summer students and faculty practicing on-site (not performances), staff doing office or grounds work and other basic administrative activities would still be allowed.

MONITORING: Permit Compliance shall note compliance with this measure during periodic, unannounced visits to the site to field check event attendance (the largest events are often evening events).

39. All events and activities shall begin no earlier than 9:00 am and shall end no later than 10:00 pm throughout the year. The exception to this shall be allowance for events on Thursdays and Fridays during the summer season only to end by 10:30 p.m. Once an evening event has ended, guests are expected to leave within approximately 30 minutes. If approximately 30 minutes becomes insufficient for guests to leave the premises, the MPC, as part of their compliance hearings, shall consider the requirement to move end times to earlier in the evening, sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 10:30 (11:00 for Thursday and Friday events in the summer season).

Plan Requirements and Timing: The MAW shall include notice of this requirement in all rental contracts for events and other activities on-site along with a meaningful financial penalty for transgressions. This requirement shall also be posted on-site during applicable evening events to facilitate compliance. Examples of the contract language and the language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development.

MONITORING: Permit Compliance shall note compliance with this measure during periodic, unannounced visits to the site to field check event attendance (the largest events are often evening events).

40. The primary use of the catering kitchen and dining facilities shall be to provide lunch and dinner to summer music students, faculty, and staff. The secondary use of these facilities shall be for the use of non-summer staff to heat up (microwave) and refrigerate their lunches and for use by caterer for rental activities in non-summer. Therefore, the kitchen and dining facilities shall be limited as follows:
- a) The facilities shall not be available to resale shops customers.
 - b) The facilities shall not be open as a snack bar or restaurant for the public or for public on-site for non-event activities or non-catered events/activities, such as musical instruction or other lessons, or rehearsals.
 - c) The facilities shall not be used to provide food for picnic concerts, except to supply a "coffee cart" with drinks, cookies, etc. typical of fare available during a concert intermission.
 - d) The kitchen shall not be used as a cafeteria for food preparation, except for activities typical of an office employee lounge (e.g., coffee maker, microwave and refrigerator to heat up/keep cool meals and snacks brought by employees).
 - e) Food preparation and service for events and the summer program students shall be limited to caterers (no permanent chef or other kitchen staff). Food service for events and summer student meals shall be designed to minimize necessary deliveries.
 - f) Except for food used by a caterer for an event or summer student/staff meals, food stuffs shall be limited to those typical of an office employee lounge (coffee, popcorn, etc.) as well employee access to refrigerator and microwave.
 - g) The kitchen shall not be designed as a commercial or industrial kitchen. Rather, it shall be designed for catering purposes only, with an assumption and requirement for minimal food preparation on-site.

Plan Requirements and Timing: These restrictions regarding the kitchen and dining area uses shall be posted to avoid confusion and to facilitate compliance with this measure. Sample language and location of on-site notice shall be submitted to P&D for review and approval prior to approval of CDPs for structural development

MONITORING: Permit Compliance shall evaluate compliance with this measure during periodic, unannounced visits to the site.

41. Following project implementation, and for the life of the project, if trees or screening shrubs along Butterfly Lane or other perimeter areas of the site are lost (either intentionally or due to natural causes), the trees and shrubs shall be replaced (with comparably sized plantings, up to 24-inch box), within one month, to minimize loss of screening provided by such tree loss. The applicant shall make every effort to replace lost screening vegetation with large plantings that reduce the amount of time necessary to provide screening. Following installation, to the maximum extent feasible, when the property is viewed from off-site, it should retain the appearance of a landscaped residential estate. This measure shall be incorporated into the Tree Protection Plan. **Plan Requirements and Timing:** This requirement shall be incorporated into the project landscape plan, including inclusion of notes to this effect on the landscape plan itself. The plan shall be reviewed and approved by P&D, the MBAR and architectural historian (under contract to P&D) prior to approval of CDPs.

MONITORING: Permit Compliance shall evaluate compliance with this measure during periodic visits to the site.

42. The instructional building shall incorporate the following:
- a) Window treatment on the north side of the instructional building shall be determined by the MBAR to ensure privacy of neighbors.
 - b) The balconies on the north side of the instructional building shall be ornamental only.

Plan Requirements and Timing: These changes (and confirmation of MBAR consideration and approval of these components) shall be shown on the project building plans for review and approval by P&D prior to approval of CDPs for these structures.

MONITORING: Permit Compliance shall evaluate compliance with this measure during construction and prior to occupancy clearance.

43. The student services building shall incorporate the following:
- a) Window treatments on the east side of the student services building shall be determined by the MBAR to ensure privacy of neighbors.
 - b) The rooftop area of the student services building (especially the lower rooftop on the east side of the structure) shall not be accessible, other than to maintenance personnel for landscape or building maintenance purposes.

Plan Requirements and Timing: These changes (and confirmation of MBAR consideration and approval of these components) shall be shown on the project building plans for review and approval by P&D prior to approval of CDPs for these structures.

MONITORING: Permit Compliance shall evaluate compliance with this measure during construction and prior to occupancy clearance.

44. Window coverings shall be installed on the windows on the east and north facing sides of the proposed new instructional and student services buildings and the north side of the proposed new practice studio building in order to reduce visibility of lighting at night when the buildings are viewed from off-site. In addition, the ~~drapes~~ window coverings shall be installed with a timer, to automatically close during night-time hours. Alternative window treatments which are proven to accomplish the same goal as determined by P&D in consultation with MBAR, would also be acceptable. **Plan Requirements and Timing:** This requirement shall be identified on the building plans and submitted for MBAR and P&D review and approval prior to approval of CDPs for these structures.

MONITORING: Permit Compliance shall evaluate compliance with this measure prior to occupancy clearance.

45. When practice rooms are used for activities which would likely generate nuisance noise for neighbors (e.g., any type of amplification, brass band practice, etc.), any north or east facing windows in the room shall be closed. Therefore, the instructional building shall be designed with an air circulation system that does not rely on opening windows in these rooms. **Plan Requirements and Timing:** Project plans consistent with this requirement shall be submitted for P&D review and approval prior to approval of CDPs for construction.

MONITORING: Permit Compliance shall evaluate compliance with this measure during construction and prior to occupancy clearance.

46. The proposed storage building between The Rack and Treasure House shall not result in removal of any trees. **Plan Requirements and Timing:** Project plans consistent with this requirement shall be submitted for P&D review and approval prior to approval of CDPs for grading or construction.

MONITORING: Permit Compliance shall evaluate compliance with this measure during grading and construction.

47. The rooms/spaces in the new practice studio/instructional/student services building complex shall be used for musical practice, instruction, auditions, rehearsals and meetings associated with music only. Rental of these spaces to others for these same activities would also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes.. **Plan Requirements and Timing:** A note identifying these restrictions shall be included on the project building plans for this structure and the applicant shall submit future activity calendars to permit compliance staff along with other monitoring data to ensure compliance with this measure.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of review of monitoring reports and site visits.

48. In addition to the 300 fixed seats in Abravanel Hall, during the summer season only, 50 removable seats are allowed. No more than 300 seats shall be used for the public. Ticketing shall incorporate tickets for all in attendance at an event and shall include different types of tickets for students, faculty/staff and public attendees (public is anyone who is not a student, faculty or staff). There shall be no removable seats in Abravanel Hall during the non-summer season. **Plan Requirements and Timing:** Project plans showing Abravanel Hall shall specify that Abravanel Hall will have a total of 300 fixed

seats and that an additional 50 temporary, not for sale seats shall be allowed in the summer season. The applicant shall specify a method for ensuring that no more than 300 seats are sold to/used by the public, for review and approval by P&D prior to approval of CDPs for construction. This shall include a ticketing plan for the various types of attendees and an example of a monitoring report that would indicate the ticket sales information.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events in the summer season.

49. Summer music students shall access the site using buses provided to and from the site. The exception to this shall be an allowance for up to ten student vehicles on-site. These vehicles shall have designated student permits, which may be transferable between the students and which must be visible in their cars when on campus. No additional student vehicles shall be parked on neighborhood streets to evade this restriction. Walking or bicycling to the site would also be acceptable, as the intent of this condition is to ensure adequate parking on-site. To facilitate compliance, the Music Academy may wish to make a MAW vehicle available for use by students on an as-needed basis. **Plan Requirements and Timing:** This restriction shall be identified in student information materials, a sample of which shall be submitted to P&D for review and approval of CDPs for structures.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events in the summer season and as part of review of parking data monitoring reports.

50. All project related parking demand shall be accommodated on the project site¹⁷. **Plan Requirements and Timing:** This requirement shall be printed on project plans, rental contracts and shall be included on the MAW website associated with activities on-site.

MONITORING: Permit Compliance shall evaluate compliance with this measure as part of site visits during events and as part of review of parking data monitoring reports.

51. During the non-summer, musicians/other performers shall not be counted toward the attendance maximums if they are actually performing at a concert or other event. However, if the activity involved is really instruction or rehearsal with members of the public or students (i.e., not faculty or staff) observing, the performer and audience shall be counted toward the attendance maximums. The intent of this condition is to ensure compliance with the attendance caps and to not allow extension of the summer music program, with an unlimited number of students, in the non-summer.

Noise

52. 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. Construction vehicles arriving prior to 7:00 a.m. shall not wait on neighborhood streets. In addition, 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. **Plan Requirements:** Signs stating these restrictions shall be provided by the applicant and posted on site at both the Fairway and Butterfly Lane driveways, in a location visible from the street. **Timing:** Signs shall be in place prior to beginning of and throughout

¹⁷ The exception to this would be the one, 1-day fundraiser per year, held during the non-summer season, which is unrestricted with regard to attendance caps (e.g., May Madness).

grading and construction activities. Violations may result in suspension of permits.

MONITORING: Building Inspectors and Permit Compliance shall spot check and respond to complaints.

53. Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded to P&D's satisfaction and shall be located as far as possible from occupied residences. **Plan Requirements:** The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. **Timing:** Equipment and shielding shall remain in the designated location(s) throughout construction activities.

MONITORING: Permit Compliance shall perform site inspections to ensure compliance.

54. Construction routes shall be limited to those shown on the proposed construction route plan. The Music Academy shall make a best effort to receive approval for use of the railroad right-of-way for grading/construction related vehicle traffic for a 90-day period and, if available, an extension at a reasonable cost. If this approval is granted, trucks used to transport fill material shall be routed along the railroad right-of-way to Channel Drive and Highway 101 and this same route shall be used when entering the site. The applicant shall provide all adjacent property owners with a construction activity schedule and construction routes 10 days in advance of construction activities. Any alterations or additions shall require a minimum one day advance notification unless this is not possible due to an unanticipated event that would not allow for one day advance notice (e.g., road closure due to a traffic accident). **Plan Requirements and Timing:** The applicant shall submit a copy of the schedule and mailing list to County Permit Compliance and the City of Santa Barbara Community Development and Public Works Departments 14 days prior to initiation of any earth movement.

MONITORING: Permit Compliance shall perform periodic site inspections to verify compliance with activity schedules.

55. All use of amplified sound on-site in indoor locations shall occur with closed windows during periods when amplification is being used. Amplified sound in outdoor locations shall be limited to the following:

- a) Location: the "cloistered outdoor courtyard".
- b) Frequency: Two times per year.
- c) Duration: No more than 2 hours per event.
- d) Level: Shall not be audible outside MAW property boundaries.
- e) Time of Day: Beginning no earlier than 9:00 a.m. and ending no later than 9:00 p.m.
- f) Limited to the spoken voice.

Plan Requirements and Timing: This requirement shall be included on the project plans. The cloistered courtyard area of the plans shall refer to a note stating the specific restrictions for outdoor amplification in this area. The plans shall be submitted to the County for review and approval prior to approval of CDPs for construction.

MONITORING: Permit Compliance shall site inspect as necessary to confirm compliance with this condition.

56. All proposed structures shall be designed to reduce interior noise levels to 45 dBA CNEL with doors and windows closed. **Plan Requirements and Timing:** An acoustical engineer shall sign-off project building plans confirming that the proposed construction design will attenuate noise levels inside the structure accordingly. All construction techniques and recommendations of the acoustical engineer shall be incorporated into design of the project and detailed on building plans. Prior to occupancy clearance, indoor noise levels shall be measured by an acoustical engineer to confirm adequacy of construction design (or additional measures shall be incorporated to reduce indoor noise levels to 45 dBA).

MONITORING: Building Inspectors shall ensure that all noise control measures have been implemented according to the approved plans. If an acoustical survey is required, P&D will ensure recommended levels have been reached prior to occupancy clearance.

Solid Waste

57. The applicant shall refine their existing Solid Waste Management Plan (SWMP) for the expanded facilities on-site. The SWMP shall be implemented during the life of the CUP, unless a modification to the plan is approved by County P&D, in consultation with Public Works, Solid Waste Division. **Plan Requirements:** The program shall include, but not be limited to, the following:

- a) On-site provision of adequate space and/or covered bins for storage of recyclable materials generated throughout the site and in no case shall these be located within the easement along the exit drive.
- b) Designation and/or expansion of a central recyclable material pickup area on-site.
- c) Continued and expanded participation in the County's recyclables and greenwaste collection programs.
- d) Development of a plan for accessible collection of increased volumes of recycle materials, particularly during peak use periods.
- e) Implementation of a monitoring program (quarterly, bi-annually) to ensure participation in recycling efforts and requiring written documentation in the form of receipts.
- f) Encourage the use of reusable cups and place settings at special events held onsite to minimize solid waste generation.
- g) Development of a plan for recycling/reuse of yard waste on-site. This shall include on-site mulching and use of the mulch on-site as well as location of adequate green waste pick-up containers acceptable to area collection service.

Timing: The applicant shall submit a Final Solid Waste Management Plan for the expanded facilities to P&D for review and approval prior to approval of CDP for grading. Program components shall be implemented prior to occupancy clearance and throughout the life of the project.

MONITORING: P&D shall site inspect periodically during construction, prior to occupancy, and after occupancy to ensure solid waste components are established and implemented.

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

not be located within the exit drive easement area. **Plan Requirements:** This requirement shall be printed on the grading and construction plans. Permittee shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. All applicable materials shall be recycled prior to occupancy clearance.

MONITORING: P&D shall review receipts prior to occupancy clearance.

Geology/Drainage/Water

59. The final grading, drainage and erosion control plan(s) shall be designed to minimize grading requirements, minimize erosion, properly convey runoff water across the site to appropriate off-site drainage infrastructure, and filter pollutants and sediment from runoff waters prior to drainage leaving the site. The plan(s) shall include, but not be limited to, the following:
- (a) Bio-filtration shall be incorporated into the drainage plan wherever feasible, such as in the northern swale and in appropriate landscaped areas¹⁸. Additional mechanical/chemical or other filters shall also be installed in paved areas to further reduce oil and grease pollution from entering drainage channels and the storm drain system along Butterfly Lane. The plan shall include specifications for all proposed filtering mechanisms (biological and other) as well as on-going and periodic maintenance requirements to ensure proper working order.
 - (b) Best available erosion and sediment control measures (also known as water quality best management practices or BMPs) shall be implemented during grading and construction. BMPs such as, but not limited to, the use of geo-textile fabrics, gravel bags, erosion control blankets, jute net, silt fences, straw bales, temporary berms and sediment trapping/retention basins, drainage diversion structures and spot grading shall be used to reduce erosion and siltation into adjacent/nearby water bodies or storm drains during grading and construction activities and until graded areas have been stabilized by structures, long-term erosion control measures or landscaping. Design of BMPs and filters shall ensure appropriate location, size, and maintenance to maximize intended performance.
 - (c) The plans shall take into consideration potentially differing requirements for all phases of site development.
 - (d) Wherever possible, details of erosion control techniques and filters shall be shown graphically on the plans along with notes, (e.g., location of filters, landscape areas serving as filters, straw bales, siltation fencing, temporary berms, notes addressing siltation fencing installation and dust suppression requirements, etc.
 - (e) Drainage plans shall contain specifications and maintenance procedures. The applicant shall enter into a maintenance agreement for drainage improvements (for all private drainage improvements) and may be required to bond for long-term maintenance of specific filtering techniques/devices (or other BMPs), per Flood Control District conditions and Project Clean Water review to ensure proper maintenance. The applicant shall maintain maintenance records as part of this agreement.

¹⁸ This shall also be incorporated and graphically depicted on the landscape plan.

- (f) The applicant shall limit excavation and grading on the project site to the dry season of the year (i.e., April 15 to November 1) unless a Building and Safety approved erosion control plan is in place and all measures therein are in effect.
- (g) Native vegetation is recommended for mulch as protection for both soil blowing and water erosion over the long-term.
- (h) 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.
- (i) To minimize pollutants impacting waterbodies, storm drain filters, inserts, inline clarifiers, or separators shall be installed in the project area storm drain inlets and/or paved areas. The storm drain 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.
- (j) Graded areas shall be revegetated within two weeks of completion of grading activities, for areas that are not to be constructed on, with deep rooted, native, drought-tolerant species (unless alternative, equally effective non-native species have been approved in the landscape plan) to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- (k) Grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff.
- (l) A detailed geological and/or soils engineering study addressing structure sites and the access roads shall be prepared to determine structural design criteria, as recommended by the Planning and Development Building & Safety Division. The study shall be submitted for review and approval by Public Works.

Plan Requirements: The applicant shall submit final grading, drainage and erosion control plan(s) for review and approval by P&D and the FCD prior to approval of a Coastal Development Permit for grading. The plans shall include sign-off from the Montecito Sanitary District and the City of Santa Barbara prior to approval of the CDPs for grading in the northern and western portions of the site. **Timing:** The applicant shall notify Permit Compliance prior to commencement of grading. Components of the grading plan shall be implemented throughout all grading activities as specified on the plan. The erosion control plan shall be implemented within two weeks after the completion of grading activities, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within 8 weeks of grading completion.

MONITORING: Permit Compliance will photo document revegetation and ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities. Prior to construction, installation shall be photo-documented and submitted by the applicant to P&D. P&D shall site inspect and ensure filters are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to and during construction. The Flood Control District would monitor the post-construction period via the maintenance agreement.

- 60. Energy dissipaters shall be installed along drainage improvements emptying into the swale along the northern property line. This swale shall be designed as a bio-swale to assist in filtering out pollutants and sediment prior to reaching the drain outlet near

Butterfly Lane. The applicant shall coordinate with the Union Pacific Railroad to ensure that portions of the swale located in the railroad right-of-way can be used as a bio-swale. If permission cannot be acquired for this use, bio-filtration shall be considered elsewhere in the northern portions of the Music Academy property in a manner which does not impact the northern eucalyptus windrow. **Plan Requirements:** Prior to approval of CDPs, the applicant shall submit to P&D and the FCD for review and approval, detailed plans and a report prepared by a licensed geologist or engineer for any proposed permanent drainage and erosion control components. Design of bio-filtration measures shall be coordinated with a biologist/arborist to ensure this would not damage the northern eucalyptus windrow or result in other significant biological impacts. **Timing:** Erosion control components shall be installed prior to grading permit issuance, except where components cannot be installed until completion of grading.

MONITORING: P&D shall require submittal of photo-documentation of installed structures or shall site inspect for compliance prior to issuance of CDP for grading.

61. Drainage shall be consistent with approved drainage plans. Wherever feasible, plans for site drainage shall incorporate bio-filtration, pervious surfaces (particularly in parking surface parking and patio areas) and other methods of filtering contaminants from runoff water (e.g., mechanical filters). **Plan requirements and Timing:** Prior to approval of a Coastal Development Permit for grading, a final drainage plan shall be submitted to P&D and FCD for review and approval. The plan shall include the location of all proposed pipelines, the entire length of all proposed pipelines, trees located within 15 feet of the pipelines, vegetation proposed to be planted for bio-filtration purposes, the use of pervious surfaces for parking, patio, walkways, and other short and long-term water quality filtering methods etc., pipe diameters, and amount of water that would flow from each pipeline.

MONITORING: P&D shall site inspect for compliance during grading.

62. 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 and Safety Division.

MONITORING: Building inspectors shall site inspect prior to occupancy clearance.

63. To prevent illegal discharges to the storm drains, all on-site storm drain inlets, whether new or existing shall be labeled to advise the public that the storm drain discharges to the ocean and that dumping waste is prohibited (e.g., "Don't Dump – Drains to Ocean"). The information shall be provided in English and Spanish. **Plan Requirements and Timing:** Location of storm drain inlets shall be shown on site building and grading plans prior to approval of CDPs for grading (on building plans as well prior to approval of CDPs for structures). Labels shall be installed prior to occupancy clearance. Standard labels are available from Public Works, Project Clean Water, or other label designs shall be shown on the plans and submitted to P&D for approval prior to approval of CDPs.

MONITORING: Permit Compliance shall site inspect prior to occupancy clearance.

64. During construction, washing of concrete, trucks, paint, equipment or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site and in no case shall these activities take place within the easement (along the exit drive) Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive

biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate a wash off area, acceptable to P&D, and this area shall be shown on the construction plans and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to approval of Coastal Development Permits. The wash off area shall be in place and maintained throughout construction.

MONITORING: P&D staff shall check plans prior to approval of Coastal Development Permits and compliance staff shall site inspect throughout the construction period to ensure proper use and maintenance of the washout area(s).

65. Outdoor water use shall be limited through the measures listed below.

- a) Landscaping shall generally be with native and/or drought tolerant species to reduce water demand. However, exceptions are expected as identified in (but not limited to) the preliminary landscape plan, to address specific screening, historic resource, and biological issues.
- b) Drip irrigation or other water-conserving irrigation shall be installed.
- c) Plant material shall be grouped by water needs.
- d) Extensive mulching (2" minimum) shall be used in all landscaped areas to improve the water holding capacity of the soil by reducing evaporation and soil compaction.
- e) Soil moisture sensing devices shall be installed to prevent unnecessary irrigation.
- f) Permeable surfaces such as turf block or intermittent permeable surfaces such as French drains shall be used to minimize runoff and maximize recharge and filtering of runoff water.
- g) Wherever feasible, the landscape plan shall incorporate bio-swales or other landscaped areas which serve to filter run-off water from the site. These components shall be graphically depicted on the landscape/irrigation plan(s).

Plan Requirements: Prior to approval of CDPs for grading, a landscape and irrigation plan shall be submitted to P&D for review and approval. The applicant/owner shall enter into an agreement with the County to install required landscaping/irrigation and maintain required landscaping for the life of the project.

Timing: The applicant shall implement all aspects of the landscape and irrigation plan prior to occupancy clearance and shall maintain the landscaping components in the landscape plan for the life of the project.

MONITORING: Permit Compliance shall conduct site visits to ensure installation and maintenance of landscape and irrigation. Any part of irrigation plan requiring a plumbing permit shown on building plans shall be inspected by Building Inspectors.

66. Indoor water use shall be limited through the following measures:

- a) All hot water lines shall be insulated.
- b) Recirculating, point-of-use, or on-demand water heaters shall be installed in all new or renovated structures..

- c) Water efficient clothes washers and dishwashers shall be installed.
- d) Lavatories and drinking fountains shall be equipped with self-closing valves

Plan Requirements: Prior to approval of Coastal Development Permits, indoor water-conserving measures shall be graphically depicted on building plans, subject to P&D review and approval. **Timing:** Indoor water-conserving measures shall be implemented prior to occupancy clearance.

MONITORING: P&D shall inspect for all requirements prior to occupancy clearance.

Sewer

67. The applicant shall remove all portions of the existing maintenance building which are currently located within the MSD sewer easement. **Plan Requirements and Timing:** At the earliest possible date, but in no case later than prior to approval of CDPs for the first phase of development, project plans shall identify this requirement as well as the location of the sewer easement and existing sewer lines. Prior to submitting applicable plans to P&D for review, the applicant shall receive confirmation (sign-off on plans) from MSD regarding agreement on removal of this structure consistent with their easement. This structure shall be removed prior to occupancy clearance for the first phase of the Master Plan.

MONITORING: P&D shall perform site inspections to ensure compliance with the approved plans.

68. The applicant shall coordinate with MSD and the City of Santa Barbara regarding the specific location and design of the new parking area in the northern portion of the site (and within their easements) and the proposed landscape plan (as it relates to plantings proposed within or in proximity to the sewer easement). **Plan Requirements and Timing:** Prior to submitting applicable plans to P&D for review, the applicant shall receive confirmation from MSD and the City of Santa Barbara (sign-off on plans) that the proposed location and design of parking area and plantings is acceptable, to avoid impacts to their respective pipelines. In addition to design specifications, this may include other measures such as in-pipeline video documentation before and following completion of construction to ensure that no unanticipated damage occurred to the pipelines as a result of construction activities. Structural engineering shall also consider the effects of future maintenance or repair activities on the pipelines that could impact the parking area (e.g., such activities may involve a deep, wide trench in proximity to the edge of these structures). P&D shall confirm sign-offs prior to approval of applicable CDPs. Plans shall identify the surveyed location of the northern property line, the sewer easement, sewer manholes and existing sewer lines.

MONITORING: P&D shall perform site inspections to ensure compliance with the approved plans.

Traffic

69. Parking demand generated by project activities shall be accommodated within the on-site parking supply (285 passenger vehicle spaces with ability for 5 additional spaces using stacked parking, and two bus spaces, consistent with approved plans). The parking shall be in place prior to any increases in attendance. This parking supply is consistent with application of a conservative parking demand rate of 0.76 spaces/seat¹⁹, the project would generate demand for 289 spaces.). In order to ensure that project generated parking demand

¹⁹ Based on ATE summer afternoon, high attendance event data

can be accommodated on-site, once the Master Plan is operational, the applicant shall monitor event parking during large events (300 plus attendees) to determine whether parking is indeed adequate to accommodate on-site parking for the proposed any given time maximum public attendance. The parking monitor shall specifically evaluate parking for days when high attendance is expected for consecutive Master Classes to determine whether there is adequate time between event start and end times to allow exiting vehicles (from a large event) to leave the site in time for entering vehicles (for a large event) to backfill the vacated parking spaces without waiting. Project conditions, which affect parking (including, but not limited to a reduction in the any given time public attendance maximum attendance cap, increased or decreased minimum time required between consecutive events, etc.), may be modified at the required compliance report hearings with the Montecito Planning Commission if the results of these surveys indicate insufficient parking is available to accommodate project demand. The MAW also has the ability to control administrative and volunteer activities on-site to ensure adequate parking will be available to accommodate other activities and events. **Plan Requirements and Timing:** The applicant shall fund preparation of periodic surveys (four times per year, although more often during the summer season and possibly less often during the non-summer season would also be acceptable) of the total number of vehicles associated with large events on-site and where they park. The applicant shall submit a draft monitoring plan to P&D for review and approval prior to approval of CDPs for new structures. Depending on project phasing, the monitoring plan may require modification for future phase(s). The monitoring plan may be modified by the MPC, as determined necessary, at the project's compliance hearings. The parking surveys shall specifically evaluate large consecutive events. The surveys shall be performed by professionals experienced in collection of traffic data. Given the potential ramifications of the survey results and to avoid any perception of conflict of interest, the survey personnel shall be funded by the applicant under contract to the County. The surveys shall account for all cars associated with Music Academy activities, including those associated with students, faculty, other employees, volunteers, customers and sales people at the resale shops, and others attending administrative activities on-site. (Surveys required by this condition may be performed in conjunction with mitigation monitoring requirements identified in other traffic mitigation measures). In the first year of regular operations, survey data shall be available for a week which includes peak attendance classes/events/picnic concert during the summer season and for a week which includes peak events during the non-summer period. Therefore, the Academy's event calendar shall be used to identify appropriate monitoring periods.

MONITORING: Permit Compliance shall ensure implementation of contract for parking monitoring and shall review parking monitoring reports for compliance.

70. Until such time as the improvements to the Cabrillo/Los Patos-Channel intersection and the Cabrillo/U.S. 101 interchange/ramps are completed (and found to achieve LOS C with future traffic assumptions), the following measure shall be implemented:

The MAW shall schedule Master Classes with more than 250 public attendees to start and end outside of the 4:00-6:00 p.m. peak commute period (such as a 4:00 P.M. start and a 6:00 P.M. end or a 1:00 start and a 2:50 end) to mitigate potential traffic impacts. **Plan Requirements and Timing:** Music Academy staff shall be made aware of this requirement prior to scheduling events and other activities MAW shall submit activity calendars to P&D on an annual basis showing the schedule for events accordingly. The applicant shall maintain a copy of the CUP in a location where it is physically accessible to the public as well as on their web-site. At such time as the intersection improvements are completed, the applicant shall submit evidence of completion to P&D for concurrence and may alter its schedule of events accordingly.

MONITORING: Music Academy shall maintain event/rental records of ticket sales for all attendees including students, faculty, staff or other employees (unless they are only performing/working at the event) t. MAW shall also maintain event calendars for reference.

71. The applicant shall contribute \$17,400.00 (the project's proportional share of a \$200,000.00 round-about, as the project EIR concludes that the project would contribute 8.7% or 18 PHT out of 208 cumulative PHT to the intersection) to design and implement the necessary improvements at the Los Patos/Cabrillo Boulevard/Channel Drive intersection. If a round-about is not determined to be the appropriate method for addressing cumulative traffic, then these funds shall go toward alternate City approved mitigation for this intersection.

Plan Requirements and Timing: Prior to approval of CDPs, the applicant shall submit written confirmation from the City of Santa Barbara that acceptable arrangements have been made to address the applicant's contribution to this intersection improvement.

MONITORING: Permit Compliance shall confirm that all arrangements have been completed with the City of Santa Barbara.

72. The applicant shall contribute funds representing the project's proportional share of the approved improvement at Hot Springs/Cabrillo/Highway 101 ramps, as the project EIR concludes that the project's contribution to cumulative PHT increases to this intersection would equate to 5.6% of the \$150,000.00 cost to implement the planned interim traffic signal at this intersection. This contribution shall only be required if the applicant no longer wishes to limit public attendance to 250 attendees for events from 4:00-6:00 pm until the improvements have been completed.
73. The applicant shall prepare and submit a construction traffic plan to the County and the City of Santa Barbara prior to approval of a CDP for grading. The plan shall:
- a) Designate a construction traffic coordinator;
 - b) Identify the truck routes, which minimize effects on pedestrians and bicyclists and nuisance to neighbors. This shall include use of the UPRR right of way as/if permitted by UPRR for a 90-day period and, if available, an extension at a reasonable cost. ;
 - c) Require prompt clean up of dirt/other debris spilled from construction vehicles on neighborhood streets. Dry-cleaning methods shall be preferred to avoid flushing dirt and pollutants into the storm water system.
 - d) Vehicles transporting excess fill from the project site shall avoid the p.m. peak hour period (4:00-6:00 p.m.) to minimize impacts on the Cabrillo/Hot Springs/Highway 101 intersection.
 - e) During the construction period, a gate control program shall be implemented to eliminate cut-through traffic during the construction period.

Plan Requirements and Timing: The applicant shall review the construction traffic plan with the Montecito Association and the MSD and obtain their comments on the plan for inclusion and later submittal to the County. The plan shall be reviewed and approved by County Public Works and P&D as well as the City of Santa Barbara prior to approval of a CDP for grading. The plan shall be implemented throughout the construction period.

MONITORING: Permit Compliance shall inspect for implementation of plan during the construction period.

74. Project generated parking demand shall be accommodated by on-site parking (285 passenger vehicle spaces, 5 additional stacked parking spaces and two bus spaces). To facilitate on-site parking and avoid project generated parking demand on neighborhood streets, the MAW shall:

a) Deploy an adequate number of parking attendants for the larger events to ensure that identified parking is maximized (and parking on neighborhood streets is avoided or minimized). An adequate number of attendants shall also be present for events to ensure that entering vehicles are not blocking traffic on Fairway in front of the Music Academy entrance. Parking attendants shall be responsible for directing vehicles to appropriate parking areas and open spaces and facilitating circulation throughout the site(s). If it is confirmed by P&D that MAW attendees, staff or students are consistently parking on neighborhood streets, the MAW will be required to utilize an increased number of parking attendants. If this problem persists, information regarding this situation will be forwarded to the Montecito Planning Commission as part of their compliance update hearing(s). If the monitoring indicates that on-site parking supply cannot accommodate peak parking demand for maximum attendance events, the MPC shall consider reducing the maximum any given time attendance to a level at which the on-site parking supply can accommodate peak attendance.

b) In the non-summer period, performers shall be bused to the site if there would be more than 95 staff/performers at an event (with attendees)²⁰.

Plan Requirements and Timing: The applicant shall prepare a typical plan for use by attendants at various large events to facilitate operations. This plan shall be submitted to P&D and Public Works prior to issuance of CDPs.

MONITORING: Permit Compliance shall periodically inspect for implementation of plan during large events. Permit Compliance may also review related monitoring reports required pursuant to other project conditions.

75. The applicant shall deposit funds to cover on-going staff review and compliance efforts. In addition to regular compliance review, this shall also include the cost for staff to attend (unannounced) events on-site periodically²¹ and to perform manual counts of attendees at such events for general comparison with applicant submitted monitoring reports regarding attendance. Precise comparison will not be possible for some events (e.g., summer concerts) as some of the attendees will include students and faculty. However, the monitoring data submitted by the MAW will break out the number of public attendees. **Plan Requirements and Timing:** The applicant shall submit necessary funds for long-term compliance with P&D prior to approval of CDPs. The amount shall be determined following review of project plans for CDPs, including, but not limited to, the manner in which the project operations propose to comply with project conditions.

MONITORING: Permit Compliance shall confirm that funds were deposited prior to issuance of CDPs.

76. The Music Academy shall ensure adequate breaks between the start and end times of events to avoid concurrent demand for available parking. At least 40 minutes shall be scheduled between the start and end times of larger events on-site (those involving combined consecutive event attendance of 550 or more public attendees, such as 300 at the first

²⁰ This is required to ensure there would be adequate on-site parking for a high attendance event in the non-summer season, when performers would not normally be arriving by bus (as the students do during the summer).

²¹ During the first year of operations this shall involve visits once/week during the summer and at least once per month during the non-summer period. At the first scheduled compliance hearing (one year after operations under the first phase of the Master Plan begin), the schedule for monitoring may be re-evaluated.

afternoon Master Class and 250 at the second Master Class).

MONITORING: Permit Compliance shall periodically review Music Academy schedules of events for compliance.

77. Although not an option at this time, project egress for west-bound traffic would be acceptable using either Monte Cristo Lane or the Montecito Sanitary District driveway (subject to Public Works review and approval of the driveway access design onto Channel Drive. Maintaining this option (although unlikely to effectuate), would serve to reduce neighborhood traffic volumes and provide a more direct route for west-bound traffic leaving the Music Academy.

Project Specific Conditions

78. No signs of any type are approved with this action unless otherwise specified. All signs require a separate Coastal Development Permit and Montecito Board of Architectural Review approval and shall comply with the Santa Barbara County Code Chapter 35, Article I (Sign Regulations). The exception to this shall be temporary signs associated with the interim CTRP. The applicant will bring the temporary signs forward for MBAR review and approval, but will be permitted to install temporary CTRP signage prior to MBAR approval, in order to effectuate traffic reduction at the earliest possible date. If MBAR recommends changes to the signs, within one week the MAW shall replace the signs, consistent with the MBAR directed change(s).
79. If trash storage is located in view of a public roadway, the trash area shall be installed which is architecturally compatible with the project design. The storage area shall be enclosed with a solid wall of sufficient height to screen the area and shall include a solid gate. Trash storage shall not be located in the easement portion of the exit drive (at the eastern end of the internal roadway). The trash storage area shall be maintained in good repair. **Plan Requirement:** Location and design of trash storage area shall be denoted on project plans. **Timing:** Trash storage area shall be installed prior to occupancy clearance.
80. During the non-summer period, unless the recording is secondary to an actual on-site performance those persons being recorded and related assistants on-site ~~for~~ shall be counted toward the attendance limits. During the summer season, only summer school students, faculty, and related assistants shall use the recording facilities.
81. Consistent with the intent of the Master Plan project description, the renovated recital hall shall be designed to accommodate chamber music (generally smaller musical groups). Therefore, it shall not include features which would allow additional types of performances to be re-located and/or expanded onto the project site (e.g., from the Lobero and other downtown locations used historically). Therefore:
- a) Only the necessary off-stage and back-stage space shall be provided;
 - b) There shall be no fly gallery;
 - c) Lighting pipes shall be the minimum necessary to accommodate the basic instrumental and vocal performances associated with chamber music and other small group performances. A full complement of lighting pipes (downstage to upstage) shall not be incorporated.

CONDITIONAL USE PERMIT CONDITIONS

82. The conditions of this Conditional Use Permit replace and supersede the conditions of the previous CUP permit, 90-CP-111 RV01. This permit covers all existing and proposed development and uses on the project site.
83. This Conditional Use Permit is not valid until a Coastal Development Permit for the development and/or use has been obtained. Failure to obtain said Coastal Development Permit shall render this Conditional Use Permit null and void. The component of this CUP addressing new construction is valid for a period of 3 years. (CDPs for construction must commence within 3 years of approval of the CUP). Prior to the issuance of the Coastal Development Permit, all of the conditions listed in this Conditional Use Permit that are required to be satisfied prior to approval of Coastal Development Permits must be satisfied. Upon issuance of the Coastal Development Permit, the Conditional Use Permit shall be valid. The effective date of this Permit shall be the date of expiration of the appeal period to the Board of Supervisors, or, 10 working days after the California Coastal Commission (CCC) receipt of Board of Supervisor's final action, if appealed to the Board of Supervisors. If appealed to the CCC, the date shall be measured from CCC final action).
84. If the Montecito Planning Commission determines at a noticed public hearing that the permittee is not in compliance with any permit condition(s), pursuant to the provisions of Sec. 35-172.10 of Article II of the Santa Barbara County Code, the Montecito Planning Commission is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.
85. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Coastal Development Permit issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit.
86. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.
87. Within three years after the effective date of this permit, construction and/or the use shall commence. Construction or use cannot commence until a Coastal Development Permit has been issued. Failure to commence the construction and/or use pursuant to a valid Coastal Development Permit shall render the Conditional Use Permit null and void.
88. All time limits may be extended by the Montecito Planning Commission for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.
89. 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 coastal development permit issuance.

COUNTY RULES & REGULATIONS/LEGAL REQUIREMENTS

90. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement,

the applicant shall obtain a Coastal Development and Building Permit from Planning and Development. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Montecito Planning Commission. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.

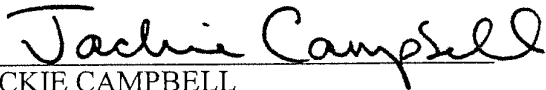
91. Prior to approval of Coastal Development Permits for the project, the owner shall sign and record an agreement to comply with the project description and all conditions of approval.
 92. Two performance securities shall be provided by the applicant prior to approval of Coastal Development Permits, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for 5 years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. The installation security shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security 5 years after installation. 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 plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:
 - a. Installation of landscaping, including the butterfly enhancement area, tree replacement and transplanting, and all of other components of the landscape plan including plants, irrigation, hardscapes, vine support structures, and screening walls or fences consistent with the approved tree protection and preservation plan, butterfly enhancement plan, and grading and drainage plans, prior to occupancy clearance.
- MONITORING:** P&D shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.
93. Landscaping shall be maintained for the life of the project.
 94. Prior to approval of Coastal Development Permits, the applicant shall notify in writing all property owners and occupants of parcels within 300' of the project site of its approval and conditions. Proof of mailing the notices shall be provided to Planning and Development.
 95. **Compliance with Departmental letters required as follows:**
 - a. Air Pollution Control District dated November 12, 2003
 - b. Environmental Health Services dated November 6, 2003
 - c. Flood Control dated November 19, 2003
 - d. Transportation Division (Public Works) dated June 16, 2004
 - e. Montecito Sanitary District dated November 19, 2003 and April 19, 2004
 - f. Montecito Fire Protection District dated November 20, 2003 and May 27, 2004
 96. All applicable final conditions of approval 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.

97. The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:
- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
 - b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
 - c. Pay fees prior to approval of Coastal Development Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.
98. Prior to approval of Coastal Development Permits, the applicant shall provide evidence that an Agreement to Comply with Conditions has been recorded on a form acceptable to Planning and Development. Such form may be obtained from the P&D office.
99. Prior to issuance of Coastal Development Permit, the applicant shall pay all applicable P&D permit processing fees in full.
100. Any change of use in the existing or proposed building or structure shall be subject to environmental analysis and appropriate review by the County including building code compliance.
101. 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 Conditional Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
102. 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.
- III. This permit is issued pursuant to the provisions of Section 35-315 of Article III of the Code of Santa Barbara County and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:
- a. If any of the conditions of the Conditional Use Permit are not complied with, the Montecito Planning Commission, after written notice to the permittee and a noticed public hearing, may in addition to revoking the permit, amend,

alter, delete or add conditions to this permit at a subsequent public hearing noticed for such action.

b. A Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.

c. Said time may be extended by the Montecito Planning Commission one time for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.




JACKIE CAMPBELL
Deputy Director, Development Review South Division
For VAL ALEXEEF, DIRECTOR

Attachments:

Departmental/Agency condition letters
Bill Spiewak letters dated 1/30/03, 9/03, 4/2/04, and 5/18/2004



Our Vision  Clean Air

**Santa Barbara County
Air Pollution Control District**

TO: Department of Planning and Development - South Co .
ATTN: Natasha Heifetz
FROM: Vijaya Jammalamadaka *VJ*
DATE: November 12, 2003
CASE #: 90-CP-111RV01 Music Academy of the West-Master Plan Rev.
(APN 009-282-029)
(APN 009-281-030)

The Air Pollution Control District has reviewed the referenced case and offers the following:

- The APCD has no comment on this project at this time.
- Applicant must be issued an APCD permit prior to construction or operation of this project.
- Applicant must apply for an APCD permit exemption prior to land use clearance.
- The applicant should determine whether the structure(s) proposed for demolition contains asbestos that is friable or has the potential to become friable during demolition or disposal. If the structure does contain friable asbestos, the asbestos should be removed by a contractor that is state certified for asbestos removal.
- Applicant is required to complete the attached "Asbestos Demolition/Renovation Notification" form. The completed form should be mailed to the Santa Barbara APCD and EPA Region IX no later than the date specified in number 2 of the instructions.
- Standard dust mitigation measures (dated September 1996) are recommended for all construction and/or grading activities. The name and telephone number of an on site contact person must be provided to the APCD prior to issuance of land use clearance.

cc:
Suzanne Elledge, Agent
Project File
TEA Chron File

RECEIVED

NOV 13 2003

**S.B. COUNTY
PLANNING & DEVELOPMENT**

**SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT
STANDARD DUST CONTROL REQUIREMENTS**

1. Dust generated by the development activities shall be retained onsite and kept to a minimum by following the dust control measures listed below. Reclaimed water shall be used whenever possible.
 - a. During clearing, grading, earth moving or excavation, water trucks or sprinkler systems are to be used in sufficient quantities, after each day's activities cease, to prevent dust from leaving the site and to create a crust.
 - b. After clearing, grading, earth moving or excavation is completed the disturbed area must be treated by watering or revegetating; or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
 - c. During construction, water trucks or sprinkler systems are to be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

2. Importation, Exportation and Stockpiling of Fill Material:

Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

Trucks transporting fill material to and from the site shall be tarped from the point of origin.

If the construction site is greater than five acres, gravel pads must be installed at all access points to minimize tracking of mud on to public roads.

3. Activation of Increased Dust Control Measures:

The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

4. Recordation of Mitigation Measures:

Prior to land use clearance the applicant shall include, as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.

Santa Barbara County

PUBLIC Health
DEPARTMENT

Environmental Health Services

2125 S. Centerpointe Pkwy., #333 • Santa Maria, CA 93455-1340
805/346-8460 • FAX 805/346-8485

Roger Heroux, MPA Director
Elliot Schulman, MD, MPH Health Officer/Medical Director

TO: Natasha Heifitz Campbell, Planner
Planning & Development Department
Development Review Division

FROM: Paul Jenzen
Environmental Health Services

DATE: November 6, 2003

SUBJECT: Case No. 90-CP-111 RV01 Montecito Area

Applicant: Music Academy of the West
1070 Fairway Road
Santa Barbara, CA. 93108

Property Location: Assessor's Parcel No. 009-282-029, 030, zoned 1-E-1, located at
1070 Fairway Road.

Case No. 90-CP-111 RV01 represents a request for a major remodel of the facilities at the subject site. New facilities would include a practice building, an instructional building and student services building. Also included in the project is a kitchen remodel. In addition, the number of summer attendees would increase.

Domestic water supply is proposed to be provided by the Montecito Water District.

Sewage disposal is proposed to be provided by the Montecito Sanitary District.

The project site is currently connected to the Montecito Water District and the Montecito Sanitary District but because of the new services connections a "Can and Will Serve" letter will be required.

Providing the Planning Commission grants approval of the applicant's request, Environmental Health Services recommends the following be included as Conditions of Approval:

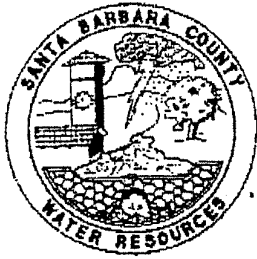
1. Prior to Issuance of Zoning Clearance, Environmental Health Services shall receive and approve written notice from the Montecito Water District indicating that said district can and will provide domestic water service upon demand and without exception.
2. Prior to Issuance of Zoning Clearance, Environmental Health Services shall approve written notice from the Montecito Sanitary District indicating that said sanitary district can and will provide municipal sewage collection and disposal upon demand and without exception.

RECEIVED
NOV 07 2003

000429

Healthier communities through leadership, partnership and science.

S.B. COUNTY
OF PLANNING & DEVELOPMENT



Santa Barbara County Flood Control & Water Conservation District and Water Agency

123 E. Anapamu Street, Santa Barbara, California 93101
(805) 568-3440 Fax: (805) 568-3434
Web: <http://www.countyofsb.org/pwd/water>

Phillip M. Demery
Public Works Director

Thomas D. Fayram
Deputy Public Works Director

November 19, 2003

Montecito Planning Commission
S.B. County Planning & Development Department
123 E. Anapamu St.
Santa Barbara, CA 93101

Reference: 90-CP-111RV01; Music Academy of the West
APN: 009-282-029, -030/Montecito

Dear Commissioners:

This District recommends that approval of the above referenced project be subject to the following conditions.

1. Prior to issuance of Land Use Clearance, the applicant shall comply with the Flood Control Standard Conditions of Approval.
2. Prior to issuance of Land Use Clearance, the applicant shall submit grading & drainage plans to the District for review and approval. Said plans shall convey site drainage to an acceptable watercourse or drainage facility in a non-erosive manner, and shall include Clean Water Best Management Practices (BMP's).
3. The applicant will be required to pay the current plan check fee deposit at the time the grading & drainage plans are submitted for District review and approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale W. Weber".

Dale W. Weber, P.E.
Development Engineer

RECEIVED
NOV 19 2003
S.B. COUNTY
PLANNING & DEVELOPMENT

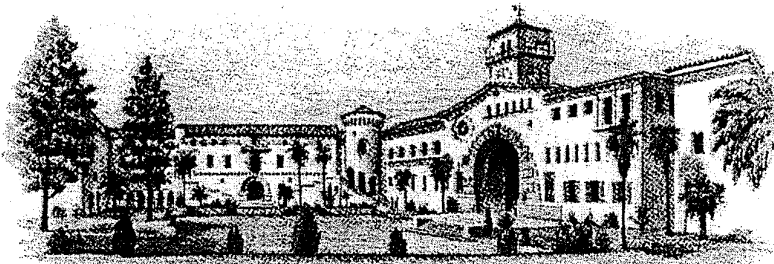
cc: Natasha Campbell, Planning & Development
Suzanne Elledge, 800 Santa Barbara Street, Santa Barbara, CA 93101
Music Academy of the West, 1070 Fairway Rd., Santa Barbara, CA 93108
Steve Metsch, 2020 Alameda Padre Serra, Santa Barbara, CA 93103

G:\FLOOD\DEV\COND\90CP111RV01.CND.doc

TOTAL P. 01

000430

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



June 22, 2004

TO: Natasha Heifetz, Planner
Development Review

FROM: William Robertson, Transportation Planner
Public Works, Transportation Division

SUBJECT: **Conditions of Approval (3 pages)**
The Music Academy of the West Master Plan
90-CP-111 RV01
APN: 009-282-029, -030
1070 Fairway Road, Montecito

Traffic Mitigation Fees

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

Based on the current fee schedule, the total estimated fee for the proposed project is **\$40,527** (27 newly generated PHT's x \$1,501/PHT). **Fees are due prior to land use clearance and shall be based on the fee schedule in effect when paid.** This office will not accept payment or process a check received prior to project approval.

Fees are payable to the County of Santa Barbara, and may be paid in person or mailed to: Santa Barbara County Transportation Division, 123 E. Anapamu St., 2nd Floor, Santa Barbara, CA 93101 or Santa Barbara County Transportation Division North, 2400 Professional Parkway, Suite 150, Santa Maria, CA 93455. Please phone this office prior to payment if unsure as to the final fee required.

Sight Distance

2. Prior to land use clearance, the developer shall design, and prior to occupancy, the developer shall provide intersection sight distance in a manner acceptable to the Department of Public Works Traffic Section.

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

Driveways/Drive Aisles

- 3. Prior to land use clearance or tract/parcel map approval the developer shall design, and prior to occupancy the developer shall construct, all site ingress and egress points in a manner acceptable to the both Department of Public Works Traffic and Permit Sections. All driveway accesses shall be improved to include all necessary pavement or cross gutters to match adjacent improvements as required by the Department of Public Works Traffic and Permit Sections.
- 4. Prior to land use clearance the, developer shall design, and prior to occupancy, the developer shall construct all driveway ingress and egress points to conform to the appropriate County of Santa Barbara Engineering Design Standard Detail, as determined by the Public Works Traffic and Permit Sections. All Interior drive isle widths shall be to the satisfaction of the Public Works Traffic Section.

Street Sections/Pavement Traffic Index

- 5. Prior to land use clearance or tract/parcel map approval, the developer shall design, and prior to occupancy, the developer shall construct pavement for all roadwork based on the appropriate road detail provided in the Santa Barbara County Engineering Design Standards. All designs and/or modifications shall be reviewed and approved by the Department of Public Works Traffic and Permit Sections.

Encroachment/Excavation Permit

- 6. Prior to recordation and/or zoning clearance, the developer shall apply for an Encroachment Permit for all proposed work within the public road right of way. Prior to building permit issuance, the developer shall obtain approval of the required encroachment permit. Approval shall be granted after submittal of an application, plans, agreement(s), bond(s), and fees, as required by the Public Works Permit Section, are determined to be acceptable.

The developer shall comply with all applicable Public Works Standard Conditions of Approval and Engineering Design Standards, as determined by the Public Works Traffic or Permit Sections, before issuance of the Encroachment Permit.

An Excavation or Encroachment Permit shall be required for any work performed in the County right of way. Permitted work and necessary documents shall include, but are not limited to: Erosion and traffic control, landscaping, lighting, road construction, sidewalks, curbs, gutters, driveways, utility connections, cost estimates, construction safety documents or anything determined necessary to fully review the proposed work and determine its value.

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

North County Permits Section
2400 Profession Parkway, Suite 150
Santa Maria, CA 93455
805-739-8788

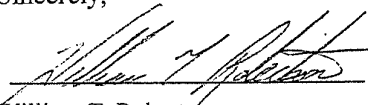
South County Permits Section
4417 Cathedral Oaks Road
Santa Barbara, CA 93110
805-681-4967

Traffic Controls

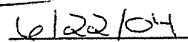
7. Prior to land use clearance, traffic circulation and control on adjacent streets shall be designed as required by the Department of Public Works Traffic Section. This shall include, but is not limited to, curb openings, turn lanes and control signs for regulation, warning, and guidance of traffic.
8. Prior to land use clearance, traffic circulation and control onsite shall meet the approval of the Department of Public Works Traffic Section.
9. Prior to occupancy, all signs shall be installed, and prior to final clearance, the County may require the developer to add traffic safety devices, such as signing and striping, the need for which are not apparent at time of plan approval but which are warranted due to actual field conditions. The developer shall install the traffic safety devices prior to final clearance.

If you have any questions, please contact me at 739-8785.

Sincerely,



William T. Robertson



Date

cc: 90-CP-111 RV111
Bret Stewart, Transportation Manager, County of Santa Barbara, Public Works Department
L:\Montecito\The Music Academy of the West 90-CP-Cond.doc



Montecito Sanitary District

1042 Monte Cristo Lane
Santa Barbara, CA 93108
General Manager: Jerry D. Smith

A Public Service Agency

PHONE: (805) 969-4200
FAX: (805) 969-9049

November 18, 2003

Ms. Natasha Heifetz Campbell
County of Santa Barbara
Planning & Development Department
123 E. Anapamu Street
Santa Barbara, CA 93101

SUBJECT: Music Academy of the West Master Plan

Dear Ms. Campbell:

The District has completed review of the latest version of the Music Academy of the West Master Plan, and we request that the following conditions be included in the County's consideration of the project.

Proposed Parking Structure:

The District has discussed the final plan location of the proposed parking structure with the project architect and engineer, and it is our understanding that the structure will be located no closer than 10 feet from the southerly edge of the District's easement through the Music Academy property. This separation from the critical facilities located in this easement is essential. In addition, the project engineer assured the District that when the parking structure is eventually designed, it will be designed to assure that there will be no damage to the District's main trunk sewer or the effluent outfall line during or after construction of the proposed parking structure. In order to assure compliance with these requirements, the District requests that the applicant obtain District approval for the location and construction of the parking structure before building permits are issued by the County.

Landscaping:

Due to the fact that roots from trees and large plants can cause damage to pipelines and obstruct gravity flow, the District has requested that trees and large plants not be planted in or near the District's easement. There are two pipelines in this easement that are of critical importance to the District and a third line that belongs to the City of Santa Barbara, and all of them are susceptible to root intrusion and subsequent damage. For long-term public health and safety reasons, the District requests that future landscape plantings exclude any trees or large plants from any location in the District's easement or within fifteen feet of the easement.

New Project Permits:

Since the future uses proposed in the master plan will be different than those currently permitted, all future projects must be reviewed and approved by the District. Therefore, the District requests that the applicant obtain District permits for all projects before building permits are issued by the County.

Board of Directors • Charles C. Arnold • Robert B. Begley • Deirdre M. Cannata • Peter S. Clark • James McKenzie

000434

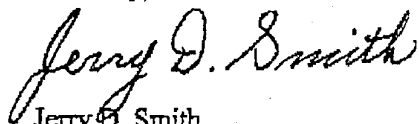
Ms. Campbell
November 19, 2003
Page 2

Existing Violations:

There are two violations that currently exist on the Music Academy property. Two of the District's access manholes have been buried by previous grading activities on the property. These two manholes must be raised to the existing grade immediately. There is also an existing maintenance building constructed partially over the District's easement. This structure must be removed from the easement. The District has previously notified the Music Academy of these requirements, but to date nothing has been done. To the extent possible, the District requests that the County withhold approval of any applications from the Music Academy until these violations are corrected.

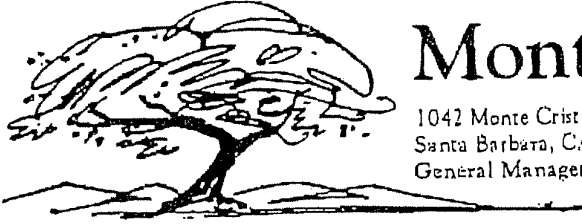
The District requests the County's cooperation with the conditions requested in this letter, and we appreciate the opportunity to review the Music Academy's proposed master plan. Should you have any questions or need any additional information, please contact Diane Gabriel or me.

Sincerely,



Jerry D. Smith
General Manager/District Engineer

cc: Peter N. Brown, Esq. - Music Academy of the West
Eric Hvolboll, Esq. - Price, Postel & Parma
Suzanne Elledge



Montecito Sanitary District

1042 Monte Cristo Lane
Santa Barbara, CA 93108
General Manager: Diane M. Gabriel

A Public Service Agency

PHONE: (805) 969-4200
FAX: (805) 969-9049

*Submitted by
N. Heifetz Campbell
2/5/10
Aug.*

April 19, 2004

FILE COPY

Ms. Natasha Heifetz Campbell
County of Santa Barbara
Planning & Development Department
123 E. Anapamu Street
Santa Barbara, CA 93101

SUBJECT: Music Academy of the West Master Plan

Dear Ms. Campbell:

This letter is to clarify the District's requirements for the proposed work at the Music Academy. We have discussed the following requirements with Suzanne Elledge and Bob Cunningham.

We understand that the County is requiring screening of the site. We were informed by Bob Cunningham that the proposed screening would be done with pittosporum hedges, located near the District's easement, on the northerly side of the site. Given the shallow root structure of pittosporum, the District will allow them to be planted within the vicinity of the existing pipelines. However, it should be noted that if at anytime in the future, the District needs to trench in the area to access the existing pipes, the hedge may need to be cut back extensively or possibly be removed entirely. Access to the existing pipeline manholes will need to be made possible as part of the proposed project. The most recent landscape and grading plans do not show the location of the District's existing manholes. We have requested that the existing manholes be shown on the plans with appropriate access indicated and notes identifying that the manholes be raised to the grade of the proposed surface. Depending on the new depth of the manholes, they may need to be retrofitted to meet current safety standards as set by Cal OSHA.

The District appreciates the County's cooperation in including these items as a condition of the project. Should you have any questions or need any additional information please contact me.

Sincerely,

Diane Gabriel
Diane Gabriel

General Manager/District Engineer

cc: Peter N. Brown, Esq. – Music Academy of the West
Suzanne Elledge

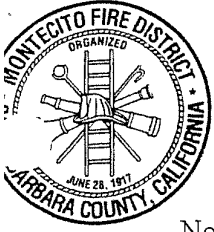
RECEIVED

APR 22 2004

S.B. COUNTY
PLANNING & DEVELOPMENT

Board of Directors • Charles C. Arnold • Robert B. Begley • Deirdre M. Cannata • Peter S. Clark • James McKenzie

000436



MONTECITO FIRE PROTECTION DISTRICT

595 San Ysidro Road • Santa Barbara, California 93108 • (805) 969-7762 • FAX (805) 969-3598

November 20, 2003

Ms. Natasha Heifetz-Campbell
Planning & Development
County of Santa Barbara
123 E. Anapamu St.
Santa Barbara, CA 93101

Re: 02NEW-00000-00124, Music Academy of the West
90CP111RV01

Dear Natasha,

The abovementioned project is within the jurisdiction of the Fire District. For the past several years the District has met with agents of the Academy for the purpose of addressing how the new Master Plan could better meet the fire protection needs for the facility. The last conditions letter from the District for this plan was dated December 26, 1991. Obviously, the various iterations of the plan warrant some revision of the District's requirements however that which is listed below is done with the intent of remaining as consistent as possible with prior District stipulations.

Fireflow requirements of the Fire District shall be satisfied for all facilities on the campus. This is to be accomplished through two particular approaches. First, hydrants are to be reconfigured and relocated as shown on the Master Plan Emergency Access Study developed by Phillips, Metsch, Sweeney & Moore Architects as approved by the District. This work is to be completed prior to the issuance of land use permits for further site improvements. Second, automatic fire sprinklers shall be fitted and/or retrofitted into all structures on campus in keeping with the duly adopted ordinance of the District. Such sprinkler work will be required as a part of any building permits necessary to effect further construction improvements to all structures on campus.

Emergency access is to be maintained as per the requirements stipulated on the District approved Access Study described above. It will be incumbent upon the Academy to maintain all required emergency access consistent with this document at all times unless, temporarily permitted to do otherwise by express written agreement of the District. Any such deviations would reasonably be considered in the case of construction or special events which would occur on campus from time to time.

The District has expressed its concern with the past experience of warehousing combustible items that the Academy tends to accumulate for its fundraising events. This concern has been addressed through stipulations on combustible storage which shall be strictly limited to those areas described in the Draft Environmental Impact Report dated August 1, 2003.

RECEIVED

DEC 04 2003

S.B. COUNTY

PLANNING & DEVELOPMENT
FIRE CHIEF

DIRECTORS

000437

R.J. Jensen - President

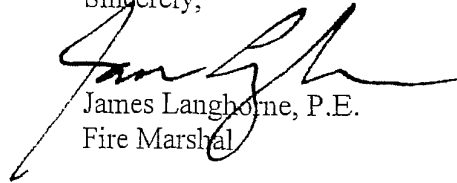
D. Eidelson - Secretary

J. Venable

The Fire District is optimistic that the Master Plan, as presented, will more fully bring this valuable local institution into compliance with the duly adopted requirements of the Montecito Fire Protection District Board of Directors for the prudent and reasonable fire protection of its facilities and the surrounding community.

Please don't hesitate to refer any questions or concerns on the aforementioned issues to me for further clarification or consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Langhorne', written over the typed name and title.

James Langhorne, P.E.
Fire Marshal



MONTECITO FIRE PROTECTION DISTRICT

595 San Ysidro Road • Santa Barbara, California 93108 • (805) 969-7762 • FAX (805) 969-3598

May 27, 2004

Ms. Natasha Heifetz-Campbell
Planning & Development
County of Santa Barbara
123 E. Anapamu St.
Santa Barbara, CA 93101

Sent Via Facsimile: 568-2030

Re: Music Academy of the West

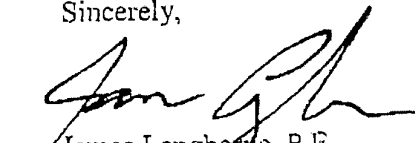
Dear Natasha,

As per your request, I am submitting the following language to reflect the intentions of the Fire District with regards to the hazard abatement maintenance to be required for the vegetation situated to the north of the proposed instructional building:

“MFPD will limit fuel modification north of the instructional building to removal of dead, decadent vegetation and to limbs of live foliage which extend to within ten feet of the building.”

This finding was made consequent to a site visit with Jason Currie of PMSM on May 11, 2004.

Sincerely,


James Langhorne, P.E.
Fire Marshal

RECEIVED

MAY 27 2004

S.B. COUNTY
PLANNING & DEVELOPMENT



Bill Spiewak

CONSULTING ARBORIST

Registered Consulting Arborist #381 • American Society of Consulting Arborists

January 30, 2003

Natasha Heifetz Campbell
Planning Department
County of Santa Barbara
123 East Anapamu St
Santa Barbara, CA 93101

Assignment

I have been assigned to evaluate the proposed development plans for the Music Academy of the West at 1070 Fairway Road in Santa Barbara. My assessment addresses potential impacts to trees designated to be preserved and offers guidelines for their protection.

Overview

There are six areas of concern discussed in this report. They include:

1. The large Monterey Cypress at the entrance to the Music Academy
2. Two Black Acacia and one Melaleuca adjacent to the motor court at the ninety-degree turn north of the entrance
3. A Morton Bag Fig and Bottle tree on the west side of Abravanel Hall
4. Two large Blue Gum Eucalyptus at the northwest corner of the motor court by Mira Flores
5. Two oaks at the northwest side of Mira Flores adjacent to the proposed pathway and courtyard
6. The row of Blue Gum Eucalyptus trees at the north property line adjacent to the proposed parking structure and maintenance building

All trees discussed in this report can be protected and preserved with appropriate tree protection measures presented below. The protection recommendations incorporate biological and mechanical aspects of tree health/stability and construction activities adjacent to the trees.

Monterey Cypress at the entrance to the Music Academy

Observations/Comments

1. This large tree is adjacent to the driveway that will be removed and replaced slightly to the west (not listed in the tree survey).
2. There are no grade changes proposed on the plan. However, demolition and replacement can be damaging to roots beneath the existing surface.

Protection Recommendations

1. Demolish and remove asphalt by hand within a fifty-foot radius of the tree.
2. Inspect area for roots and hand excavate/grade (if necessary prior to applying new surface). Wintertime is the best time of the year for this work when the water requirements of the tree are reduced due to cooler temperatures.
3. The project arborist should supervise all activities involving this tree.

Two Black Acacia and one Melaleuca adjacent to the motor court at the turn

Observations

1. These trees are not listed in the inventory, however there are some slight grade changes adjacent to their roots.

Protection Recommendations

1. Install tree protection fencing at the edge of the dripline adjacent to work areas.
2. If grading becomes necessary within the protection zone, then excavate soil by hand and carefully cut roots as necessary.
3. The project arborist should supervise all activities involving these trees.

Morton Bay Fig and Bottle tree on the west side of Abravanel Hall

Observations/Comments

1. The Morton Bay Fig is at the edge of the southwest corner of the proposed building, tree #89 on the survey. The existing stonewall retains soil and tree roots. I can assume that behind the wall is a mat of tree roots that grow downward and possibly beneath the existing concrete walkway. The new building will replace the wall, expose tree roots and damage any roots that grow beneath the existing concrete. The construction will also require canopy pruning to obtain clearance and replacement of the existing brick walkway. Ficus trees are very resilient but can be damaged by inadequate care.
2. The Bottle Tree, tree #87 on the survey, will incur damage to roots from construction and grading very close to its trunk. Removal may be considered.

Protection Recommendations

1. The stone wall and concrete walkway adjacent to the tree should be demolished by hand. Roots will most likely need to be cut further back from the edge of the building (closer to the tree) to allow some room to work and to provide an area for new root growth. This area should be kept to a minimum.
2. The exposed soil and roots should be kept moist and covered until completion of the project. Irrigation may be necessary after project completion to supplement the water needs of the tree. This cannot be determined at this time.
3. A chemical root barrier (*bio barrier*) should be installed near the building edge to control new root growth.
4. The old brick walkway should also be demolished by hand, roots cleanly cut and kept moist.
5. Also install a chemical root barrier in this area.
6. Canopy pruning should be in accordance with the International Society of Arboriculture's publication *Best Management Practices for Tree Pruning*. Visual balance of the canopy should also be achieved.
7. Consider removal of the Bottle Tree due to the grade changes and root cutting.
8. Tree protection fencing should be installed at the maximum distance from the trees as possible, outer edge of dripline where possible. Fences may be moved to open the permitted work zone, for required construction activities. However, materials and equipment may not be stored or stock piled in the tree protection zone.
9. Any scaffolding used during construction should be carefully placed to avoid damage to surface roots. The root area should be covered with tarps to avoid spilling materials and damaging roots. Construction workers should not cut tree limbs.
10. The project arborist should supervise all activities involving these trees.

Two Blue Gum Eucalyptus at northwest corner of the motor court by Mira Flores

Observations/Comments

1. A walkway and handicap ramp was proposed to the west of these two trees. A revised plan has moved these improvements from twelve feet from the trunks to twenty-four feet from the trunks.
2. There are also grade changes in this area that require a slope down to a lower courtyard.

Protection Recommendations

1. Rather than cutting soil level adjacent to the eucalyptus, retain soil at its original grade with walls at the edge of the adjacent walkways on the north, east and west sides of the trees.
2. Any demolition to remove and replace existing hardscape (the driveway and wall) should be done by hand. Potential root damage (if any) should be assessed at that time and determinations made to minimize damage that may include hand excavation, pier construction and above ground grade beams for rebuilding the wall.
3. Install tree protection fencing at the start of the project.
4. The project arborist should supervise all activities involving these trees.

Two oaks at the northwest side of Mira Flores

Observations/Comments: oak #64

1. This tree is circumvented by walkways on the north, east and west sides and the motor court to the south. Although the tree is relatively young (14" DBH) some of its roots will more than likely be damaged when walkways are constructed within the critical root zone.
2. This oak should be treated like a transplant prospect without the final cutting of the bottom and moving of the tree.

Protection Recommendations

1. Roots should be cut on each side of the tree (north, south, east and west) over the next two years (or divided into equal time periods from time of the project approval to actual start date). The cutting should be at the inside edge of the proposed walkways. In asphalt covered driveways, cut asphalt and roots, then install a root barrier (physical or chemical) and replace an asphalt patch until start of the project.
2. Irrigate the tree to encourage new root growth.
3. Spray the lower 10' of trunk with a pesticide (*Astro* or *Talstar*) in April and August to help the tree resist attacks by oak bark beetles.
4. Install tree protection fencing at the start of the project.
5. The project arborist should supervise all activities involving this tree.

Observations/Comments: oak #90

1. This tree mature oak has a DBH of 28".
2. It has been growing in an area surrounded by a walkway to the south, an asphalt driveway to the north and west, and a parking area and stucco wall to the east. Ivy is growing beneath its canopy in the limited soil area.
3. The project calls for removal of the stucco wall and expansion of Mira Flores to the east, and walkways to a lower courtyard on the north and west sides. Although there is already a root-inhibiting situation, the tree has adapted to the area and is growing vigorously.

Protection Recommendations

1. Prepare the tree with root pruning and hand grading, divided over the time span between project approval and commencement.
2. Start in the driveway, remove asphalt at the inside edge of the proposed walkway to the west side of the tree and root prune to the depth of the proposed soil preparation elevation. Install a chemical root barrier and cover with an asphalt patch until commencement of project. Repeat on

- the north, west and south sides with several months between root pruning. Irrigate root area after root pruning and repeat every couple of weeks or as determined by the project arborist.
3. Remove ivy by hand and cover area with mulch. Irrigate.
 4. Prune limbs that will conflict with the building.
 5. Winter is the best time for pruning live limbs.
 6. Spray the lower 10' of trunk with a pesticide (*Astro or Falstar*) in April and August to help the tree resist attacks by oak bark beetles.
 7. Install tree protection fencing at the start of the project.
 8. The project arborist should supervise all activities involving this tree.

The row of Blue Gum Eucalyptus trees at the north property line

Observations/Comments

1. There are approximately 40 Blue Gum eucalyptus trees along the property line that range in size from small to over 100' tall.
2. The condition of the trees is good to poor. Most are growing vigorously although many are structurally weak. This is due to abundance of maturing sprout growth resulting from broken limbs, old damaged tops and lack of maintenance. Many limbs are long and heavy and overhang the Music Academy property and railroad tracks.
3. The trees provide a visual barrier between the freeway and the Music Academy.
4. An old concrete wall has fallen on the north side of the tree line (at the east side of the row) from diameter growth of the trunks.
5. Surface roots can be seen approximately 20' from the trees along the north side of the row. Soil and debris has accumulated around the base of many of the trees.
6. The density of the low sprout growth has also provided a homeless encampment site.
7. Historically, the ground at the west end of this row becomes saturated in the winter and many trees have fallen over the years. Maintenance in this area has been limited to the clean up of fallen trees and pruning of heavy limbs that overhang their parking lot. Many years ago, several large, dead treetops were removed to reduce risk. This was after the late 1980's early 1990's drought when eucalyptus trees were severely damaged by *Eucalyptus Longhorn Beetles*.
8. The proposed project includes a two story parking structure and a maintenance building adjacent to the tree line. Caissons will support the upper level of the parking structure. The lower level will require new ground preparation, except at the north side of the property where the existing parking area will be used as a driveway (see site plan). This driveway will be covered with pervious concrete *pavers*. The Montecito Water District's sewer line is below this driveway and excavation is not permissible. The actual earthwork is 20'-25' from the trees. The maintenance building and additional parking area (to the east) is approximately 25' from the tree line and appears to be adequate.
9. There are two large diameter trees by the proposed parking structure that lean to the south. The rest of trees in this section are more vertical. At the east end of the row, the trees are bushier.
10. Regardless of the proposed project, the trees need care to sustain their health. Despite a woodland philosophy where the strong survive and the weak die, in urban areas trees need supplemental care to reduce risk and enhance health. Broken limbs provide entryways for disease and decay. New sprout growth at the end of damaged limbs, is weakly attached and creates a hazardous situation. These trees can be pruned to improve their health and structure without damaging the visual barrier. Supplemental care will strengthen the group and ultimately improve the beneficial attributes they provide. However, poor construction and pruning techniques can be damaging to the grove.

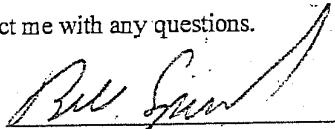
Protection Recommendations

1. Crown clean the trees to remove deadwood and weakly attached branches and sprout growth.
2. Crown thin the canopies to reduce the weight of heavy limbs without over thinning.
3. Avoid topping the trees and transforming them into to a hedgerow.
4. Do not allow the use of climbing spikes when working in these trees.
5. Remove stump sprouts at the ground.

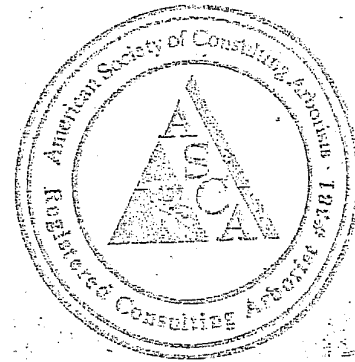
6. Encourage young volunteers to grow as eventual replacements for the older decaying trees and remove dangerous trees as they become hazardous.
7. Remove accumulated debris around the trunks of the trees but leave a layer of organic material.
8. Remove accumulated soil around the base of the trees (at least three feet from the trunk) back to the natural grade.
9. Remove the fallen concrete wall without allowing heavy equipment to enter the buffer zone. A crane or tire loader will limit damage to trees.
10. The north end of the parking lot (area to be used as the driveway) should not be removed and graded in order to prevent damage to roots along the fence line. If the elevation needs to be raised, pervious materials may be added to the existing surface. This may include pervious concrete paving. It is possible that construction of the lower parking area could result in decline of some eucalyptus trees in that area. Trees should be monitored annually and pruned or possibly removed if they become hazardous as determined by a qualified arborist.
11. Do not allow work on the trees during the autumn season unless an emergency arises.
12. The project arborist should supervise all activities involving the trees.

Please contact me with any questions.

Prepared by:



Bill Spiewak
Registered Consulting Arborist #381
American Society of Consulting Arborists





Bill Spiewak

CONSULTING ARBORIST

Registered Consulting Arborist #381 • American Society of Consulting Arborists

April 2, 2004

Natasha Heifetz Campbell
Planning Department
County of Santa Barbara
123 East Anapamu St
Santa Barbara, CA 93101

MEMORANDUM

This memo addresses the proposed plans at the Music Academy of the West and address any new changes regarding trees. I looked at two different design concepts. The first plan shows the relocation of the main property entrance further to the east. The second plan is consistent with previous proposed designs but shows alternative structures by the Rack and the practice studios. This memo is based on my site visit during 3/24/04.

Overview

This memo addresses:

1. The large Monterey Cypress at the entrance to the Music Academy (#167) and three adjacent smaller oak trees (#176, #177 & #178).
2. Two large Blue Gum Eucalyptus (#165 & #166) at the northwest corner of the motor court by Mira Flores and two oaks (#64 & #90) at the northwest side of Mira Flores adjacent to the proposed pathway and courtyard.
3. The row of Blue Gum Eucalyptus trees at the north property line (#68-#83) adjacent to the proposed parking structure and maintenance building.
4. A row of Swamp gum eucalyptus (*Eucalyptus robusta*) (#42-#54) along the north side of the existing practice rooms.
5. Oaks #135, #164 #164) on the north side of the exit road and parking lot for the Rack.

Discussion/Recommendations

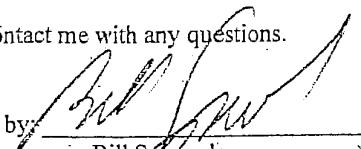
1. **Monterey Cypress at the entrance to the Music Academy (#167) and three adjacent smaller oak trees (#176, #177 & #178).** The driveway changes in plan one will significantly impact the Monterey Cypress and include removal of several young oaks. These oak trees have been hidden by surrounding brush for many years. Their loss would not be noticed and can easily be mitigated. However, I am particularly concerned about impacts to the Cypress tree. The roots of this tree are within this proposed driveway area and will be severely impacted by this design. Although the Cypress is quite mature and branches die back each year, it is the largest California native on the property. The large root zone has been growing for decades in this rich soil. Grading will undoubtedly damage roots. However if this is the only option, concrete poured at ground level supported by caissons and above grade beams, (without any sub level grading) may reduce impacts. The second alternative (not moving the driveway) will not cause impacts.
2. **Blue Gum Eucalyptus (#165 & #166) at the northwest corner of the motor court by Mira Flores and two oaks (#64 & #90) at the northwest side of Mira Flores adjacent to the proposed pathway and courtyard.** It does not appear that plans have changed around the oaks and eucalyptus by the front of Mira Flores since the previous report. However, in order to reduce

and minimize damage to all of these trees, preparatory measures (root pruning) should be performed six to twelve months in advance as directed in my previous report. Prune roots in the late fall or early winter when the tree's water requirements are lowest. I have often observed in other construction projects that the preparatory root pruning is not done until a few days before the start of the entire project and damage occurs. Root pruning in warm months could significantly increase impacts to the trees.

3. **The row of Blue Gum Eucalyptus trees at the north property line (#68-#83) adjacent to the proposed parking structure and maintenance building.** The revised plans have adequately distanced construction from the row of blue gum eucalyptus along the railroad tracks.
4. **A row of Swamp gum eucalyptus (*Eucalyptus robusta*) (#42-#54) along the north side of the existing practice rooms.** The Swamp gum eucalyptus trees behind the existing practice rooms are a hot topic. Although they provide a screen from the adjacent property, I have concerns about their structural integrity. These trees were topped many years ago and the resultant branch growth is weakly attached (as opposed to strongly attached natural branch growth). It is conceivable that branches will continue to break each winter. Although pruning can reduce the breakage potential (and I'm not convinced all of the trees should be removed), the structure of these canopies is far from ideal. Other trees should be planted that will eventually replace these eucalyptus. It is also possible these trees could be removed and mitigated with new trees (perhaps giant timber bamboo -very tall clumping bamboo). The landscape architect should be consulted regarding the practicality of this suggestion. The proposed construction is within the critical root zone of several of these trees and below ground excavation could cause their decline.
5. **Oaks #135, #164 #164) on the north side of the exit road and parking lot for the Rack.** The proposed maintenance shed is outside of the critical root zone of these trees.

Please contact me with any questions.

Prepared by


Bill Spiewak
Registered Consulting Arborist #381
American Society of Consulting Arborists



May 18, 2004

Natasha Heifetz Campbell
Planning Department
County of Santa Barbara
123 East Anapamu St
Santa Barbara, CA 93101

MEMORANDUM

This memo addresses the Swamp Gum eucalyptus trees (*Eucalyptus robusta*) at the north side of the proposed remodel of *Wood 2* (trees #42-#54 on the landscape Plan) and also reiterates previous recommendations that will reduce potential impacts to other trees from construction.

Observation/Comment

A computer-generated image indicates a loss of screen between the Music Academy and the northern neighbors if trees are removed between the two properties. Observations on site reveal that a large portion of the existing screen is composed of tall Pittosporum and smaller shrubs. These woody plants are growing on the slope above the driveway (south side of the driveway) and will not be impacted by construction thus protecting a majority of the screening. The slope is at a significantly higher elevation than the neighbor's property and adds height to smaller shrubbery and smaller trees.

Observation/Comment

a) According to historic plans of the existing structure, there is a 38" retaining wall and footing that extends below grade on the north side of the building. This essentially acts as a root barrier. The proposed structure will utilize the existing building footprint and not require any further encroachment into the critical root zone.

b) I also observed a below ground drain line along the north side of the building (approximately 2' from the wall) that would have required root cutting during its installation. This indicates that roots between the drain-line and building have been cut. Although the depth of the drain is unknown, I speculate it to be 12" to 24" below ground. Scientific research says the majority of roots are found in the upper 36" of soil and tend to be shallow in heavy soils such as this one. Therefore, it is highly unlikely there are roots between the building and drain line (24" away). However, hand excavation of a trench at the edge of the building prior to demolition will allow any roots (if encountered) to be cleanly cut and minimize damage.

Conclusion

Based on my observation of the site I am confident that no damage will occur to these trees from the proposed construction provided that contractors avoid encroaching into the critical root zone beyond the limitations stated above.

Recommendations

1. The project arborist should monitor all activities adjacent to these trees including installation of tree protection fencing, demolition of the building, excavation, grading and root pruning.
2. Small young trees (15-gallon size) should be planted on the slope as soon as possible to insure long term screening from the building.
3. Use a soaker hose to deep-water eucalyptus trees close to the project site, now through the summer and into the project period. This will invigorate growth and improve their vitality. Soil should be moistened to a depth of at least 12" throughout the root zone and repeated monthly (except during the rainy season).
4. Any limbs that conflict with the proposed building should be pruned by a qualified arborist prior to demolition.
5. During the winter of 2004, hand excavate a trench along the north side of Wood 2 to insure that if any roots are encountered, they are carefully cut by the project arborist.
6. All other trees to be preserved that require construction within their critical root zone, should be root pruned and well irrigated in winter 2004. This includes the two oaks by Mira Flores, the Blue Gum eucalyptus at the motor court where the driveway will be widened, the Morton bay Fig by Abravenal Hall and any other trees where there is encroachment into the critical root zone.

Please contact me with any questions.

Prepared by: _____

Bill Spiewak
Registered Consulting Arborist #381
American Society of Consulting Arborists



County of Santa Barbara Planning and Development

Valentin Alexeeff, Director
Dianne Meester, Assistant Director

C-1

TO: Montecito Planning Commission (MPC)

FROM: Development Review South, Planning and Development
Planner: Natasha Heifetz Campbell (962-0030)

DATE: June 7, 2004

RE: Music Academy of the West (MAW) 90-CP-111 RV01
For Consideration at June 16, 2004 MPC Hearing

STATUS

The proposed Music Academy of the West Revised CUP was considered by your commission on December 11, 2003, April 21, 2004 and May 19, 2004. At the May hearing, the MPC received additional presentations and materials from staff and the applicant as well as public comment. Following this, the MPC took conceptual action to approve the project, as modified by the MPC during the hearing.

UPDATED FINDINGS

The findings (Attachment A) have been updated to incorporate supplemental language (e.g., identification of changes to mitigation measures as incorporated into conditions of approval) and to reflect MPC conceptually approved changes to the project conditions. Changes to the findings' language, since the May 2004 version, are indicated with underlining and ~~strike-throughs~~. The exception to this is that the section which incorporates the revisions to mitigation measure language (§1.2.2) only includes underlining and ~~strike-throughs~~ where *additional* changes have been included beyond those shown in May (in Attachment B of the 5/12/04 memorandum to MPC), so that the reader can identify changes to the former language.

JUNE 7, 2004 CEQA REVISION LETTER

The CEQA Revision Letter dated June 7, 2004 (Attachment B) identifies changes to the CEQA analyses for the Music Academy of the West CUP (03-EIR-06 and EIR Revision Letter dated April 20, 2004). The changes reflect MPC action at the May 19, 2004 MPC hearing. The changes to the CEQA analyses do not result in any changes in the impact levels previously identified in 03-EIR-06 and EIR Revision Letter dated April 20, 2004. Therefore, these documents, as revised by the June 7, 2004 letter, may be used to fulfill the environmental review requirements of the current project. The information in the June 7,

2004 Revision Letter does not necessitate recirculation of the EIR pursuant to CEQA Guidelines §15088.5 (recirculation of an EIR prior to certification).

POLICY AND ORDINANCE CONSISTENCY ANALYSES

An extensive policy and ordinance consistency analysis is included in the first staff report for the Music Academy project dated November 24, 2004. Subsequently this analysis was updated (as part of the March 31, 2004 memorandum to the MPC) to update and supplement the analysis in the original staff report. The March 31, 2004 analysis addresses both physical and operational changes proposed for the project at that time. The policy and ordinance consistency analysis included as Attachment C is based on the March 31, 2004 policy and ordinance consistency analysis. Only a few additional changes (indicated in the text) have been made to the March 31, 2004 analysis; these changes document the MPC direction at the May 19, 2004 hearing.

REVISED CUP CONDITIONS OF APPROVAL

Included with this memo is a revised version of the CUP conditions of approval (Attachment D). Changes to the condition language, since the May 2004 version of recommended project conditions of approval, are indicated with underlining and ~~strike-throughs~~

PROJECT PLANS

No changes have been made to the project plans since the May 19, 2004 MPC hearing. As at the May MPC hearing, some elements of the project revisions have not been reflected on the plans. This is indicated, where applicable, on the project plans. For example, some of the elevation views from the interior of the site have not been revised and revised floor plans have not been finalized within the re-arranged building masses of the student services/instructional/practice studio building complex. The primary new square footage remains within the student services/instructional building/practice studio building complex that would now be joined, essentially together, with Miraflores on one end and Abravanel Hall on the other. The new spaces within the re-arranged buildings would be essentially the same, with regard to use and size, as those indicated on the project floor plans. However, the location for these spaces is still being revised within the new layout of these structures.

ATTACHMENT A
PROPOSED FINDINGS
FOR JUNE 16, 2004
MONTECITO PLANNING COMMISSION HEARING

Music Academy of the West Revised CUP

000452

ATTACHMENT A

FINDINGS

1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CEQA GUIDELINES SECTIONS 15090 AND 15091:

1.1 CONSIDERATION OF THE EIR

The Final Environmental Impact Report (EIR), 03-EIR-06, was presented to the Montecito Planning Commission and all voting members of the Commission have reviewed and considered the EIR, 03-EIR-06, its appendices and the revision letters dated April 20, 2004 and June 7, 2004 prior to approving this proposal. In addition, all voting Commissioners have reviewed and considered testimony and additional information presented at or prior to public hearing[s] on December 11, 2003 and April 21, 2004. The EIR as revised by the revision letters dated April 20, 2004 and June 7, 2004 reflects the independent judgment of the Montecito Planning Commission and is adequate for this proposal.

1.2 FULL DISCLOSURE

1.2.1 The Montecito Planning Commission finds and certifies that the Final EIR as revised by the EIR-revision letters dated April 20, 2004 and June 7, 2004 constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Commission further finds and certifies the Final EIR has been completed in compliance with CEQA.

1.2.2 Most of the mitigation measures from the project EIR, 03-EIR-06, have been incorporated as conditions of approval with no changes. However the language of some measures has been changed and some measures have been eliminated. These changes fall into one or more of the following categories:

- The changes are minor in nature and are intended to clarify the original mitigation measures;
- The measures are no longer applicable to the current project description;
- The modified mitigation measures are equivalent or more effective than the originally proposed language;
- The changes are more feasible for the applicant, while still mitigating the associated impact(s);
- The original language or mitigation measure is unnecessary to avoid project impacts;
- The changes better or further ensure a reduction in project impacts.

~~are no longer applicable~~ The changes/deletions do not cause additional significant environmental impacts nor do they change the conclusions of the EIR. Further, the changes would not trigger the need to re-circulate the EIR.

EIR mitigation measures which have been modified or eliminated are indicated below (by EIR section and mitigation measure numbers or by reference to applicable mitigation measures added in the April 20, 2004 EIR Revision Letter).

Aesthetics:

3. This measure has been supplemented in the project conditions to apply special consideration (for night-lighting) to the proposed northern parking area.
- 4a. The requirement addressing tree and other vegetation maintenance is modified to also be included in landscape/arborist maintenance contracts (in addition to being identified in the landscape plan).
- 4b. The requirement for vine planting on buildings is modified to exclude reference to the no longer proposed parking structure and language is added to take into account increased views to the interior (from the north) due to proposed regular trimming of the eucalyptus windrow.
- 4c. The requirement for more screening landscaping in the north is modified to exclude reference to the no longer proposed parking structure and language is added to address parking lot screening and night-lighting visibility.
4. The overall landscape plan requirements have been strengthened to maximize screening of the site from off-site, including the timing for installation of some perimeter plantings, and to maintain historic aspects of the landscaping.
5. This measure addressing the wrought iron railing on the parking structure is eliminated as the parking structure is no longer proposed.
6. The requirement to not allow structures' heights, as described in the project description, to be increased is modified to also address the sizes of structures.
7. Graffiti measure: The condition eliminates "in conjunction with condition #3 above", as this language is not relevant. Additional language is added to the monitoring component: "If new graffiti is observed, Permit Compliance shall direct Music Academy to repaint this wall section".
8. The requirement to remove the outdoor patio dining area is eliminated as the outdoor dining area is no longer part of the project proposal.

Air Quality:

1. Timing requirement for the final grading plan is modified/clarified to prior to approval of CDPs for grading (rather than prior to land use permit approval).
2. The timing requirement for dust control measures to be shown on grading and building plans is supplemented to include prior to P&D approval of related CDPs.
3. The requirement to use the Railroad right-of-way during grading activities has been modified as indicated below to account for the UPRR process and to specify that large trucks should use this route while it is available as well.

The applicant shall secure a Right-of-Way Agreement from the Union Pacific Railroad, if UPRR will grant such access for a 90-day period and, if available, an extension at a reasonable cost. **Plan Requirements and Timing:** Prior to approval of a Coastal Development Permit for grading, the applicant shall provide P&D with a copy of the Right-of-Way Agreement for access purposes, indicating ability to utilize the railroad right-of-way to export fill offsite for a minimum 90 day period. Large truck deliveries of building supplies shall also utilize this access while it is available.

Archaeology:

1. Minor change in timing: monitoring requires P&D to check plans for inclusion of this condition prior to approval (not issuance) of CDPs for grading.

Biology:

1. Timing for the Butterfly Enhancement Plan submittal (and P&D approval) is modified to specify prior to approval of CDPs for grading.
 2. Tree protection plan: the plan has been revised to incorporate the three arborist recommendation letters (Bill Spiewak letters dated 1/30/04, 4/2/04, 5/18/04) and some of the specific recommendation language in these letters
- 2Ac. This measure has been modified to prohibit construction staging areas from being located the easement area.
- 2Ad. This measure has been modified to allow installation of impervious surfaces in tree root zone areas, where roots will already be cut for project development and would be unlikely to regenerate into these areas (e.g., the northern parking lot) as determined by the arborist.
- 2Ah. Regarding tree removal associated with an additional lane for returning cut-through traffic back to Fairway: This measure is updated to reflect elimination of this lane from the approved project. The new lane is only one option to be considered by the

MPC as part of future compliance hearings, in the event that the MPC were to first find that the cut-thru reduction program (CTRP) as approved is not effective.

2Bc. This measure addressing time periods appropriate for tree removal is modified to specify that if monarch butterflies do return to the site, tree removal time periods shall be revised accordingly.

2Bd. Language is added for clarification: No grading (any earthwork activities) or development shall occur within the critical root zones of protected trees*.

The added footnote reads, "Protected trees are those not specifically proposed for removal on the approved tree disposition plan."

2Bd and e. The requirements to limit grading and development and to install fencing within critical root zones are modified to allow exception to these, consistent with the MPC approved tree disposition plan.

2Br. Language has been added to require the need for arborist monitoring to specifically address the trees in proximity to the student services, instructional, and new practice studio buildings and trees near the northern parking area.

2 - **Plan Requirements:** This component of the condition has added language to specify prior to approval of CDPs for grading.

3. This measure addressing excavation work is modified to address specific situations, like excavation for the service entry, where it may be necessary to use equipment in proximity to trees. Language is also added to refer back to specific Tree Protection Plan requirements.

4. This mitigation measure is incorporated as two separate conditions of approval. The first addresses non-native, invasive plantings. The second condition requires the landscape plan to incorporate all of the various landscape related measures (designed to address aesthetics, historic resources, etc, as well as biological resources).

Fire Safety:

1. Incorporation of the rummage storage mitigation as project conditions includes additional language. This language is added to clarify that the allowances for storage pursuant to Montecito Fire Protection District concerns do not override other project conditions, which may require further limitations on rummage storage on-site (to address land use compatibility issues).

Historic Resources:

1. The Plan Requirements and Timing section has been supplemented with a requirement for a historic landscape expert to review plans, in addition to the previously required landscape architect, given the importance of the historic designed landscape in the estate's overall historic value. References to "prior to approval of CDPs" now includes specificity regarding CDPs for grading.
2. The reference to project plans has been supplemented to specify that the project plans to be reviewed include grading, landscape, building plans and any signs (e.g., commemorative plaques). In addition, language is added to require that the historical experts attend MBAR and HLAC meetings and monitor construction activities to ensure compliance with approved plans (with regard to the historic structures and landscape).
3. The timing for review and approval of a revised landscape plan now specifies prior to approval of CDPs for grading.
- 5d. The requirement to provide more sky-line eucalyptus replacement trees (to off-set proposed removal) is revised to allow either eucalyptus or other sky-line trees acceptable from a historic landscape perspective.
5. The timing component now specifies prior to approval of CDPs for grading.

EIR Land Use Mitigation Measures:

2. This measure, requiring elimination of the outdoor terrace dining area, is not included in the project conditions of approval as this project component is no longer proposed.
3. This measure, which addresses on-site storage of resale merchandise/rummage, is revised to reflect the current storage and maintenance/storage buildings (previous versions of these buildings were located elsewhere and were of different sizes). The MPC further revised this measure to eliminate ~~the restrictions on the duration of the~~ storage of resale shop merchandise in the new storage/maintenance building and modified the language addressing May Madness rummage to allow May Madness rummage to be stored on-site without time limitation in areas specifically designated for storage on the building plans, as these components were not determined to be ~~are~~ not necessary to address-ensure the effectiveness of the mitigation measure ~~or the ability to in~~ reducing land use impacts to less than significant levels.
4. This measure addresses where construction related vehicles, equipment, and supplies shall be located (on-site) and where waiting trucks shall wait on-site (outside the exit drive easement area).

The MPC included additional language allowing an exception for trucks with

supplies for specific areas (e.g., new trees to be planted north of the instructional building location), to ensure feasibility of this measure. The MPC also added language requiring the contractor to control vehicle traffic through the site (as part of the CTRP) using traffic control personnel to control vehicle entry. This would reduce cut-through traffic in the neighborhood during the construction period.

5. The MPC modified the allowance for unrestricted (attendance) fundraisers to once per year, for one day, during the non-summer season as follows: “Music Academy fundraisers on campus shall be subject to the any-given-time, daily and seasonal attendance caps. The exception to this shall be limited to one, 1-day event per year, held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).
6. This measure addresses use of indoor amplification and requirement that doors and windows be closed to reduce spill-over of noise onto adjacent properties when amplification is in use. Language was added to this measure (in the EIR Revision letter dated April 20, 2004) requiring construction design to account for closing of windows, by ensuring alternate air circulation in areas where windows may need to remain closed for extended periods, including the option of non-opening windows in areas of the building(s) where indoor amplification is expected. The MPC made no further changes to this measure.
7. This CTRP measure from the EIR is revised as a project condition of approval to exclude the requirement for a “reject vehicle” return lane (although this is still one of several options for the MPC consider and ~~to~~ potentially require at future compliance hearings, in the event that the MPC then finds that the CTRP is not sufficiently effective). The CTRP is also revised to include more specificity for CTRP components and a requirement that the MPC review the program’s effectiveness at their regular compliance hearings on the project as well as allow the MPC to modify the CTRP to improve effectiveness as part of their compliance hearings. The MPC added language to this measure to change the resale shop hours to 12-3:00 p.m. and added more specific language with regard to timing (CTRP details approved prior to CDP for first phase of grading, CTRP implemented prior to occupancy clearance). The changes would facilitate the operation and effectiveness of the CTRP in reducing vehicle trips in the neighborhood.
8. Hours of operation for the resale shops have been modified from those proposed in the original EIR mitigation. The MPC requirement for the hours to be changed from the existing 1-4:00 p.m., Monday – Saturday to 12-3:00 p.m., Monday-Saturday would better ensure neighborhood compatibility by allowing the Fairway entrance gates to be closed more often during the peak cut-through traffic period of 3:30-6:30 p.m. (thereby reducing traffic in the neighborhood). Language is also added to require MFPD review and approval of storage areas. The MPC modified the language that was added as part of the 4/20/04 EIR Revision Letter (Land Use mitigation measure #21) that would have required resale shop operations during the

non-summer to be “by appointment only”. Elimination of this restriction is more feasible for the applicant, ~~while and still~~ allows enabling implementation of an effective CTRP.

9. The mitigation requiring a compliance hearing after one year has been modified to require subsequent compliance hearings every two years for a ten year period, unless the MPC decides to modify this requirement at one of their compliance hearings (e.g., increased or decreased frequency, elimination of this requirement or continuation of this requirement beyond the identified 10 year period). Two other mitigation measures have also been combined into this condition. The MPC further modified this measure to require the first compliance hearing one year after operation of the first phase of Master Plan operations. In addition, the MPC made the following language changes: Project conditions may be modified or new conditions added to ensure ~~or improve upon~~ effectiveness and/or compliance. These changes clarify and do not alter the intent or requirements of the original language of this measure.

~~These language clarify and do not alter the intent or requirements of the original language of this measure.~~

10. This monitoring condition has been revised to specify submittal of the methodology (for P&D approval) prior to approval of CDPs for structures. In addition, the MPC added language regarding ticket sale records from the ticketing company including the number of tickets per event for the public, students and faculty/staff, as well as a requirement that the monitoring reports be accompanied by a signed statement from the Director/President of the Music Academy stating that the Academy Board and staff have read, understand, and will ensure compliance with the CUP conditions.
11. This measure, which addresses complaints and a trigger for MPC review of compliance with CUP conditions, has been incorporated into the condition requiring regular compliance hearings.

Changes to Land Use Mitigation Measures included in the 4/20/04 EIR Revision

Letter: The conditions of approval also incorporate new mitigation measures added after completion of the proposed final EIR document to further address land use impacts particularly compatibility/quality of life impacts, to the surrounding neighborhood (see EIR revision letter dated April 20, 2004). These measures include:

4/20/04 EIR Revision Letter Land Use Mitigation Measures 9 and 10: These measures required that during the summer, there shall be no more than 5 events held on Saturdays and no events held on Sundays. The measures were modified to specify no public events and a footnote was added stating that summer students and faculty practicing on-site (not performing), staff doing office or grounds work and other basic administrative activities would still be allowed.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 11: This measure established a limit on the number of picnic concerts (7) during the summer. This measure was modified to allow up to 10 picnic concerts, consistent with the historic levels and the intent of the original language, which was to maintain (not increase) historic levels.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 13: This measure required that all Music Academy events and activities begin no earlier than 9:00 am and end no later than 10:30 pm. Once an evening event has ended, guests must leave premises within 30 minutes. If 30 minutes becomes insufficient for guests to leave the premises, end times shall be moved to earlier in the evening sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 11:00. This measure has been revised as follows:

“All events and activities shall begin no earlier than 9:00 am and shall end no later than 10:00 pm Saturday through Wednesday throughout the year. The exception to this shall be allowance for events on Thursdays and Fridays during the summer season, only, to end by 10:30 p.m. Once an evening event has ended, guests are expected to leave within approximately 30 minutes. If approximately 30 minutes becomes insufficient for guests to leave the premises, the MPC, as part of their compliance hearings, shall consider the requirement to move end times to earlier in the evening, sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 10:30 (11:00 for Thursday and Friday events in the summer season).”

The Plan Requirements, Timing, and Monitoring components have also been revised to include more specificity for effective compliance.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 14: This measure identifies allowances and limitations for the new dining and kitchen facilities. New language was added to specify that, “The kitchen shall not be designed as a commercial or industrial kitchen. Rather, it shall be designed for catering purposes only, with an assumption of, and requirement for, minimal food preparation on-site.”

4/20/04 EIR Revision Letter Land Use Mitigation Measure 15: This measure addresses required replacement of screening perimeter vegetation. Language has been added to this measure to require that screening shrubs (in addition to trees) be replaced if lost and that replacement plantings be with comparably sized plantings, up to 24-inch box size.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 16: This measure addressed recommended changes to the instructional building. 16a and 16b have already been accomplished in the revised project plans. The MPC modified the requirement for frosted or other window material on the north and east sides of the structure (for privacy concerns) to allow the MBAR to determine appropriate window materials or treatments prior to approval of CDPs for structures (16c).

4/20/04 EIR Revision Letter Land Use Mitigation Measure 17: This measure addressed recommended changes to the student services building. 17a has already been accomplished in the revised project plans. The MPC modified the requirement for frosted or other window material on the north and east sides of the structure (for privacy concerns) to allow the MBAR to determine appropriate window materials or treatments prior to approval of CDPs for structures (17b).

4/20/04 EIR Revision Letter Land Use Mitigation Measure 18: "Drapes or curtains shall be installed on the windows on the east and north facing sides of the proposed new instructional and student services buildings and the north side of the proposed new practice studio building in order to reduce visibility of lighting at night when the buildings are viewed from off-site. In addition, the drapes shall be installed with a timer, to automatically close during night-time hours." The MPC modified this language to allow the type of window treatments/coverings to be determined by P&D and MBAR.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 21: Resale shops: see discussion of EIR Land Use Mitigation Measure #8 above.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 22: "Limiting use of the practice studio, hall and instructional spaces in the new practice studio, instructional building and student services buildings to musical practice and instruction. These spaces could not be used for performances. Exceptions to this would be allowance for up to 25 public attendees (total in these buildings) to view instruction/performance to accommodate donor and Compeer program viewing of student instruction."

The MPC modified the language of this measure as follows:

"The rooms/spaces in the new practice studio/instructional/student services building complex shall be used for musical practice, instruction and rehearsals only. Rental of these spaces to others for these same activities would also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes. The exception to this shall be viewing of clear musical instruction, by no more than 25 public ~~"audience" members~~ **Plan Requirements and Timing:** A note identifying these restrictions shall be included on the project building plans for this structure and the applicant shall submit future activity calendars to permit compliance staff along with other monitoring data to ensure compliance with this measure."

While public attendance will still be limited by mandatory attendance caps on activities throughout the entire campus, the revised language will provide greater flexibility for the Music Academy operations during their busy summer season.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 23: "The 50 removable seats in the front of Abravanel Hall shall be for the exclusive use of the summer music students. If the students wish to sit with non-students (instructors, friends, family), they shall be seated in the regular fixed seating area, but in no case shall the removable seats be used by non-students. Only those removable student seats that will be occupied at a given performance shall be set-up, as it may be confusing and awkward to try to keep audience members out of un-used front and second row seats. (Perhaps students could bring out their own chairs)."

The MPC altered the language of this measure to allow flexibility in who sits where during performances within Abravanel Hall during the summer. However, the revised language requires that only 300 of the total 350 seats (50 removable seats for summer only use and 300 fixed seats) can be sold to/used by the public, consistent with the intent of the prior language.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 25: "During the non-summer, musicians/other performers shall not be counted toward the attendance maximums if they are actually performing at a concert or other event. However, if the activity involved is really instruction or rehearsal with others observing, the performer and audience shall be counted toward the attendance maximums. The intent of this condition is to not allow extension of the summer music program, with an unlimited number of students, in the non-summer."

The MPC added language to clarify that the intent of this measure is to ensure compliance with the attendance caps.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 26: "All events open to the public shall be subject to the public attendee caps in the project description. Therefore, the May Madness weekend fundraiser, open to the public, shall be moved off-site (e.g., to Earl Warren Show grounds)."¹ The MPC modified this measure to allow a May Madness type of event to be held on-site, as it would be limited to only one, one-day event per year, to be held during the less busy (traffic) non-summer season.

As indicated above, as part of project approval, the MPC modified or eliminated some of the above measures. The CUP conditions, as revised, would continue to mitigate potential land use compatibility/quality of life impacts to a less than significant level. While the MPC changes would continue to result in no significant unavoidable land use/quality of life impacts, the MPC has stated that the CUP as conditioned would constitute the maximum intensity of use appropriate to avoid significant neighborhood compatibility and quality of life impacts.

¹ See other project conditions addressing permitted storage on-site for May Madness event.

Noise:

2. The stationary construction equipment referenced “shall be located as far as possible from occupied residences and.” The hanging “and” is deleted

4. The EIR measure addressing allowance for outdoor amplification limited the frequency to 4 times per year. The EIR Revision letter dated April 20, 2004 recommended that no outdoor amplification be allowed to address land use compatibility impacts. The MPC revised the language of these measures to allow for outdoor amplification subject to the following restrictions:
 - a) Location: the “cloistered outdoor courtyard”.
 - b) Frequency: Two times per year.
 - c) Duration: No more than 2 hours per event.
 - d) Level: Shall not be audible outside MAW property boundaries.
 - e) Time of Day: Beginning no earlier than 9:00 a.m. and ending no later than 9:00 p.m.
 - f) Limited to the spoken voice.

The limited use of a hand-held microphone, to be inaudible outside the MAW property, limited to use for the spoken voice, in the cloistered courtyard, for no more than two hours, two times per year would not result in significant noise or land use compatibility/quality of life impacts, particularly because this amplified sound will be inaudible off-site.

5. This measure addressing noise complaints is incorporated into the broader condition requiring regular compliance hearings.

Public Services - Solid Waste, Sewer, Water/Drainage (Geology incorporated with Water Drainage for conditions):

Solid Waste:

1. The timing for submittal of the Solid Waste Management Plan is revised to specify “prior to approval of CDPs for grading.”
2. The timing component is revised to specify that “All applicable materials shall be recycled prior to occupancy clearance.

Water:

3. The timing component requires that the water-conserving measures be graphically depicted prior to approval of CDPs for structures.

Sewer:

2. This measure addressing coordination with MSD and the City regarding sewer lines is modified to specify the *northern parking area* (rather than the parking structure) as well as the *approved new maintenance/storage and storage buildings*. The sentence beginning with, "Structural engineering shall..." is deleted as there are no longer structures proposed in close proximity to the edge of the sewer easement.

Traffic:

1. This measure limits activity levels on-site commensurate with the ability of the on-site parking supply to accommodate project generated parking demand. The condition is revised from the EIR mitigation language to reflect the reduction in the any-given-time attendance cap and related peak parking demand. The first three paragraphs of the EIR mitigation measures are replaced with the following language: Parking demand generated by project activities shall be accommodated within the on-site parking supply (285 passenger vehicle spaces, 5 additional stacked parking spaces and two bus spaces). In addition, the condition is revised such that the requirement to provide survey data for peak attendance weeks shall not be limited to the first year of regular operations or for 10 consecutive days, but shall be done annually during periods with events associated with peak attendance (most popular day-time Masters classes, etc.) and when high attendance is expected at consecutive events to ensure there is sufficient parking on-site and that the interval between events is adequate to allow vehicles to exit spaces in time for in-coming vehicles to park. The portion that requires a return to the MPC for consideration of parking is eliminated as this aspect of the project would be evaluated regularly by the MPC in their project compliance hearings.
2. The mitigation specifying requirements for an off-site parking lot is eliminated as all parking would now be provided on the project site.
4. Regarding the Los Patos intersection future improvements, the applicant would still be required to contribute to the improvements at this intersection. However, the language detailing timing constraints is eliminated as the impact would only occur in the cumulative setting.
5. The requirement to contribute funding to the Hot Springs/Cabrillo Highway 101 ramps is modified, such that the need to contribute funds for this improvement is triggered with a lower (more conservative) attendance maximum of 250 public attendees, rather than the previous trigger of 370 attendees (baseline).
7. The reference to an off-site parking lot is eliminated as this is no longer proposed. The ability to return to the MPC to evaluate adequacy of on-site parking, etc., is described as an item for discussion at the MPCs compliance hearings on the project.

8. This measure requiring applicant funding of on-going County compliance efforts (post approval), is supplemented to require unannounced permit compliance staff attendance at events on-site. The purpose of these visits includes performing manual attendance counts for comparison with submitted attendance data. Submittal of funds is also supplemented to occur prior to ~~issuance~~-approval of CDPs for each new phase of development (CDP for grading unless no grading is necessary for a specific phase being permitted).
9. This measure is incorporated into the condition of approval which addresses adequacy of parking attendants.
10. This measure requiring adequate time between sequential events on-site has been revised to require more time between events and a ~~lower~~-higher attendance trigger for this requirement.
11. The ability to return to the MPC to evaluate parking or other traffic related issues is discussed in condition #74, which addresses parking, but is also has been incorporated into the broader condition requiring MPCs compliance hearings on the project after one year of operation and thereafter every two years for a ten year period, unless the MPC chooses to modify, extend or eliminate this schedule at one of these compliance hearings.

1.3 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of ~~t~~The Secretary of the Planning Commission, Ms. Jackie Campbell of Planning and Development located at 123 E. Anapamu St., Santa Barbara, CA 93101.

1.4 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

The Final Environmental Impact Report and revision letters dated April 20, 2004 and June 7, 2004 on the Music Academy of the West Revised CUP project identify ~~one-two~~ environmental impacts ~~which-that~~ cannot or may not be fully mitigated and ~~are~~is therefore considered unavoidable. ~~This~~-The first impact is temporary (10-15 years) and pertains to aesthetics. The project has substantially lessened this impact by the incorporation of changes or alterations into the project where feasible, although these changes and alterations have not reduced the impact to a level of insignificance. To the extent the impact remains significant and unavoidable, such impact is acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations included herein. The "Class I" impact identified by the Final EIR is discussed below, along with the appropriate findings as per CEQA Section 15091:

1.4.1 *Aesthetics*: The following aesthetic impact is considered significant and unavoidable in the short to mid-term (until proposed landscaping reaches sufficient height/size to provide screening from off-site public viewing areas, particularly from the north, 10-15 years). The interim aesthetic impact is associated with the change in views from a predominantly landscaped estate to views of major construction (and later increased structural development), with substantial removal of mature, screening trees, more visible night-lighting and, overall, a more institutional setting. Development and related construction activities would be most noticeable from the north and from the east, due to the location of proposed development. Night-lighting and any unintentional loss of eucalyptus trees in the northern windrow, from natural or project-related causes, would exacerbate this impact in the short-term as these trees are located in the Montecito Sanitary District (MSD) sewer easement and cannot be replanted due to MSD concerns regarding operation and maintenance of the district's main inflow and outflow pipelines.

The project has provided for planting of screening shrubbery, which at maturity will provide substantial screening vegetation. Over the long-term, it is expected that project structures and night-lighting would be substantially, but not totally, screened from off-site viewing areas by virtue of proposed new plantings and the long-term impact would be mitigated to a less than significant level. Mitigation to address this impact would include the same mitigation identified to address Class II, potentially significant aesthetic impacts that can be feasibly mitigated or avoided (discussed below). No other feasible measures are known which would further reduce the impact.

1.4.2 *Short-Term Land Use Impact from Construction Traffic on Neighborhood Streets*: This impact would result in the unexpected event that the UPRR right-of-way is not available for use by trucks importing or exporting fill for project grading.

Project conditions require that the UPRR right-of-way be used for the above purposes (as well any additional feasible construction traffic) during the anticipated 90-day (minimum) time period typically granted by UPRR for such purposes. In addition, under the proposed phasing plan, the amount of excess cut and fill requiring transport to or from the site is **substantially** reduced from the project analyzed in the EIR (reduction from the former 9,000 cubic yards requiring transport in the EIR analysis compared to only 419 cubic yards with the current/approved project description, a 95% reduction). No other feasible measures are known which would further reduce this impact.

1.5 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY CONDITIONS OF APPROVAL

The Final EIR, 03-EIR-06 ~~and the revision letters~~ dated April 20, 2004 and June 7, 2004, identified several subject areas for which the project is considered to cause or contribute to significant, but mitigable environmental impacts. As to each impact area, the project has incorporated conditions of approval² which will reduce the impact to a level of insignificance. Each of these impacts is discussed below along with the appropriate findings as per CEQA Section 15091:

1.5.1 *Aesthetics:*

Potentially significant aesthetic impacts that can be feasibly mitigated or avoided are associated with:

Extensive tree removal, which would allow new public views into the site during construction, and until screening plantings reach sufficient heights, would negatively alter public views of the site.

Substantial increase in overall development as well as new structures, which are either closer to the perimeter of the property or of much greater size, massing and scale than existing structures on-site, would change views of what appears currently as a landscaped estate to a more institutional setting.

Night-lighting of new development would potentially spill onto adjacent properties and increase visibility of new development from public viewing areas. Visibility of night-lighting itself would also increase over the existing setting when viewed from off-site.

~~The upper level of the parking structure and vehicles and their headlights in the upper level would be potentially visible from public viewing areas, including from vehicles traveling on Highway 101.~~

Various project components would contribute to expansion of public views of non-residential uses in the neighborhood.

Mitigation

- a. Compliance with the Tree Protection Plan (Condition ~~13~~14). The following shall be added to the Tree Protection Plan to reduce aesthetic impacts:

The TPP shall emphasize the protection (and retention, where feasible) of existing trees and shrubs that are critical to screening the property from off-site public viewing areas (e.g.,

² Conditions identified below under mitigation are summarized. For the full language of the conditions, refer to Attachment D (CUP Conditions of Approval) to the memorandum to the MPC dated June 7, 2004, ~~the CUP Conditions of Approval in the memo to the MPC dated April 20, 2004.~~

particularly those trees that provide screening of the site when viewed from the north). In addition, the primary goal of tree maintenance activities (trimming, pruning) shall focus on maintaining the long-term health (and retention) of the trees. However, wherever possible, the maintenance activities shall also consider the goal of maintaining maximum screening provided by tree foliage.

- b. Night-lighting and its intensity shall be minimized to the extent feasible for security and safety purposes and night-lighting should be reduced following the close of activities on-site any given day.
- c. Use and approval of earth-tone colors (i.e., colors which blend with surrounding vegetation, soils, rocks, etc.) and muted colors for structural development, walls, signs, etc., unless the MBAR and P&D (with architectural historian input) conclude that alternative colors would be more compatible with the historic estate setting for specific structures.
- d. The landscape plan and tree disposition plan shall be revised to maximize the screening ability of site vegetation and to minimize the timeframe for new landscaping to provide such screening. At a minimum, the revised landscape and tree disposition plan shall include the following.
- e. Future structures shall not exceed the heights or sizes of individual structures identified in the project description and on the project plans.
- f. The graffiti on the remaining section of the northern wall shall be removed and the wall shall be painted in a color which blends in with the surrounding landscape.

In addition to measures specifically identified to address aesthetic impacts, the land use mitigation measures that address physical changes to the site, as well as the measures addressing the tree preservation plan, landscape plan and butterfly enhancement plan would also be required to address aesthetic impacts. These measures along with, but not limited to, those identified above have been found to mitigate these impacts to less than significant levels.

1.5.2 Archaeology:

Potentially significant archaeology impacts that could be feasibly mitigated or avoided are associated with the potential for significant, unknown buried cultural remains to be encountered within the project site during grading.

Mitigation

- a. In the event that archaeological remains are encountered during grading, work shall be stopped and the applicant shall fund evaluation of the resources encountered and shall implement recommended mitigation, consistent with County Archaeological Guidelines.

This mitigation measure has been found to mitigate this impact to ~~insignificant~~ less than significant levels.

1.5.3 *Biological Resources:*

Potentially significant biological impacts that can be feasibly mitigated or avoided are associated with the project would result in the removal of approximately ~~85-95~~60 specimen trees on-site, including, but not limited to, numerous eucalyptus trees which formerly supported roosting areas for monarch butterflies and ~~10-5~~ coast live oaks (~~3-4~~ of which would be transplanted on-site). No sensitive species of wildlife, including raptors or smaller bird species, have been identified on the project site. Re-establishment of the autumnal monarch roosting habitat in the northwest corner of the site is considered speculative due to a variety of factors (refer to the biological resources section of the EIR for expanded discussion of this issue).

Mitigation

- a. Implementation of an expanded tree protection and preservation plan, including replacement of trees removed with additional native trees.
- b. Implementation of a revised Butterfly Enhancement Plan for the area east of Miraflores on the slope above Butterfly Lane with a goal of re-establishing monarch butterfly habitat in an area under the control of the applicant (the northwest corner is subject to tree removal or restricted planting due to proximity to MSD and the MSD sewer easement along the northern property line).

Mitigation measures, including, but not limited to the measures stated above, have been found to mitigate this impact to insignificant levels.

1.5.4 *Fire Protection:*

Potentially significant fire safety impacts that can be feasibly mitigated or avoided with possible development and implementation of the Master Plan in a manner inconsistent with Montecito Fire Protection District (MFPD) requirements for on-site access, circulation, interior and exterior fire suppression, and storage of rummage/resale store merchandise.

Mitigation

- a. The applicant shall prepare a plan acceptable to the MFPD, which specifies the acceptable quantities, types, locations and duration of stored rummage and/or resale items.
- b. Access, circulation, design, and fire suppression water shall comply with all MFPD requirements. The MFPD shall review and approve final grading and building plans prior to CDPs.

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate this impact to less than insignificant levelsee.

1.5.5 Geology

Potentially significant geologic impacts that can be feasibly mitigated or avoided are associated with ground shaking from potential earthquakes (potential structural impacts). Project implementation and long-term operation could also result in increased erosion, sedimentation and runoff of other polluted surface water, as a result of grading and construction activities as well as runoff from increased impervious surfaces on-site, including parking areas, throughout the life of the project.

Mitigation

- a. The applicant shall prepare grading, drainage and erosion control plans for review and approval by P&D and the Flood Control District.
- b. Energy dissipaters shall be installed at the northern drainage improvements that empty into a swale, which would be used as a bio-filter.
- c. Buildings shall be designed consistent with Uniform Building Code Seismic Zone 4 requirements.
- d. Implementation of bio-filtration and other methods (water quality BMPs) on-site to minimize unfiltered runoff draining from the site to the ocean via storm drains with maintenance provisions for perpetuity.

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate these impacts to less than significant levels.

1.5.6 Historic Resources: Potentially significant historic impacts that can be feasibly mitigated or avoided are associated with historic structures and the historic designed landscape due to extensive tree removal, alteration of circulation and garden pathway features, modifications to Miraflores, and alterations to views of and within the site.

Mitigation

- a. Completion of the appropriate California Department of Parks and Recreation's Forms 523 for submission to the UCSB Department of Anthropology's Central Coast Information Center.
- b. Historic American Building Survey (HABS) documentation to show the spatial relationships between the buildings and existing landscape features.
- c. The Miraflores extension shall replicate the original construction techniques and the change must be documented and plans detailing this placed in the Music Academy archive.
- d. Working drawings, including landscape plans for the project shall be reviewed by a Santa Barbara County approved architectural historian and an expert in historic landscape design to insure compliance with mitigation measures addressing historic resources.

- e. The new student services building link to existing Miraflores shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. The Final Plans should be placed on file at UCSB.
- f. The applicant shall contract with an architectural historian (with input, as necessary from an expert in historic landscape design) to ensure that project plans (grading, landscape, structural development, any signs, etc.) are appropriately revised pursuant to project conditions that address historic resources and the architectural historian (and historic landscape expert) shall attend at all MBAR, and Historical Landmark Committee meetings.
- g. The new courtyard shall ~~be modified to~~ include replacement trees for those removed. In addition, the alignments of the historic axial path system ~~should~~ shall be represented by embedding original materials.
- h. The existing pathway shall be retained across the new secondary access road (near Miraflores) and the plants and shrubs shall be retained on either side of the road. The surface of this emergency access road shall be planted if acceptable to MFPD.
- i. The landscape plan shall ~~be revised to reduce~~ minimize impacts to the historic designed landscape, including adverse changes to spatial relationships, views between various site features, views from off-site, and to provide offsetting enhancement of altered historic landscape features.

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate historic impacts to less than significant levels.

1.5.7 Land Use Compatibility:

Potentially significant land use compatibility impacts that can be feasibly mitigated or avoided are associated with short-term construction impacts, change in views into the site and site development, increased traffic and parking demand during peak traffic periods (both standard and neighborhood peak traffic hours), the proposal to allow limited outdoor amplification, the proposal for increased attendance during the eight-week summer season, the allowance for two, one-day fundraisers instead of one, two-day fundraiser, expanded resale activity from potential increased storage of resale items on-site ~~and resale shop hours~~, the proposed construction and use of a new maintenance/storage building ~~and yard area adjacent to the northeast property line and residential neighbors~~, the potential for substantially greater use of the larger and improved facilities throughout the site if the proposed attendance limitations were not enforced, ~~use of the proposed outdoor dining patio above Butterfly Lane for up to 150 students, 89 staff/faculty and others~~ as well as potential for the larger and improved kitchen and dining facilities to become a destination separate from Music Academy events similar to the situation experienced at Glen Annie Golf course.

Mitigation

- a. The developer shall clear the project site of all excess construction debris prior to occupancy clearance for each construction phase and shall submit a construction traffic plan to the County and City for review and approval prior to issuance of CDPs.
- b. Requirement for perimeter screening in perpetuity, including requirement for replacement plant materials (whether trees, shrubs are lost either intentionally or due to natural causes).
- c. The instructional building shall be modified to reduce views from off-site of institutional development and to address privacy and potential nuisance concerns, including relocation of the service driveway/access to the northwest corner of the building, elimination of the northeast corner of the building to reduce visibility from off-site and to preserve 13 mature trees (and screening), requirement for MBAR to approve windows on north and east sides ~~to address neighbor privacy concerns~~ be of opaque material to disallow views into residences below, and requirement that all balconies on instructional building be ornamental only. (Structural revision accomplished in approved project).
- d. The student services building shall be modified to reduce views from off-site views of institutional development and privacy concerns, including elimination of the top level of the northeast corner of the student services and requirement for MBAR to approve east facing windows ~~to address neighbor privacy concerns~~ be of opaque material to disallow views into residences below. (Structural revision accomplished in approved project).
- e. Windows on the east and north sides of the instructional and student services buildings shall have ~~drapes or curtains~~ window coverings -installed with a timer to automatically close during night-time hours (or alternate window treatment), to reduce visibility of lighting at night.
- f. When practice rooms in the instructional building are used for activities likely to generate nuisance noise for neighbors (e.g., any type of amplification, brass band practice, etc.), any north or east facing windows in the room shall be closed and the air circulation system shall accommodate this requirement.
- g. The proposed storage building shall not result in any tree removal due to screening value.
- h. The Rack and Treasure House hours shall be ~~revised to 12:00-3:00 p.m., Monday-Saturday throughout the year in summer and to "appointment only" during the non-summer season~~ to minimize periods when the entrance gates must remain open to reduce cut-through traffic trips, and facilitate CTRP.
- i. To minimize the potential for additional traffic generation and expansion of non-residential use as well as to help offset other project effects on the neighborhood, resale/retail shop sales and viewing of merchandise shall be limited to merchandise located in Treasure House and The Rack only. Excess merchandise which cannot be accommodated in Treasure House

or The Rack may also be stored in the new Storage building. The exceptions to this are rummage stored on-site one month in advance of May Madness and drop-off items may be stored on-site for up to 5 days in the new maintenance/storage building (year-round), awaiting transport to off-site storage location(s).

- j. ~~In line with the goal of expanding student instruction and practice space and not expanding performance space/use on-site, the rooms/spaces in the practice studio and instructional buildings shall be used for musical practice, instruction and rehearsals only year-round. Rental for these same activities would also be permitted. Performances shall not take place in these buildings. The exception to this shall be viewing of clear musical instruction, by no more than 25 public "audience".~~ The rooms/spaces in the new practice studio/instructional/student services building complex shall be used for musical practice, instruction and rehearsals only. Rental of these spaces to others for these same activities would also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes.
- k. In addition to the 300 fixed seats in Abravanel Hall, during the summer season only, 50 removable seats are allowed. No more than 300 seats shall be used for the public. Ticketing shall incorporate tickets for all in attendance at an event and shall include different types of tickets for students, faculty/staff and public attendees (public is anyone who is not a student, faculty or staff). There shall be no removable seats in Abravanel Hall during the non-summer season. The 50 removable seats in the front of Abravanel Hall shall be for the exclusive use of the summer music students, as the goal is to provide additional seating for the 150 students. The seats would be located in the popular first and second rows. Limiting seating here to students would facilitate enforcement and ensure that these seats do not become additional public seating.
- l. To ensure adequacy of on-site parking, summer music students shall access the site using buses provided to and from Cate School. The exception to this shall be transferable permits for up to ten student vehicles/day. No additional student vehicles shall be parked on neighborhood streets to evade this restriction. Walking or bicycling to the site would also be acceptable.
- m. During the non-summer, musicians/other performers shall not be counted toward the attendance maximums if they are actually performing at a concert or other event. If the activity involved is really instruction or rehearsal with others observing, the performer and observers (audience) shall be counted toward the attendance maximums. The intent of this condition is to ensure compliance with the attendance caps and to not allow extension of the summer music program, with an unlimited number of students, in the non-summer. ~~The intent of this condition is to clarify that the exception for not counting performers at a concert or other event is not applicable to instruction and rehearsals, much of the non-summer musical activity on-site (e.g., Youth Symphony use for practice and rehearsals).~~

- n. Music Academy fundraisers on campus shall be subject to the any given time, daily and seasonal attendance caps. The exception to this shall be limited to one, 1-day event per year, held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).
- n. ~~May Madness shall be moved off site (e.g., to Earl Warren Showgrounds)³ to help offset other project effects on the neighborhood~~
- o. Consistent with historic levels (and traffic assumptions), there shall be no more than five public Saturday events during the summer⁴.
- p. Consistent with historic levels (and traffic assumptions), there shall be no public Sunday events during the summer.⁵
- q. Picnic concerts shall be limited to no more than ~~one per week~~10 during the summer.
- r. Rentals for seminars and meetings shall continue to be limited to 175 participants (rather than the applicant proposed 330) to avoid increased activity levels associated with increased rental activities (especially non-music related), including provision of expanded food service ~~for up to 330 participants.~~
- s. All Music Academy events and activities shall begin no earlier than 9:00 am and shall end no later than 10:00 pm Saturday through Wednesday throughout the year. The exception to this shall be allowance for events on Thursdays and Fridays during the summer season only to end by 10:30 p.m., 10:30 pm. Once an evening event has ended, guests shall leave premises within 30 minutes. If 30 minutes becomes insufficient for guests to leave the premises, end times shall be moved to earlier in the evening sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 10:30 (11:00 for Thursday and Friday events in the summer season).~~11:00.~~
- t. The cut-through traffic reduction program (CTRP) condition has also been revised and is based on the fee payment at the exit option, with the option for return lane or other method if proposed plan is not determined to be effective.
- u. The primary use of the kitchen and dining facilities shall be to provide lunch and dinner to summer music students, faculty, and staff. The secondary use of these facilities shall be for the use of non-summer staff to heat up (microwave) and refrigerate their lunches and for use by caterer for rental activities in non-summer. Therefore, the kitchen and dining facilities shall be limited as follows:

³ See other project conditions addressing permitted storage on-site for May Madness event.

⁴ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends.

⁵ Same as assumed in the traffic study. Traffic in the area is generally already greatest on weekends.

- a) Not available to resale shops customers.
- b) Not open as a snack bar or restaurant for the public or for public on-site for musical instruction, other lessons, rehearsals.
- c) Not to be used to provide food for picnic concerts, except to supply coffee cart type fare.
- d) Not to be used as a cafeteria for food preparation, except as typical office employee lounge.
- e) Food preparation and service shall be limited to caterers (no permanent kitchen staff) and shall minimize deliveries.
- f) Except for caterer supplies for specific meals, food stuffs shall be limited to those typical of an office employee lounge.

v. Construction routes shall be limited to those shown on the proposed construction route plan. The applicant shall secure a Right-of-Way Agreement from the Union Pacific Railroad, if UPRR will grant such access for a 90-day period and, if available, an extension at a reasonable cost. The applicant shall provide all adjacent property owners with a construction activity schedule and construction routes 10 days in advance of construction activities.

In addition to measures specifically identified to address land use impacts, mitigation measures to address aesthetics, air quality, biological resources, historic resources, and traffic and noise would also be required to address land use impacts. Mitigation measures including, but not limited to, the measures stated above have been found to mitigate land use (land use compatibility/quality of life) impacts to less than significant levels.

1.5.8 *Noise:*

Potentially significant noise impacts that can be feasibly mitigated or avoided are associated with from short-term construction noise, use of outdoor amplification, and potential exposure to excessive interior noise levels in new structures.

Mitigation

b.a. The applicant shall minimize noise impacts during construction period by limiting hours of loud activities and minimizing noise from stationary construction equipment.

b. All use of amplified sound on-site in indoor locations shall occur with closed windows during periods when amplification is being used. Amplified sound in outdoor locations shall be limited to the following:

- Location: the “cloistered outdoor courtyard”.
- Frequency: Two times per year.
- Duration: No more than 2 hours per event.
- Level: Shall not be audible outside MAW property boundaries.
- Time of Day: Beginning no earlier than 9:00 a.m. and ending no later than 9:00 p.m.

- Limited to the spoken voice.
- b. ~~Use of amplified sound on site shall be limited to indoor areas (land use compatibility mitigation).~~
- d. ~~Construction routes shall be limited to those shown on the proposed construction route plan. Trucks used to export excess fill material shall be routed along the railroad right of way to Channel Drive and Highway 101, unless such access is not granted by UPRR. This same route shall be used when entering the site. The applicant shall provide all adjacent property owners with a construction activity schedule and construction routes 10 days in advance of construction activities.~~
- e. Buildings shall be designed to attenuate noise in interior areas to less than 45 dBA.

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate noise impacts to less than significant levels.

Public Services (Sewer, Solid Waste, Sewer, Water)

1.5.9 Public Services - Solid Waste:

Potentially significant solid waste impacts that can be feasibly mitigated or avoided are associated with waste generation of approximately 53 tons/year. The project would contribute cumulatively to generation of increased solid waste going to area landfills.

Solid Waste Mitigation

- a. Implementation of an expanded solid waste reduction plan.

Mitigation measures including, but not limited to, the measure stated above have been found to mitigate solid waste impacts to less than significant levels.

1.5.10 Public Services - Sewer:

Potentially significant solid waste impacts that can be feasibly mitigated or avoided are associated with existence of existing sewer infrastructure associated with the location of the main MSD inflow and outflow pipelines and City of Santa Barbara (Coast Village Road serviced) inflow sewer line within a 30 foot easement within and paralleling the northern property line, with resulting potential for community wide interruption of sewer service and/or sewage spills in the event that project development impacts operation or maintenance and repair of the underlying pipelines. In addition, the location and design of proposed structures and landscaping, and past encroachment of development and grading could affect the pipelines and sewer service.

Sewer Mitigation

- a. Prior to submitting plans to P&D for review, the applicant shall receive confirmation from MSD and the City of Santa Barbara (sign-off on plans) that the proposed location and design of structures and plantings is acceptable, to avoid impacts to their respective pipelines. In addition to design specifications, this may include other measures such as in-pipeline video documentation before and following completion of construction to ensure that no unanticipated damage occurred to the pipelines as a result of construction activities. Structural engineering shall also ensure that future maintenance or repair activities on the pipelines would not impact the integrity of the new structures (e.g., such activities may involve a deep, wide trench in proximity to the edge of these structures.

Mitigation measures including, but not limited to, the measure stated above have been found to mitigate sewer impacts to less than significant levels.

1.5.11 Public Services - Water:

Potentially significant water quality impacts that can be feasibly mitigated or avoided are associated with increased impervious surfaces on-site and the potential for degraded water quality from runoff of construction related rinse water or unfiltered storm water runoff.

Water Mitigation

- a. Measures identified in the Geology section.
- b. Construction related wash-off areas shall be designated to ensure polluted waters do not runoff into storm drains and the ocean.

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate water quality impacts to less than significant levels.

1.5.12 Transportation

Potentially significant transportation impacts that can be feasibly mitigated or avoided are associated with potential parking demand, project specific impacts at the Cabrillo Boulevard/Highway interchange, and cumulative impacts at Cabrillo/Highway 101 interchange and the Cabrillo/Los Patos/Channel Cabrillo Boulevard intersection, and specific short-term construction impacts at the Los Patos/Cabrillo/Channel intersection and the Hot Springs/Cabrillo/Highway 101 ramps intersection.

Mitigation

- a. In order to ensure that project generated parking demand can be accommodated on-site, once the Master Plan is operational, the applicant shall monitor event parking during large events (300 plus attendees) to determine whether parking is indeed adequate to accommodate on-site parking for the proposed any given time maximum public attendance. Project conditions, which affect parking, may be modified based on the results of these

surveys at the required compliance report hearings with the Montecito Planning Commission.

- c. Until such time as the improvements to the Cabrillo/Los Patos-Channel intersection and the Cabrillo/U.S. 101 interchange/ramps are completed, the following measure shall be implemented: The MAW shall schedule Master Classes with more than 250 students to start and end outside of the 4:00-6:00 p.m. peak commute period (such as a 4:00 P.M. start and a 6:00 P.M. end or a 1:00 start and a 2:50 end).
- d. The applicant shall contribute \$27,200.00 (the project's proportional share of a \$200,000.00 round-about, assuming the project would contribute 13.6% or 30 PHT out of 220 cumulative PHT to the intersection) to design and implement the necessary improvements at the Los Patos/Cabrillo Boulevard/Channel Drive intersection.
- e. The applicant shall contribute funds representing the project's proportional share of the approved improvement at Hot Springs/Cabrillo/Highway 101 ramps. This contribution shall only be required if the applicant no longer wishes to limit attendance to baseline levels for events that would generate vehicle trips from 4:00-6:00 pm .
- g. The applicant shall prepare and submit a construction traffic plan to the County and the City of Santa Barbara prior to approval of a CDP for grading.
- h. The MAW shall deploy an adequate number of parking attendants for the larger events on-site as well as at any off-site lot, as necessary, to ensure that identified parking is maximized (and parking on neighborhood streets is avoided or minimized).
- i. The applicant shall deposit funds to cover on-going staff review and compliance efforts.
- j. If more than ~~90~~95 staff and performers are present for a maximum capacity non-summer event, staff or performers above this number shall be carpooled or bused to the Academy campus.
- k. At least 40 minutes shall be scheduled between the start and end times of larger events on-site (those involving combined consecutive event attendance of 550 or more public attendees, such as 300 at the first afternoon Master Class and 250 at the second Master Class). ~~At least 45 minutes shall be scheduled between the start and end times of larger events on-site (e.g., those involving individual or combined attendance of 400 or more).~~

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate transportation impacts to less than significant levels.

1.5.13 Quality of Life

Quality of life issues are specifically addressed in the land use section of the EIR, including, but not limited to, the effects of project related noise, traffic, and change in the visual character of the area. The land use section addresses these issues with regard to a neighbor/neighborhood perspective, rather than limiting discussion to whether related noise, traffic or aesthetic

thresholds are exceeded. Mitigation to address these land use compatibility/quality of life issues are also included in the land use section of the EIR and the EIR Revision Letter dated April 20, 2004 as revised by the CEQA Revision Letter dated June 7, 2004 (and incorporated into project conditions of approval).

1.6 FINDING THAT MITIGATION OF CERTAIN IMPACTS IS WITHIN THE RESPONSIBILITY AND JURISDICTION OF ANOTHER PUBLIC AGENCY

Full mitigation of impacts to the Cabrillo/Hot Springs/Highway 101 ramps intersection and the Cabrillo/Los Patos intersection are within the responsibility and City of Santa Barbara's permitting jurisdiction. Staff has coordinated with planners at the City's Community Development and Public Works Departments in assessing mitigation strategies for these intersections. The project has been conditioned to ensure that significant project specific and cumulative impacts to these intersections do not occur and to provide appropriate payment for the project's proportionate share of ultimate intersection improvements.

1.7 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES ARE NOT FEASIBLE

The Final EIR, 03-EIR-06, prepared for the project evaluated the alternatives listed below as methods of reducing or eliminating potentially significant environmental impacts.

No Project Alternative;
No Project alternative, No Project with Off-Site Parking Lot;
Proposed Master Plan with Only Surface Parking On-site/Off-Site Parking Lot;
Residential On-Site (12 Units)/Relocation of Music Conservatory to Off-Site;
Residential On-Site (90 Units- Extend Adjacent DR-10 Zoning)/Relocation of Music Conservatory to Off-Site;
Residential On-Site (Assisted Living Facility)/Relocation of Music Conservatory to Off-Site;
Project Redesign I;
Project Redesign II Plus Relocate Large Events (300+ Attendees) Off-Site;
Other Off-Site Alternatives.

The EIR Revision Letter also evaluated 15 access design alternatives.

After the first Montecito Planning Commission hearing, the applicant modified the project, and the project has been conditioned, to generally conform to many elements of the Project Redesign I and II alternatives. These modifications and alternatives include elimination of the parking structure (thereby allowing possible access to/from the Montecito Sanitary District property if this became feasible in the future;) reduction in the number of fixed seats in the recital hall to 300 total seats for the public (the allowance for an additional with 50 removable seats, during the summer only, would provide seating capacity for 350 people in the summer, with no more than 300 of the total seats occupied by/sold to the public) available for students only; further reductions in any one time, daily, and seasonal public attendance limitations; relocation of the maintenance and

storage functions on campus; incorporation of the dining area into the student services building and reduction of its size; limitations for on-site storage of items for the Rack and Treasure House; and incorporation of cut-through traffic reduction plan improvements.

The Planning Commission finds that each alternative specified below is infeasible and less desirable than the proposed project, and therefore is rejected, for the following reasons:

- 1.7.1 No Project. This alternative would achieve none of the project objectives and would forego all of the project's benefits which are itemized in the Statement of Overriding Considerations. For these reasons, the no project alternative is rejected.
- 1.7.2 No Project Plus Off-Site Parking Lot. The applicant has withdrawn its application with the City of Santa Barbara for an off-site parking lot on Channel Drive, and its lease with the Santa Barbara Cemetery Association has been terminated; therefore, this site is no longer under the control of the applicant. As with the no project alternative, this alternative would achieve none of the project objectives and would forego all of the project's benefits which are itemized in the Statement of Overriding Considerations. The addition of the off-site parking lot to the no project alternative does not serve to reduce overall impacts below those associated with the no project alternative. Accordingly, this alternative is rejected.
- 1.7.3 Master Plan Plus Permanent Off-Site Parking Lot Across From Santa Barbara Cemetery. The applicant has withdrawn its application with the City of Santa Barbara for an off-site parking lot on Channel Drive, and its lease with the Santa Barbara Cemetery Association has been terminated; as a result, this site is no longer under the control of the applicant, and no permanent off-site location sufficient to provide parking for the project is available to and/or under the control of the applicant. For these reasons, this alternative is rejected.
- 1.7.4 Residential On-Site (12 Units)/Relocation of Music Conservatory Off-Site (Residential A). Depending on the potential site chosen, general plan and/or zoning amendments could be required to implement the alternative. Although this alternative creates the greatest reduction in environmental impacts, it is speculative that the alternative could be feasibly accomplished. No alternative site for relocation of the Conservatory activities and facilities is under the control of the applicant. Thus, the alternative would not meet the objectives of the project and would forego all of the project's benefits, which are set forth in the Statement of Overriding Considerations. For these reasons, the Planning Commission finds this alternative infeasible and less desirable than the project and rejects it.
- 1.7.5 Residential On-Site (90 Units)/Relocation of Music Conservatory Off-Site (Residential B) Depending on the potential site, general plan and/or zoning amendments could be required to implement the alternative. This alternative would not produce fewer environmental impacts than the proposed project, while at the same time meeting none of the project's objectives and providing none of the project's benefits. No alternative site for relocation of the Conservatory activities and facilities is under the control of the

applicant. As with alternative 1.7.4 above, accomplishment of the alternative is speculative because of the applicant's lack of control of a properly-designated property for relocation of the Conservatory activities. The Planning Commission finds that this alternative is infeasible and therefore rejects it.

1.7.6 Residential On-Site (Assisted Living Facility)/Relocation of Conservatory Uses Off-Site.

Depending on the potential site, general plan and/or zoning amendments could be required to implement the alternative. This alternative would not produce fewer environmental impacts than the proposed project, while meeting none of the project's objectives and providing none of the project's benefits. No alternative site for relocation of the Conservatory activities and facilities is under the control of the applicant. As with alternative 1.7.5 above, accomplishment of the alternative is speculative because of the applicant's lack of control of a properly-designated property for relocation of the Conservatory activities. The Planning Commission finds that this alternative is infeasible and rejects it.

1.7.7 Project Redesign I. This alternative is identified as achieving the greatest reduction in project environmental impacts in the EIR (Section 8.8 Environmentally Superior Alternative). ~~As pointed out above, many~~ of the alternative's elements have been incorporated into the ~~proposed approved~~ project including:

Alteration of the parking (structure) component to allow perimeter landscaping along the north;

Circulation design which allows for the potential future option of access using Monte Cristo or MSD access;

The size and seating capacity of Abravanel Hall have been reduced (below the level identified in this alternative);

Any-given-time attendance limits have been reduced to reflect reduction in seating capacity;

The instructional building and service drive have been revised to avoid mature trees, including oaks near the former northeast corner of the building;

The outdoor patio eating area has been relocated, not to the cloistered courtyard, but away from the property perimeter; and-

A CTRP incorporating kiosk personnel (although not at the actual entrance) is included in the project description and conditions;

However, several elements of this alternative are infeasible. The parking structure has been eliminated from the project, the Planning Commission having determined that such a structure would not be appropriate on the project site. Further, the Montecito Sanitary District has expressly rejected the creation of an access/egress drive on District property for use by Academy patrons. Location of dining within the cloistered patio as an outdoor activity does not provide a dedicated all-weather dining space, and would interfere with efficient operation of conservatory activities. Location of a kiosk at the site's Fairway entrance gate, and access to the Rack and Treasure House exclusively from Butterfly Lane, are not necessary for cut-through traffic reduction, and would interfere with efficient circulation within the project site. For these reasons, the Planning Commission

finds that this alternative is infeasible and less desirable than the project as currently proposed and conditioned, and therefore is rejected.

1.7.8 *Project Redesign (Off-Site Location for Events Involving 300 or More Attendees)*. As pointed out above, many of this alternative's elements, including elimination of the parking structure and modification rather than replacement of the recital hall, have been incorporated into the proposed project. The proposed project provides for ~~fixed~~-seating for ~~300-330~~ members of the public, ~~with and~~ 50 ~~removable~~ seats during the summer only for students, faculty and staff; the alternative's limitation of total seating to 300 persons (including students, faculty and staff) would compromise the quality and efficiency of the Academy's Conservatory activities. Many activities would have to be held off-site, thereby interfering with the instructional program through time lost in transportation and weakening of the campus setting required for instructional excellence. Replacement of instructional space by maintenance and storage facilities would also impair educational activities by reducing the area available for practice and instruction. For these reasons, the Planning Commission finds that this alternative is infeasible and less desirable than the project, and therefore is rejected.

1.7.9 *Other Off-Site Locations*. None of the sites selected for this alternative is a feasible site for relocation of the Academy's year-round operation. Cate School is available only during the summer, and lacks adequate instructional facilities for the entire Academy program. Location of year-round Academy operations there would create greater environmental impacts than the proposed project. The St. Francis Hospital site is not configured for Conservatory instruction, would require extensive remodeling, and is already proposed for residential use in conjunction with the Cottage Hospital renovation project. The Granada building is currently the subject of a Performing Arts Center (auditorium) proposal; the building would require extensive remodeling and is not configured appropriately to serve as a music conservatory. None of these sites is under the control of the applicant; the relocation of the Academy's operations of these sites is speculative, and would achieve neither the project's objectives nor its benefits. For these reasons, the Planning Commission finds that this alternative is infeasible and less desirable than the project, and therefore is rejected.

~~These alternatives are infeasible for the following reasons:~~

- ~~• No Project Alternative. The no project alternative does not achieve the applicant's goals for upgrading the on-site facilities and for accommodating greater numbers of students at the popular summer music festival Master classes and concerts.~~
- ~~• No Project Plus Off Site Parking Lot Alternative. This applicant has withdrawn their application with the City of Santa Barbara for an off-site parking lot on Channel Drive. As with the No Project Alternative, this alternative does not achieve the applicant's goals for upgrading the on-site facilities and for accommodating greater numbers of students at the popular summer music festival Master classes and concerts. Further, the addition of the off-site parking lot to the No Project alternative did not serve to reduce overall impacts below those associated with the No Project Alternative.~~

- ~~Proposed Master Plan with Only Surface Parking On-site/Off Site Parking Lot: the primary benefit of this alternative would be that the parking structure would not need to be built, theoretically allowing for the future (speculative) potential for monarch butterflies to roost in this area again. However, because the surface parking would still be regraded and additional trees removed, it would remain speculative as to whether butterflies would ever return to this historic autumnal roost. This alternative may also increase increase parking demand on neighborhood streets if a percentage of attendees does not park in designated locations off-site.~~
- ~~Residential On Site (12 Units)/Relocation of Music Conservatory to Off Site:~~
- ~~Residential On Site (90 Units - Extend Adjacent DR-10 Zoning)/Relocation of Music Conservatory to Off Site:~~
- ~~Residential On Site (Assisted Living Facility)/Relocation of Music Conservatory to Off Site:~~
- ~~Project Redesign II Plus Relocate Large Events (300+ Attendees) Off Site:~~
- ~~Other Off Site Alternatives:~~

~~One of the primary goals of the project expansion is to improve and expand the existing facilities on site. Therefore, the alternatives immediately above (which all include a major off-site component) fail to meet one of the primary objectives of the proposed project. Each of the above (5) alternatives fails to meet the applicant's goals of improving on-site facilities and accommodating greater numbers of students studying together on-site.~~

1.8 STATEMENT OF OVERRIDING CONSIDERATIONS

~~The Final EIR, and revision letter dated April 20, 2004 for the Music Academy of the West Revised Conditional Use Permit, the EIR Revision Letter dated April 20, 2004 and CEQA Revision letter dated June 7, 2004 identify project impacts to aesthetics and potential short-term construction traffic (from vehicles transporting excess cut and fill soil to and from the project site if UPRR does not grant use of its right-of-way) as a significant environmental impacts which are considered unavoidable. The Montecito Planning Commission has determined that the present project is consistent with the Montecito Community Plan. Having balanced the benefits of the project against its potential significant and unavoidable effects, the Montecito Planning Commission hereby determines that the project's potential unavoidable impacts is are acceptable in light of the project's benefits, and that approval of the project is warranted, notwithstanding that all identified impacts are not fully mitigated. (CEQA Sections 5043, 15092 and 15093). Each benefit set forth below constitutes an overriding consideration warranting approval of the project independent of the other benefits:~~

1.8.1: The project would result in a reduction in total annual attendance and related vehicle trips and reduction in total non-summer season (44-week non-summer season) vehicle trips⁶.

⁶ There would still be periodic peak traffic periods with greater vehicle trips throughout the year (start and end times for high attendance events), given the proposal for increased physical capacity and any given time attendance.

- 1.8.2: The project would provide expanded opportunity for the interested public to attend summer music program musical events and overall increased and improved opportunity for community access to the arts.
- 1.8.3: The project would provide expanded opportunity for access to improved musical facilities and performance venues for students and professional musicians.
- 1.8.4: The project would result in elimination of weddings on the project site, which have been the subject of complaints by neighbors.
- 1.8.5: The project would enhance the overall quality of instruction for young musicians, including those musicians attending the internationally known summer music program. This program is tuition free for participating students.
- 1.8.6: The project would result in construction of new and improved recital hall on-site, benefiting both performers and guests.
- 1.8.7 The project would create a short-term increase in construction related employment opportunities from drivers of heavy equipment to design professionals.
- 1.8.8 The project would increase sales of various supplies and furnishings for the project benefiting the local economy.
- 1.8.9 The project will reduce annual public attendance on the site from historically-achieved levels.
- 1.8.10 The project will enhance the historic gardens on the Music Academy property, which are regularly used by neighboring residents.
- 1.8.11 The project will implement a Cut-Through Reduction Program on the site, which will eliminate significant amounts of traffic that cuts through the Music Academy site, with the capacity to reduce traffic levels in the neighborhood.

1.9 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6. requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 **CONDITIONAL USE PERMIT FINDINGS**

Pursuant to Section 35-172.8, a Conditional Use Permit application shall only be approved if all of the findings below are made. Therefore Montecito Planning Commission adopts the following findings for approval of the Conditional Use Permit:

2.1.1 That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.

The 9-acre project site is adequate in size and shape to accommodate the proposed project components. The site is located within the urban area; the surrounding area contains a mix of residential, commercial, and public facilities. Required grading for the project will

not impact any significant landforms, and a enhanced plantings are proposed to encourage re-use of the site by Monarch Butterflies which historically roosted on-site and along much of Butterfly Lane. Project building coverage is consistent with that of surrounding residential properties.

Incorporation and implementation of the conditions of approval, particularly those conditions addressing grading, drainage, transportation, aesthetics, and land use compatibility, would ensure that the size, shape, location and physical characteristics of the project site can accommodate the expanded music conservatory and secondary uses and development proposed.

2.1.2 That adverse environmental impacts are mitigated to the maximum extent feasible.

The EIR and EIR revision letters prepared for the project indicate that the project would result in a significant unavoidable (Class I) impact in the area of aesthetics/visual resources. The project has substantially lessened this significant unavoidable adverse impact by the incorporation of changes or alterations into the project, where feasible. A detailed statement of this impact and of the project's mitigation measures is contained in the project's CEQA Findings found in § 1.0 of these Findings and incorporated herein by this reference. To the extent the remaining impact in this issue area is significant and unavoidable, the Montecito Planning Commission has deemed such impact to be acceptable when weighed against the overriding benefits created by the project, as stated in the Statement of Overriding Considerations provided herein.

The EIR and revision letters further indicate that the project creates significant but mitigable impacts in a number of issue areas. These areas include aesthetics, archaeology, biological resources, fire protection, geology, historic resources, land use compatibility, noise, public services, and transportation. As to each issue area, mitigation measures incorporated by the project conditions of approval will reduce the project's impact to a level of less than significance. A detailed statement of these impacts and of the project's mitigation measures is contained in the project CEQA Findings contained in § 1.0 of these findings and incorporated herein by this reference.

Conditions of approval derived from required mitigation measures in the EIR are designed to address potentially significant adverse environmental impacts. Additional conditions of approval have been added to address specific policy issues as well as to address adverse, but less than significant environmental impacts to the maximum extent feasible.

2.1.3 That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

The EIR and two revision letters has determined that the project's impacts on transportation can be mitigated to a level of insignificance. Project-generated traffic will not exceed County thresholds of significance for County roadways, which will continue to operate at acceptable levels of service with project-added traffic. The same conclusions are true as to area intersections; as to the Hot Springs Road/Cabrillo

Boulevard/Hwy.101 intersection, conditions of approval, including but not limited to limitations on attendance during the peak hour, would ensure that area streets and highways are adequate and properly designed to accommodate any additional project traffic on the street system. Cumulative impacts on City of Santa Barbara streets can be fully mitigated by the project's payment of its proportionate share of the cost of regional improvements for affected intersections. The project complies with all relevant Montecito Community Plan transportation policies.

Implementation of conditions of approval relating to traffic, parking design, access design and limiting attendance during the peak hour would ensure that the area streets and highways are adequate and properly designed to accommodate any additional project traffic on the street system.

2.1.4 *That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.*

Existing public services would adequately serve the expanded project, subject to requirements in the condition letters provided by Montecito Sanitary District and Montecito Fire Protection District.

2.1.5 *That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.*

Development pursuant to the conditional use permit will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area. The existing CUP, 90-CP-111cz, was approved in 1992 and was found to be compatible with surrounding single-family residential development at that time. Under the Music Academy's current permit, musical activities are essentially unrestricted. The proposed project imposes attendance caps on Music Academy musical activities that will substantially restrict future growth of such activities. In addition, annual attendance at the Music Academy will be reduced from historically-achieved levels under the new permit. Furthermore, implementation of the proposed Cut-Through Reduction Program can eliminate substantial numbers of cut-through trips that are presently occurring in the neighborhood and that are likely to significantly increase in the future without implementation of the Cut-Through Reduction Program. The scale and building coverage of the project is consistent with that of surrounding properties, and estate perimeter landscaping will be maintained or supplemented.

A music conservatory has been permitted as a conditionally permitted use pursuant to a number of Conditional Use Permits that have been issued for the site since 1951. The existing CUP, 90-CP-111cz, was approved in 1992 and was found to be compatible with the predominantly single family neighborhood at that time. The proposed project would increase structural development on-site to a level which could accommodate significantly greater activity levels throughout the year. However, the applicant has proposed

attendance limitations which would increase activity levels only 8 weeks out of the year, during their summer season, and would decrease activity levels during the rest of the year as well as on an annual basis. The project area has historically included a number of non-residential uses besides the Music Academy. These include the Biltmore Hotel, Coral Casino, ARCO Conference Center, Montecito Sanitary District and Santa Barbara Cemetery.

Implementation and compliance with conditions of approval that address neighborhood compatibility (conditions that address aesthetics, noise, land use, traffic and water quality as well as the project specific conditions, and the project description, including the critical attendance caps) would ensure that the project would not be detrimental to the neighborhood or be incompatible with the surrounding area. The conditions include both limitations on existing activities as well as limitations on the proposed physical development and future operations.

Advisory statement from MPC regarding neighborhood compatibility and MPC intent in approving 90-CP-111 RV01: In granting this permit, the Montecito Planning Commission believes that the operation and site development at the Music Academy have reached a maximum level able to be found consistent with the health, welfare, safety, and convenience of the neighborhood and the Montecito Planning Commission recommends that no further increase in use, density, or development be allowed.

2.1.6 That the project is in conformance with the applicable provisions and policies of this Article II and the Coastal Land Use Plan.

As discussed in the issue, policy, and zoning ordinance consistency sections of the staff report and memoranda to the MPC dated November 25, 2003, March 31, 2004, and April 20, 2004, and June 7, 2004 update (incorporated herein by reference), the project as conditioned would be consistent with the Coastal Land Use Plan and Article II.- The policy and ordinance consistency analyses from the November 25, 2003 staff report and the June 7, 2004 memorandum are attached to these findings

2.1.7 That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.

The project is not located in a designated rural area.

2.1.8 That the project will not conflict with any easements required for public access through, or public use of the property.

There are no easements for public use or public access through the property. However, the Music Academy has historically allowed pedestrian access through heir property from the pedestrian gate at the terminus of Monte Cristo and the Music Academy does not propose to alter this access.

2.1.9 *That the proposed use is not inconsistent with the intent of the zone district.*

A music conservatory has been permitted as a conditionally permitted use pursuant to a number of Conditional Use Permits that have been issued for the site since 1951. The existing CUP, 90-CP-111cz, was approved in 1992 and was found to be compatible with the predominantly single family neighborhood at that time. The proposed project would increase structural development on-site to a level which could accommodate significantly greater activity levels throughout the year. However, the applicant has proposed attendance limitations which would increase activity levels only 8 weeks out of the year, during their summer season, and would decrease activity levels during the rest of the year as well as on an annual basis. The project area has historically included a number of non-residential uses besides the Music Academy. These include the Biltmore Hotel, Coral Casino, ARCO Conference Center, Montecito Sanitary District and Santa Barbara Cemetery. Project conditions include both limitations on existing activities as well as limitations on the proposed physical development and future operations. With incorporation of project conditions addressing aesthetics, land use, air quality, geology, fire safety, noise, biological resources, historic resources, traffic, the "project-specific" conditions, and the project description condition (#1, including the critical attendance caps), the project would be consistent with the intent of the 1-E-1 zone district.-

The Music Academy has operated on the project site since 1951. The property was granted a Montecito Community Plan designation of educational/institutional in 1992. The conditions of approval imposed under the CUP, including but not limited to those addressing aesthetics/ visual resources, land use compatibility, air quality, geology, fire safety, noise, biological resources, historic resources, and transportation, all project-specific conditions, and the project description, including attendance caps, protect the residential characteristics of those residential properties in the surrounding area. The maintenance and upgrading of the project's historic gardens, which are freely used by neighborhood residents, and the specific enhancements to the Music Academy's nationally- and internationally-recognized instructional program that the CUP accomplishes promote a suitable environment for family life.

90cp111rv01\June 2004 MPC\Proposed Final Findings 61604

ATTACHMENT B

**JUNE 7, 2004 CEQA REVISION LETTER
(TO 03-EIR-06 AND APRIL 20, 2004 EIR REVISION LETTER)**

**FOR JUNE 16, 2004
MONTECITO PLANNING COMMISSION HEARING**

Music Academy of the West Revised CUP

000490

TO: Montecito Planning Commission

FROM: Anne Almy, Environmental Hearing Officer
Development Review Division, Planning and Development
Contract Planner: Natasha Heifetz Campbell

DATE: June 7, 2004

RE: Montecito Planning Commission changes to the proposed final CEQA Analysis for the Music Academy of the West CUP (03-EIR-06 and EIR Revision Letter dated April 20, 2004) do not alter the environmental impacts of the project evaluated in the EIR nor would the changes require recirculation of the EIR (CEQA Guidelines §15088.5).

I. LOCATION:

The project site is generally bounded by the Union Pacific Railroad tracks on the north, Fairway Road and single family residence on the south, Butterfly Lane on the east and El Montecito Verde condominiums, a single family residence and the Montecito Sanitary District facilities on the west, commonly known as 1070 Fairway Road (also known as The Fairway), in the Montecito Planning area, First Supervisorial District.

II. BACKGROUND:

The Music Academy of the West (MAW) CUP request¹ considered at the first Montecito Planning Commission (MPC) hearing on December 11, 2003 (see staff report dated November 25, 2003) was evaluated for environmental effects pursuant to CEQA in project EIR, 03-EIR-06. 03-EIR-06 incorporated by reference the discussion of cumulative effects from the Montecito Community Plan certified Program EIR. 03-EIR-06 identified Class I impacts (significant, adverse, unavoidable) associated with short-term aesthetics and Class II impacts (potentially significant, adverse impacts that can be mitigated to less than significant levels) to Aesthetics, Archaeology, Biology, Fire Protection, Geology, Historic Resources, Noise, Land Use, Public Facilities and Traffic. An EIR Revision letter dated April 20, 2004 was prepared to reflect a number of changes to the project description subsequent to the December 2003 MPC hearing. That letter includes several attachments: 1) a memorandum to the MPC dated 12/10/03 (EIR clarifications), 2) figures showing Alternative Access Options A-O, and reduced project plans as proposed in March 2004.

III. MPC CHANGES TO MITIGATION MEASURES

Most of the mitigation measures identified in 03-EIR-06 and the April 20, 2004 EIR Revision letter have been incorporated into the project conditions of approval. Mitigation measures which have been modified or eliminated are identified below. The changes are appropriate for one or more of the following reasons:

¹ This revised CUP request is also referred to by the Music Academy as the "Master Plan" and the "Renaissance Plan."

- The changes are minor in nature and are intended to clarify the original mitigation measures;
- The measures are no longer applicable to the current project description;
- The modified mitigation measures are equivalent or more effective than the originally proposed language;
- The changes are more feasible for the applicant, while still mitigating the associated impact(s);
- The original language or mitigation measure is unnecessary to avoid project impacts;
- The changes better or further ensure a reduction in project impacts.

The changes to the mitigation measures, which have been incorporated into the proposed project conditions (proposed for the June 16, 2004 MPC hearing) would not alter the level of project impacts identified in the EIR nor would these changes create additional significant environmental impacts. Further, the changes would not trigger the need to recirculate the EIR.

CEQA mitigation measures which have been modified or eliminated are indicated below (by EIR section and mitigation measure numbers or by reference to applicable mitigation measures added in the April 20, 2004 EIR Revision Letter).

EIR Aesthetics Mitigation Measures:

3. This measure has been supplemented in the project conditions to apply special consideration (for night-lighting) to the proposed northern parking area.
- 4a. The requirement addressing tree and other vegetation maintenance is modified to also be included in landscape/arborist maintenance contracts (in addition to being identified in the landscape plan).
- 4b. The requirement for vine planting on buildings is modified to exclude reference to the no longer proposed parking structure and language is added to take into account increased views to the interior (from the north) due to proposed regular trimming of the eucalyptus windrow.
- 4c. The requirement for more screening landscaping in the north is modified to exclude reference to the no longer proposed parking structure and language is added to address parking lot screening and night-lighting visibility.
4. The overall landscape plan requirements have been strengthened to maximize screening of the site from off-site, including the timing for installation of some perimeter plantings, and to maintain historic aspects of the landscaping.
5. This measure addressing the wrought iron railing on the parking structure is eliminated as the parking structure is no longer proposed.

6. The requirement to not allow structures' heights, as described in the project description, to be increased is modified to also address the sizes of structures.
7. Graffiti measure: The condition eliminates "in conjunction with condition #3 above", as this language is not relevant. Additional language is added to the monitoring component: "If new graffiti is observed, Permit Compliance shall direct Music Academy to repaint this wall section".
8. The requirement to remove the outdoor patio dining area is eliminated as the outdoor dining area is no longer part of the project proposal.

EIR Air Quality Mitigation Measures:

1. Timing requirement for the final grading plan is modified/clarified to prior to approval of CDPs for grading (rather than prior to land use permit approval).
2. The timing requirement for dust control measures to be shown on grading and building plans is supplemented to include prior to P&D approval of related CDPs.
3. The requirement to use the Railroad right-of-way during grading activities has been modified as indicated below to account for the UPRR process and to specify that large trucks should use this route while it is available as well.

The applicant shall secure a Right-of-Way Agreement from the Union Pacific Railroad, if UPRR will grant such access for a 90-day period and, if available, an extension at a reasonable cost. **Plan Requirements and Timing:** Prior to approval of a Coastal Development Permit for grading, the applicant shall provide P&D with a copy of the Right-of-Way Agreement for access purposes, indicating ability to utilize the railroad right-of-way to export fill offsite for a minimum 90 day period. Large truck deliveries of building supplies shall also utilize this access while it is available.

EIR Archaeology Mitigation Measures:

1. Minor change in timing: monitoring requires P&D to check plans for inclusion of this condition prior to approval (not issuance) of CDPs for grading.

EIR Biology Mitigation Measures:

1. Timing for the Butterfly Enhancement Plan submittal (and P&D approval) is modified to specify prior to approval of CDPs for grading.
2. Tree protection plan: the plan has been revised to incorporate the three arborist recommendation letters (Bill Spiewak letters dated 1/30/04, 4/2/04, and 5/18/04) and some of the specific recommendation language in these letters.

- 2Ac. This measure has been modified to prohibit construction staging areas from being located the easement area.
- 2Ad. This measure has been modified to allow installation of impervious surfaces in tree root zone areas, where roots will already be cut for project development and would be unlikely to regenerate into these areas (e.g., the northern parking lot) as determined by the arborist.
- 2Ah. Regarding tree removal associated with an additional lane for returning cut-through traffic back to Fairway: this measure is updated to reflect elimination of this lane from the approved project. The new lane is only one option to be considered by the MPC as part of future compliance hearings, in the event that the MPC were to first find that the cut-thru reduction program (CTRP) as approved is not effective.
- 2Bc. This measure addressing time periods appropriate for tree removal is modified to specify that if monarch butterflies do return to the site, tree removal time periods shall be revised accordingly.
- 2Bd. Language is added for clarification: No grading (any earthwork activities) or development shall occur within the critical root zones of protected trees.*
The added footnote reads, "Protected trees are those not specifically proposed for removal on the approved tree disposition plan."
- 2Bd/e. The requirements to limit grading and development and to install fencing within critical root zones are modified to allow exception to these, consistent with the MPC approved tree disposition plan.
- 2Br. Language has been added to require the need for arborist monitoring to specifically address the trees in proximity to the student services, instructional and new practice studio buildings and trees near the northern parking area.
- 2 - **Plan Requirements:** This component of the condition has added language to specify prior to approval of CDPs for grading.
3. This measure addressing excavation work is modified to address specific situations, like excavation for the service entry, where it may be necessary to use equipment in proximity to trees. Language is also added to refer back to specific Tree Protection Plan requirements.
4. This mitigation measure is incorporated as two separate conditions of approval. The first addresses non-native, invasive plantings. The second condition requires the landscape plan to incorporate all of the various landscape related measures (designed to address aesthetics, historic resources, etc, as well as biological resources).

EIR Fire Safety Mitigation Measures:

1. Incorporation of the rummage storage mitigation as project conditions includes additional language. This language is added to clarify that the allowances for storage pursuant to Montecito Fire Protection District concerns do not override other project conditions, which require further limitations on rummage storage on-site (to address land use compatibility issues).

EIR Historic Resources Mitigation Measures:

1. The Plan Requirements and Timing section has been supplemented with a requirement for a historic landscape expert to review plans, in addition to the previously required landscape architect, given the importance of the historic designed landscape in the estate's overall historic value. References to "prior to approval of CDPs" now includes specificity regarding CDPs for grading.
2. The reference to project plans has been supplemented to specify that the project plans to be reviewed include grading, landscape, building plans and any signs (e.g., commemorative plaques). In addition, language is added to require that the historical experts attend MBAR and HLAC meetings and monitor construction activities to ensure compliance with approved plans (with regard to the historic structures and landscape).
3. The timing for review and approval of a revised landscape plan now specifies prior to approval of CDPs for grading.
- 5d. The requirement to provide more sky-line eucalyptus replacement trees (to off-set proposed removal) is revised to allow either eucalyptus or other sky-line trees acceptable from a historic landscape perspective.
5. Timing component: the timing now specifies prior to approval of CDPs for grading.

EIR Land Use Mitigation Measures:

2. This measure, requiring elimination of the outdoor terrace dining area, is not included in the project conditions of approval as this project component is no longer proposed.
3. This measure, which addresses on-site storage of resale merchandise/rummage, is revised to reflect the current storage and maintenance/storage buildings (previous versions of these buildings were located elsewhere and were of different sizes). The MPC further revised this measure to eliminate restrictions on the duration of the storage of resale shop merchandise in the new storage/maintenance building and modified the language addressing May Madness rummage to allow May Madness rummage to be stored on-site without time limitation in areas specifically designated for storage on the building plans, as these components were not determined

necessary to ensure the effectiveness of the mitigation measure in reducing land use impacts to less than significant levels.

4. This measure addresses where construction related vehicles, equipment, and supplies shall be located (on-site) and where waiting trucks shall wait on-site (outside the exit drive easement area).

The MPC included additional language allowing an exception for trucks with supplies for specific areas (e.g., new trees to be planted north of the instructional building location), to ensure feasibility of this measure. The MPC also added language requiring the contractor to control vehicle traffic through the site (as part of the CTRP) using traffic control personnel to control vehicle entry. This would reduce cut-through traffic in the neighborhood during the construction period.

5. The MPC modified the allowance for unrestricted (attendance) fundraisers to once per year, for one day, during the non-summer season as follows:
“Music Academy fundraisers on campus shall be subject to the any given time, daily and seasonal attendance caps. The exception to this shall be limited to one, 1-day event per year, held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).”
6. This measure addresses use of indoor amplification and requirement that doors and windows be closed to reduce spill-over of noise onto adjacent properties when amplification is in use. Language was added to this measure (in the EIR Revision letter dated April 20, 2004) requiring construction design to account for closing of windows, by ensuring alternate air circulation in areas where windows may need to remain closed for extended periods, including the option of non-opening windows in areas of the building(s) where indoor amplification is expected. The MPC made no further changes to this measure.
7. This CTRP measure from the EIR is revised as a project condition of approval to exclude the requirement for a “reject vehicle” return lane (although this is still one of several options for the MPC to consider and potentially require at future compliance hearings, in the event that the MPC then finds that the CTRP is not sufficiently effective). The CTRP is also revised to include more specificity for CTRP components and a requirement that the MPC review the program’s effectiveness at their regular compliance hearings on the project as well as allow the MPC to modify the CTRP to improve effectiveness as part of their compliance hearings. The MPC added language to this measure to change the resale shop hours to 12-3:00 p.m. and added more specific language with regard to timing (CTRP details approved prior to CDP for first phase of grading, CTRP implemented prior to occupancy clearance). The changes would facilitate the operation and effectiveness of the CTRP in reducing vehicle trips in the neighborhood.

8. Hours of operation for the resale shops have been modified from those proposed in the original EIR mitigation. The MPC requirement for the hours to be changed from the existing 1-4:00 p.m., Monday – Saturday to 12-3:00 p.m., Monday – Saturday, would better ensure neighborhood compatibility by allowing the Fairway entrance gates to be closed more often during the peak cut-through traffic period of 3:30-6:30 p.m. (thereby reducing traffic in the neighborhood). Language is also added to require MFPD review and approval of storage areas. The MPC modified the language that was added as part of the 4/20/04 EIR Revision Letter (Land Use mitigation measure #21) that would have required resale shop operations during the non-summer to be “by appointment only”. Elimination of this restriction is more feasible for the applicant, and still allows implementation of an effective CTRP.
9. The mitigation requiring a compliance hearing after one year has been modified to require subsequent compliance hearings every two years for a ten year period, unless the MPC decides to modify this requirement at one of their compliance hearings (e.g., increased or decreased frequency, elimination of this requirement or continuation of this requirement beyond the identified 10 year period). Two other mitigation measures have also been combined into this condition. The MPC further modified this measure to require the first compliance hearing one year after operation of the first phase of Master Plan operations. In addition, the MPC made the following language changes: Project conditions may be modified or new conditions added to ensure ~~or improve upon~~ effective ~~ness and/or~~ compliance. These changes clarify and do not alter the intent or requirements of the original language of this measure.
10. This monitoring condition has been revised to specify submittal of the methodology (for P&D approval) prior to approval of CDPs for structures. In addition, the MPC added language regarding ticket sale records from the ticketing company including the number of tickets per event for the public, students and faculty/staff, as well as a requirement that the monitoring reports be accompanied by a signed statement from the Director/President of the Music Academy stating that the Academy Board and staff have read, understand, and will ensure compliance with the CUP conditions.
11. This measure, which addresses complaints and a trigger for MPC review of compliance with CUP conditions, has been incorporated into the condition requiring regular compliance hearings.

Changes to Land Use Mitigation Measures included in the 4/20/04 EIR Revision Letter: The conditions of approval also incorporate new mitigation measures added after completion of the proposed final EIR document to further address land use impacts particularly compatibility/quality of life impacts, to the surrounding neighborhood (see EIR revision letter dated April 20, 2004). These measures include:

4/20/04 EIR Revision Letter Land Use Mitigation Measures 9 and 10: These measures required that during the summer, there shall be no more than 5 events held on Saturdays and no events held on Sundays. The measures were modified to specify no public events and a footnote was added stating that summer students and faculty practicing on-site (not performing), staff doing office or grounds work and other basic administrative activities would still be allowed.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 11: This measure established a limit on the number of picnic concerts (7) during the summer. This measure was modified to allow up to 10 picnic concerts, consistent with the historic levels and the intent of the original language, which was to maintain (not increase) historic levels.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 13: This measure required that all Music Academy events and activities begin no earlier than 9:00 am and end no later than 10:30 pm. Once an evening event has ended, guests must leave premises within 30 minutes. If 30 minutes becomes insufficient for guests to leave the premises, end times shall be moved to earlier in the evening sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 11:00. This measure has been revised as follows:

“All events and activities shall begin no earlier than 9:00 am and shall end no later than 10:00 pm Saturday through Wednesday throughout the year. The exception to this shall be allowance for events on Thursdays and Fridays during the summer season, only, to end by 10:30 p.m. Once an evening event has ended, guests are expected to leave within approximately 30 minutes. If approximately 30 minutes becomes insufficient for guests to leave the premises, the MPC, as part of their compliance hearings, shall consider the requirement to move end times to earlier in the evening, sufficient to provide additional time for guests and related vehicle traffic to vacate the site by 10:30 (11:00 for Thursday and Friday events in the summer season).”

The Plan Requirements, Timing, and Monitoring components have also been revised to include more specificity for effective compliance.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 14: This measure identifies allowances and limitations for the new dining and kitchen facilities. New language was added to specify that, “The kitchen shall not be designed as a commercial or industrial kitchen. Rather, it shall be designed for catering purposes only, with an assumption of, and requirement for, minimal food preparation on-site.”

4/20/04 EIR Revision Letter Land Use Mitigation Measure 15: This measure addresses required replacement of screening perimeter vegetation. Language has been added to this measure to require that screening shrubs (in addition to trees) be replaced if lost and that replacement plantings be with comparably sized plantings, up to 24-inch box size.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 16: This measure addressed recommended changes to the instructional building. The changes in 16a and 16b have already been accomplished in the revised project plans. The MPC modified the requirement for frosted or other window material on the north and east sides of the structure (for privacy concerns) to allow the MBAR to determine appropriate window materials or treatments prior to approval of CDPs for structures (16c).

4/20/04 EIR Revision Letter Land Use Mitigation Measure 17: This measure addressed recommended changes to the student services building. 17a has already been accomplished in the revised project plans. The MPC modified the requirement for frosted or other window material on the north and east sides of the structure (for privacy concerns) to allow the MBAR to determine appropriate window materials or treatments prior to approval of CDPs for structures (17b).

4/20/04 EIR Revision Letter Land Use Mitigation Measure 18: "Drapes or curtains shall be installed on the windows on the east and north facing sides of the proposed new instructional and student services buildings and the north side of the proposed new practice studio building in order to reduce visibility of lighting at night when the buildings are viewed from off-site. In addition, the drapes shall be installed with a timer, to automatically close during night-time hours." The MPC modified this language to allow the type of window treatments/coverings to be determined by P&D and MBAR.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 21: Resale shops - see discussion of EIR Land Use Mitigation Measure #8 above for changes.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 22: This measure limited use of the practice studio, hall and instructional spaces in the new practice studio, instructional building and student services buildings to musical practice and instruction. These spaces could not be used for performances. An exception was identified allowing up to 25 public attendees (total in these buildings) to view instruction/performance to accommodate donor and Compeer program viewing of student instruction.

The MPC modified the language of this measure as follows:

"The rooms/spaces in the new practice studio/instructional/student services building complex shall be used for musical practice, instruction and rehearsals only. Rental of these spaces to others for these same activities would also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes. The exception to this shall be ~~viewing of clear musical instruction, by no more than 25 public "audience" members~~ **Plan Requirements and Timing:** A note identifying these restrictions shall be included on the project building plans for this structure and the

applicant shall submit future activity calendars to permit compliance staff along with other monitoring data to ensure compliance with this measure.”

While public attendance will still be limited by mandatory attendance caps on activities throughout the entire campus, the revised language will provide greater flexibility for the Music Academy operations during their busy summer season.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 23: “The 50 removable seats in the front of Abravanel Hall shall be for the exclusive use of the summer music students. If the students wish to sit with non-students (instructors, friends, family), they shall be seated in the regular fixed seating area, but in no case shall the removable seats be used by non-students. Only those removable student seats that will be occupied at a given performance shall be set-up, as it may be confusing and awkward to try to keep audience members out of un-used front and second row seats. (Perhaps students could bring out their own chairs).”

The MPC altered the language of this measure to allow flexibility with regard to who (students, faculty, staff, public) sits where during performances within Abravanel Hall during the summer. However, the revised language requires that only 300 of the total 350 seats (50 removable seats for summer only use and 300 fixed seats) can be sold to/used by the public, consistent with the intent of the prior language.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 25: “During the non-summer, musicians/other performers shall not be counted toward the attendance maximums if they are actually performing at a concert or other event. However, if the activity involved is really instruction or rehearsal with others observing, the performer and audience shall be counted toward the attendance maximums. The intent of this condition is to not allow extension of the summer music program, with an unlimited number of students, in the non-summer.”

The MPC added language to clarify that the intent of this measure is to ensure compliance with the attendance caps.

4/20/04 EIR Revision Letter Land Use Mitigation Measure 26: “All events open to the public shall be subject to the public attendee caps in the project description. Therefore, the May Madness weekend fundraiser, open to the public, shall be moved off-site (e.g., to Earl Warren Show grounds)².” The MPC modified this measure to allow one, one-day, May Madness type of event to be held on-site, as it would be limited to a single, one-day event per year, to be held during the less busy (traffic) non-summer season.

As indicated above, the MPC modified or eliminated some of the mitigation measures from the original EIR and from the April 20, 2004 EIR revision letter. The CUP conditions, as revised, would continue to mitigate potential land use compatibility/quality of life impacts to a less than significant level. While the MPC changes would continue to result in no

² See other project conditions addressing permitted storage on-site for May Madness event.

significant unavoidable land use/quality of life impacts, the MPC has stated that the CUP, as conditioned, would constitute the maximum intensity of use appropriate to avoid significant neighborhood compatibility and quality of life impacts.

Noise:

2. The stationary construction equipment referenced “shall be located as far as possible from occupied residences and.” The hanging “and” is deleted.

4. The EIR measure addressing allowance for outdoor amplification limited the frequency to 4 times per year. The EIR Revision letter dated April 20, 2004 recommended that no outdoor amplification be allowed to address land use compatibility impacts. The MPC revised the language of these measures to allow for outdoor amplification subject to the following restrictions:
 - a) Location: the “cloistered outdoor courtyard”.
 - b) Frequency: Two times per year.
 - c) Duration: No more than 2 hours per event.
 - d) Level: Shall not be audible outside MAW property boundaries.
 - e) Time of Day: Beginning no earlier than 9:00 a.m. and ending no later than 9:00 p.m.
 - f) Limited to the spoken voice.

The limited use of a hand-held microphone, to be inaudible outside the MAW property, limited to use for the spoken voice, in the cloistered courtyard, for no more than two hours, two times per year would not result in significant noise or land use compatibility/quality of life impacts, particularly because this amplified sound will be inaudible off-site.

5. This measure addressing noise complaints is incorporated into the broader condition requiring regular compliance hearings.

Public Services - Solid Waste, Sewer, Water/Drainage (Geology incorporated with Water Drainage for conditions):

Solid Waste:

1. The timing for submittal of the Solid Waste Management Plan is revised to specify “prior to approval of CDPs for grading.”

2. The timing component is revised to specify that “All applicable materials shall be recycled prior to occupancy clearance.

Water:

3. The timing component requires that the water-conserving measures be graphically depicted prior to approval of CDPs for structures.

Sewer:

2. This measure addressing coordination with MSD and the City regarding sewer lines is modified to specify the *northern parking area* (rather than the parking structure) as well as the *approved new maintenance/storage and storage buildings*. The sentence beginning with, "Structural engineering shall..." is deleted as there are no longer structures proposed in close proximity to the edge of the sewer easement.

Traffic:

1. This measure limits activity levels on-site commensurate with the ability of the on-site parking supply to accommodate project generated parking demand. The condition is revised from the EIR mitigation language to reflect the reduction in the any-given-time attendance cap and related peak parking demand. The first three paragraphs of the EIR mitigation measures are replaced with the following language: Project generated parking demand shall be accommodated by on-site parking (285 passenger vehicle spaces, 5 additional stacked parking spaces and two bus spaces). To facilitate on-site parking and avoid project generated parking demand on neighborhood streets, the MAW shall:

In addition, the condition is revised such that the requirement to provide survey data for peak attendance weeks shall not be limited to the first year of regular operations or for 10 consecutive days, but shall be done annually during periods with events associated with peak attendance (most popular day-time Masters classes, etc.) and when high attendance is expected at consecutive events to ensure there is sufficient parking on-site and that the interval between events is adequate to allow vehicles to exit spaces in time for in-coming vehicles to park. The component that requires a return to the MPC for consideration of parking is modified to specify that adequacy of on-site parking will be one of the items to be evaluated by the MPC at their regular compliance hearings.

2. The mitigation specifying requirements for an off-site parking lot is eliminated as all parking would now be provided on the project site.
4. Regarding the Los Patos intersection future improvements, the applicant would still be required to contribute to the improvements at this intersection. However, the language detailing timing constraints is eliminated as the impact would only occur in the cumulative setting.

6. The construction traffic plan is modified as indicated below:
 - b. Identify the truck routes, which minimize effects on pedestrians and bicyclists and nuisance to neighbors. This shall include use of the UPRR right of way as/if permitted by UPRR for a 90-day period and, if available, an extension at a reasonable cost all possible construction vehicles, unless approval for use of this right of way is not granted by UPRR or MSD ;
 - e. During the construction period, a gate control program shall be implemented to eliminate cut-through traffic.
5. The requirement to contribute funding to the Hot Springs/Cabrillo Highway 101 ramps is modified, such that the need to contribute funds for this improvement is triggered with a lower (more conservative) attendance maximum of 250 public attendees, rather than the previous trigger of 370 attendees (baseline).
7. The reference to an off-site parking lot is eliminated as this is no longer proposed. The ability to return to the MPC to evaluate adequacy of on-site parking, etc., is described as an item for discussion at the MPC compliance hearings on the project.
8. This measure requiring applicant funding of on-going County compliance efforts (post approval), is supplemented to require unannounced permit compliance staff attendance at events on-site. The purpose of these visits includes performing manual attendance counts for comparison with submitted attendance data. Submittal of funds is also supplemented to occur prior to approval of CDPs for each new phase of development (CDP for grading unless no grading is necessary for a specific phase being permitted).
9. This measure is incorporated into the condition of approval which addresses adequacy of parking attendants.
10. This measure requiring adequate time between sequential events on-site has been revised to require more time between events and a higher attendance trigger for this requirement.
11. The ability to return to the MPC to evaluate parking or other traffic related issues is discussed in condition #74, which addresses parking, but is also incorporated into the broader condition requiring MPC compliance hearings on the project after one year of operation and thereafter every two years for a ten year period, unless the MPC chooses to modify, extend or eliminate this schedule at one of these compliance hearings.

IV. **FINDINGS:**

The finding from the EIR Revision letter dated April 20, 2004 is hereby revised as follows: It is the finding of the Planning and Development Department that the MPC changes do not result in a change in the levels of impact identified in the existing CEQA analysis and that the previous environmental documents (03-EIR-06 and EIR Revision Letter dated April 20, 2004) as herein revised may be used to fulfill the environmental review requirements of the current project. The information contained herein does not require recirculation pursuant to CEQA Guidelines §15088.5.

90cp111\90cp111rv01\June 2004 MPC\CEQA Revision Letter 6704 for 61604 hrg