

## **ATTACHMENT 2-1: 24RVP-00050 CONDITIONS OF APPROVAL**

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

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

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

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

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

60 valet spaces, 126 car stacker spaces, and an elevated parking deck with 42 striped spaces and 10 valet spaces.

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

The project proposes 14,372 square feet of new landscaping. Grading will include 17,650 cubic yards of cut (17,300 cubic yards of which is for underground parking) and 800 cubic yards of fill in the northwest lot, and 4,300 cubic yards of cut and 1,500 cubic yards of fill in the northeast lot. The following trees are proposed for removal:

Northwest Lot	
Species	Quantity
Mexican Fan Palm	2
African Sumac	5
Coast Live Oak	2
Australian Willow	10
Rosewood	1
Eastern Redbud	1
Strawberry	1
Jacaranda	1
Paperbark	1

Northeast Lot	
Species	Quantity
Strawberry	3
African Sumac	1
Western Sycamore	22

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

1. To allow for a FAR increase to 0.29 in lieu of the 0.25 FAR permitted in the C-V Zone.
2. To allow for three stories for Building C in lieu of two stories allowed in the Montecito Community Plan area.
3. To allow for a height of 40'-9" for Building C in lieu of the 38' height limit for the C-V Zone.

4. To allow 27.74% of the net lot area for common open space in lieu of the 40% open space requirement in the C-V Zone.
5. To allow for reduced setbacks for Buildings A, B, and C, and reduced setbacks for parking.

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

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

**Structural Development**

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

**Operations:**

<b>OPERATION</b>	
<b>No. of employees (full time, part-time, temporary &amp; permanent)</b>	102 (approximate no. of employees on site at any given time)
<b>Assembly area for</b>	10,425 including 4 meeting rooms and pre-function area

<b>events (SF) (Ballroom)</b>	
<b>No. of assembly seats (indoors and outdoors)</b>	400 maximum event patrons on site at a given time
<b>No. of onsite events</b>	4.7 events per day, on average; beach events count towards the size limit of 400 for one event.
<b>No. of beach events</b>	30 weddings on the beach per year of 100 people for 60 minutes
<b>Event hours</b>	7 am to 1 am (outdoor activities to conclude by 10:30 pm, events of over 200 people to begin after 9:30 am)
<b>Total no. of restaurant/café seats (indoors)</b>	288
<b>Hours of operation of restaurant</b>	6:30 am to 11 pm (bar closes at 2 am)
<b>Hours of operation of beach bar/snack house</b>	9:30 am to 12 am, last serving at 11:30 pm
<b>Beach Club membership</b>	200, with potential for 300 after MPC review
<b>Spa use by non-guests</b>	12 non-guests/day
<b>Hours of operation of spa</b>	9 am to 9 pm

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

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

2. **Departmental Letters.** Compliance with Departmental letters required as follows:
  1. Air Pollution Control District dated August 12, 2024;
  2. Environmental Health Services dated August 15, 2024;
  3. Montecito Fire Protection District dated September 10, 2024;
  4. Flood Control Water Agency dated September 13, 2024;
  5. Project Clean Water dated September 13, 2024;
  6. Parks Department dated August 9, 2024;
  7. Transportation Division dated September 20, 2024;

8. Housing & Community Development dated August 14, 2024.

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

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

- a. Use of drought-tolerant and/or Mediterranean-type species to the extent feasible to screen the site from surrounding land uses.
- ~~b. Extensive landscaping of the sound barrier and pedestrian pathway along South Jameson Lane and Eucalyptus Lane.~~
- c. Use of landscape planters or other landscaping adjacent to all building walls, garden walls, and fences visible from a public or private street.
- d. Use of clinging vines and/or vertical planting on trash/recycle enclosure walls and any other masonry walls where appropriate, as determined by P&D.
- e. Use of appropriate species along the eastern property line, ~~as identified in condition no. 19, below,~~ to protect Oak Creek.
- f. Specification that all landscaping shall be maintained throughout the project life and shall be inspected by P&D prior to release of the performance security ~~required by condition no. 4 below.~~
- ~~g. Extensive landscaping around the surface parking lots to hide them from view from South Jameson and Eucalyptus Lanes and the southerly neighbors, as well as within the parking lot to break it up into smaller sections.~~
- ~~h. Vegetative screening between the West Lanai Buildings and All Saints by the Sea Church to obscure views from the second story of the West Lanai buildings to the Church Preschool.~~
- i. Use of plant materials within the road right-of-way consistent with Public Works-Transportation requirements.
- j. Screening of the same density as shown on renderings submitted for project.
- k. Use of mature canopy trees throughout the site as appropriate to create immediate aesthetic effect.

**Timing:** P&D, Public Works-Transportation and Flood Control shall approve the final Landscape Plan prior to Zoning Clearance approval for construction of structures. P&D Permit Compliance shall inspect and photo-document installation of landscaping along the northern, western, and eastern perimeters of the property and along public pedestrian pathways prior to P&D sign-off on occupancy clearance ~~for the Main Building.~~ **Monitoring:** In addition to the specific sign-offs required above, Permit Compliance shall inspect and document maintenance of landscaping once per year for the first three years after issuance of occupancy clearance and at least once immediately prior to release of each performance bond.

4. Two performance securities shall be provided to P&D by the applicant prior to Zoning Clearance approval for construction of any structure. One security shall be equal to the value of installation of all items listed in (a) below (labor and materials) and the other equal to the value of maintenance and/or replacement of the items listed in (b) below for three years of maintenance of the items. The amounts shall be approved by P&D. Changes to the approved Landscape Plan may require a substantial conformity

determination or a modification of the Development Plan. The installation security shall be released upon satisfactory installation of all items listed below, based on a site inspection by P&D. If plants and irrigation and/or any items listed below have been established and maintained, as documented by a P&D site inspection, P&D may release the maintenance security two years after issuance of occupancy clearance. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved Landscape Plan, P&D may collect the security and complete work on the property.

- a. The installation security shall guarantee compliance with installation of landscaping, ~~including but not limited to landscaping of the sound barrier and pedestrian pathway along South Jameson Lane and Eucalyptus Lane, as described in the approved Landscape Plan and Tree Removal and Relocation Plan,~~ prior to occupancy clearance.
- b. The maintenance security shall guarantee maintenance of landscaping, ~~including but not limited to landscaping of the sound barrier and pedestrian pathway along South Jameson Lane and Eucalyptus Lane, as described in the approved Landscape Plan and Tree Removal and Relocation Plan,~~ during the first three years after issuance of occupancy clearance.

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

5. ~~The design, scale, and character of the project architecture and landscaping shall be compatible with development in the vicinity and historic architectural elements of the existing development, consistent with condition no. 4, above [Mitigation Measure #2, Section 4.10.3 (Historic Resources on the Final ND 00 ND 003)]. **Plan Requirements and Timing:** The applicant shall submit the Landscape Plan and final architectural drawings of the project for review and approval by the Montecito Board of Architectural Review prior to Zoning Clearance approval. Such plans shall be consistent with the Montecito Architectural Guidelines and Development Standards (5/16/95) and other applicable MBAR guidelines and/or standards. **MONITORING:** P&D shall verify final MBAR approval prior to Zoning Clearance approval. Permit Compliance shall periodically site-inspect during and after construction to ensure plan requirements are implemented.~~

**This condition was removed because the project is only subject to objective standards and policies, and is not subject to review and approval by the MBAR.**

6. All exterior night lighting, ~~including lighting identified in the *Concept Lighting Approach Plan*, dated February 26, 2008~~ shall be of low intensity, low glare design, and shall be fully hooded to direct light downward and/or to prevent spillover onto neighboring parcels. In respect to surface parking lot areas, night-lighting and its intensity shall be minimized to the maximum extent feasible while still providing for security and safety purposes. Night-lighting shall be reduced following the close of event activities on-site any given day. The height of night-lighting shall also be minimized to reduce its visibility from off-site. The applicant shall incorporate these requirements into the *Concept Lighting Approach Plan* and include provisions for dimming lights after 10:00 p.m. except when event activities end at or later than 10:00 p.m. For these exceptions, lighting shall be dimmed to the maximum extent feasible and at the earliest possible time after

10:00 p.m. There shall be no up-lighting of trees or structures. Beach lighting shall only include those depicted in the *Concept Lighting Approach Plan* identified along the boardwalk and there shall be no floodlights directed towards the beach. Lighting plans shall include lighting of public sidewalk and parking areas as required by the Public Works Department. **Plan Requirements:** The applicant shall incorporate these measures into the Final Lighting Plan. The locations and heights of all exterior lighting fixtures with arrows showing the direction of light being cast by each fixture shall be depicted on the final Lighting Plan. **Timing:** The final Lighting Plan must be reviewed and approved by P&D ~~and the MBAR~~ prior to issuance of ~~follow on Land Use Permits~~ Zoning Clearance. **Monitoring:** P&D, ~~and~~ Public Works, ~~and~~ MBAR shall review the Final Lighting Plan for compliance with this measure prior to Zoning Clearance approval. Permit Compliance shall inspect structures and landscaping upon completion and prior to occupancy clearance to ensure that exterior lighting fixtures have been installed consistent with their depiction on the approved Signage and Lighting Plan.

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

## Air Quality

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

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

9. The contractor or builder shall designate a person or persons to monitor dust generation and implement the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. **Plan Requirements:** The name and telephone number of such persons shall be provided to the APCD. **Timing:** The dust monitor shall be designated prior to Zoning Clearance approval. **Monitoring:** P&D shall contact the designated monitor as necessary to ensure compliance with dust control measures. APCD shall respond to complaints.
  
10. If the construction site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods immediately to inhibit dust generation:
  - a. Seeding and watering to revegetate graded areas; and/or
  - b. Spreading of soil binders; and/or
  - c. Any other methods deemed appropriate by APCD and/or P&D.**Plan Requirements:** These requirements shall be noted on all grading plans. **Timing:** Notation shall be included on grading plans prior to Zoning Clearance approval. **Monitoring:** Grading inspectors and Permit Compliance shall perform periodic site inspections. Permit Compliance shall determine the date grading is completed for purposes of dust control measures.
  
11. To minimize the project's contribution to cumulative air quality impacts, the applicant shall develop a Transportation Demand Management Program. Components of such a program shall be designed to effectively reduce vehicle demand and peak hour trips associated with the project. The provisions of the Transportation Demand Management Program shall include the following:
  - a. The hotel operator shall contact the Metropolitan Transit District (MTD) to purchase bus passes or the equivalent for hotel employees. These passes shall be provided free of charge to employees who request them for travel to and from work. Explicit notice of the free passes shall be provided to existing and new employees when they are hired.
  - b. Notice of MTD bus routes and schedules shall be placed and maintained up-to-date in a central (public) location accessible to employees.
  - c. Male and female employees shower and locker facilities shall be provided and maintained in a restroom (the specific location is subject to the review and approval of County staff). The showers shall be available for use before, during, and after work hours. Notice of these facilities shall be provided when employees are hired.
  - d. Employees shall be made aware of the Ridesharing Program or similar successor programs administered by the Santa Barbara County Association of Governments or successor agency. The Owner and/or all employers shall have all employees registered semi-annually in the Ride-Sharing Program and shall make every effort to encourage participation in the program.
  - e. An employee lunchroom shall be provided in the hotel and shall include, at a minimum, the following amenities: refrigerator, microwave oven, sink, food preparation area, tables, and chairs.
  - f. Bicycle storage lockers shall be provided.
  - g. In the event of an emergency or work requirement which interferes with the normal transportation arrangement of any employees using mass transportation,



- a carpool, or a vanpool to get to work, the Owner/employer shall provide cab fare, a company car, or other means to guarantee a free ride home.
- h. A Visitor Information Program shall be prepared and implemented. The Program shall include, but not be limited to:
1. A means of providing train, bus, and airline schedules and maps to prospective hotel guests.
  2. A means of providing hotel guests with information on alternative transportation modes, schedules and maps, beach area and other local and regional points of interest. In addition, the hotel operator shall contact the MTD to purchase bus and/or shuttle passes or tokens for hotel guests. These passes shall be available to any guests who request them.
  3. Advertisement for and solicitation of meetings and other events which includes explanation of the County's clean air and energy reduction goals and an explanation of the benefits of using alternative transportation modes.
- i. Free shuttle/transportation service to the airport, train depot, bus depot, etc. shall be provided to minimize the need for hotel guests to rent a car.
- j. Bicycle rentals shall be made available to Hotel guests.
- k. The Hotel operator shall participate in any shuttle pass program developed by the MTD and/or the County of Santa Barbara.

**Plan Requirements and Timing:** APCD and P&D shall review and approve the TDM Program prior to Zoning Clearance approval for structures. The provisions of this Program shall be included in the lease/rental agreements of future hotel operators as a required "Transportation Demand Management Program." A copy of the clause in the lease/rental agreement needed to comply with this condition shall be provided to P&D and the APCD prior to occupancy clearance. **Monitoring:** Permit Compliance shall ensure APCD and P&D have received a satisfactory lease agreement clause prior to signing off on occupancy clearance and shall respond to complaints.

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

13. Construction contractors shall adhere to the following requirements during project grading and construction to reduce emissions of ozone precursors and particulate emissions from diesel exhaust, which are classified as carcinogenic by the State of California.

- Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized.
- The engine size of construction equipment shall be the minimum practical size.
- The number of pieces of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction equipment shall be properly maintained per the manufacturer's specifications.

- Catalytic converters shall be installed on gasoline-powered equipment.
- Diesel catalytic converters shall be installed.
- Diesel-powered equipment shall be replaced by electric equipment whenever feasible, for smaller equipment.
- Construction worker trips shall be minimized by promoting carpooling and by making onsite lunch available.
- Low volatile organic compound (VOC) architectural coatings shall be used whenever feasible.

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

~~14. The applicant shall obtain individual permits from the APCD for the proposed 500 kW emergency generator and shall consult with the APCD to determine if individual permits are required for the proposed boilers as well. **Plan Requirements/Timing:** Permits shall be obtained from APCD and copies of the permits provided to P&D prior to Zoning Clearance approval for the project. **MONITORING:** P&D shall confirm that permits have been obtained prior to Zoning Clearance approval for the project. **(THIS CONDITION HAS BEEN SATISFIED)**~~

15. The following energy-conserving techniques should be incorporated into the project.

- Installation of low NOx residential water heaters.
- Use of natural lighting where feasible.
- Installation of energy efficient appliances.
- Installation of energy efficient lighting.

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

## Biological Resources

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

### ~~A. Protection During Demolition and Site Preparation~~

- ~~1. A pre construction meeting shall be held prior to the commencement of any demolition, grading or construction to discuss tree protection measures. The pre construction meeting shall include project contractors.~~
- ~~2. Prior to demolition and grading a TPZ (Tree Protection Zone) shall be established with the installation of chain link fence around each tree, with a 1 foot radius of~~

~~protection zone for each inch of DBH (diameter at breast height measured 54" above ground).~~

- ~~3. All trees to be removed shall be designated and clearly distinguished from trees to be relocated.~~
- ~~4. Where a required TPZ conflicts with an existing structure, equipment (such as buckets on longer booms) that allows operation further from the trunk shall be used as directed by the project arborist.~~
- ~~5. In areas where demolition or grading must come closer than the perimeter of the TPZ, encountered roots that are ½ inch in diameter or greater shall be cleanly cut by hand and not ripped by demolition equipment.~~
- ~~6. Fences shall be maintained in upright positions throughout demolition and site preparation. No equipment or building materials or soils shall be stockpiled against required fencing.~~

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

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

- ~~16. Any unanticipated damage that occurs to trees or sensitive habitats resulting from construction activities shall be mitigated in a manner approved by P&D. This mitigation may include but is not limited to posting of a performance security, tree replacement on a 10:1 ratio and hiring of an outside consultant biologist and/or arborist to assess the damage and recommend mitigation. The required mitigation shall be completed immediately under the direction of P&D prior to any further work occurring on the site. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and approval of such installation.~~

#### ~~C. Tree Relocation Requirements~~

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

#### ~~D. Tree Replacement~~

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

~~**Plan Requirements:** Prior to Zoning Clearance approval grading, the applicant shall submit a copy of the final grading and building plans, Landscape Plan, Tree Removal and~~

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

**This condition was removed because there is an updated condition for tree protection and replacement.**

17. Erosion control measures shall be implemented in accordance with the approved Grading and Erosion Control Plan ~~required in condition 28 (mitigation measure #1 in Section 4.8.3 of Negative Declaration 00 ND 003)~~ to prevent erosion or transport of sediment during construction. These measures may include, but are not limited to, placement of silt fencing, straw bales, and/or sand bags in appropriate locations. **Plan Requirements:** The Grading and Erosion Control Plan shall be submitted to and approved by P&D and Flood Control prior to Zoning Clearance approval. **Timing:** The plan shall be implemented prior to the commencement of grading/construction. **Monitoring:** P&D shall verify placement of erosion control measures prior to Zoning Clearance approval for demolition and/or grading. P&D Permit Compliance and Grading staff shall perform site inspections throughout the construction phase.
18. During construction, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing shall not be allowed near sensitive biological resources. Areas designated for washing functions shall be identified. **Plan Requirements:** The applicant shall designate wash off areas, acceptable to P&D, on the construction plans. **Timing:** The wash off areas shall be designated on all plans prior to Zoning Clearance approval. The wash off areas shall be in place throughout construction. **Monitoring:** P&D staff shall check plans prior to Zoning Clearance approval. Permit Compliance shall inspect the site throughout the construction period to ensure proper use of wash off areas.
19. Consistent with the Montecito Community Plan Policies BIO-M-1.3 and BIO-M-1.22 and Development Standard 1.3.3, the landscaped buffer zone along the eastern property line (adjacent to Oak Creek) shall be planted with appropriate native species (i.e., sycamore, coast live oak, toyon, elderberry). Sycamore and oak shall be included as landscape trees within the hotel grounds, especially towards the eastern boundary. **Plan Requirements:** The final Landscape Plan ~~(see condition no. 3)~~ shall include landscaping in the eastern half of the site, and especially along the eastern property boundary adjacent to Oak Creek, that maximizes native riparian species (obtained from locally obtained seed where feasible) and excludes use of invasive, exotic species in the eastern half of the site and the use of sycamores and oaks as landscape species within the remainder of the hotel grounds. **Timing:** The applicant shall obtain County approval of the Landscape Plan prior to Zoning Clearance approval for construction of structures. **Monitoring:** P&D shall review the Landscape Plan for incorporation of requirements

and site inspect as appropriate during installation of landscaping. P&D shall verify proper implementation of the Landscape Plan prior to occupancy clearance.

20. All outdoor lighting in the vicinity of Oak Creek shall be shielded to prevent stray light from illuminating the riparian corridor as per the Concept Lighting Plan. **Plan Requirements:** Locations and shielding of all outdoor lighting shall be shown on the Lighting Plan. **Timing:** The applicant shall obtain P&D approval of the final Lighting Plan prior to Zoning Clearance approval for structures. Lighting shall be installed per plan requirements during construction. **Monitoring:** Permit Compliance shall site inspect during construction and prior to signing off on occupancy clearance.
21. All fertilizer, pesticide and herbicide products used on-site shall be certified as organically based. Landscape plans and practices shall be designed to eliminate the use of toxic materials and shall include the following: incorporation of organic matter during garden renovation, recycling attachments on lawnmowers, use of organic mulch, insectary plantings, use of compost tea for nutrients, introduction of earthworms and introduction of beneficial organisms (such as nematodes). **Plan Requirements:** Requirements shall be noted on Landscape Plans. **Monitoring:** Permit Compliance shall site inspect during construction and prior to signing off on occupancy clearance.
22. ~~The applicant shall hire a P&D approved biologist to conduct a pre construction inspection for nesting native bird species, including nesting raptors, within 500 feet of construction activities and not more than two weeks prior to the proposed beginning of construction (including staging, clearing and grubbing). If birds are determined to be nesting on the project site, no construction, grading or heavy equipment operation shall take place within 500 feet of any raptor nest or 200 feet of any other native bird species' nest, except for certain construction activities that may be allowed on a case-by case basis as reviewed and approved by P&D. Other than those activities that are allowed by P&D, no construction activities shall take place within the 500 foot radius (for raptors) or 200 foot radius (for other species) of any nests on the project site until it can be verified that all fledglings have left the nest. **Plan Requirements/ Timing:** This condition shall be printed on all construction, grading, and building plans. **Monitoring:** The applicant shall submit a report on the pre construction survey to Permit Compliance and Permit Compliance shall review and approve the report prior to construction. Permit Compliance staff shall perform site inspections throughout the construction phase. [This condition was removed because there is an updated condition regarding nesting birds.]~~

## Cultural Resources

23. Potential unidentified cultural resources in the portion of CA-SBA-18/19 previously recorded within the Railroad right-of-way shall be protected. **Plan Requirements and Timing:** Excavation for all activities within the Railroad right-of-way shall be performed by hand and be monitored by a qualified archaeologist and Native American representative. If cultural resources are encountered, work shall be redirected away from the resource while its significance can be assessed, ~~in accordance with condition 25.~~ This condition shall be printed on all building and grading plans and P&D shall check plans prior to Zoning Clearance approval. **Monitoring:** If cultural resources are encountered, the monitor(s) shall notify Permit Compliance immediately. If cultural resources are not encountered, the archaeological monitor(s) shall report the results of

the monitoring to Permit Compliance within two weeks of completion of ground-disturbing activities within the monitored area(s).

- ~~24. Areas 1-4 as shown on the Cultural Resource Monitoring and Significance Survey map on file with P&D shall be monitored continuously throughout all grading, construction, demolition, and ground disturbing activities. Phase 1 archaeological surveys shall be undertaken by a P&D qualified archaeologist following demolition of any existing structures in areas 1-4 and shall be completed prior to grading and construction. If prehistoric or historic archaeological resources are encountered, work shall be redirected away from the resource while its significance can be assessed, in accordance with measure CUL 3. **Plan Requirements and Timing:** This condition shall be printed on all building and grading plans and P&D shall check plans prior to Zoning Clearance approval. **MONITORING:** If historic resources are encountered, the monitor(s) shall notify Permit Compliance immediately. If historic resources are not encountered, the monitor(s) shall report the results of the monitoring to Permit Compliance within two weeks of completion of ground disturbing activities within the monitored area(s). **(THIS CONDITION HAS BEEN SATISFIED)**~~
- ~~25. In the event that an unexpected potentially significant prehistoric or historic archaeological resource is encountered during grading or other ground disturbing activity at any location on the project site, work in that area shall be stopped immediately and redirected until a P&D qualified archaeologist and Native American representative (for prehistoric resources) or a P&D qualified historic archaeologist only (for historic resources) are retained by the applicant to evaluate the significance of the resource pursuant to Phase 2 investigations of the County Archaeological Guidelines. If the resource is found to be significant, it shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements and Timing:** This condition shall be printed on all building and grading plans and P&D shall check plans prior to Zoning Clearance approval. **Monitoring:** Permit Compliance shall spot check in the field. **[This condition was removed because there is an updated condition regarding discovery of unknown archeological resources.]**~~
- ~~26. Phase 2 subsurface/significance testing shall be conducted after demolition, but prior to new construction in ocean front area 5 as shown on the Cultural Resource Monitoring and Significance Survey map on file with P&D. Area 5 shall also be monitored continuously throughout all grading, construction, demolition, and ground disturbing activities. Boundaries of survey are shall be staked and flagged prior to demolition. If prehistoric or historic archaeological resources are encountered, work shall be redirected away from the resource while its significance can be assessed, in accordance with measure condition 25. **Plan Requirements and Timing:** This condition shall be printed on all building and grading plans and P&D shall check plans prior to Zoning Clearance approval. **MONITORING:** If prehistoric or historic archaeological resources are encountered, the archaeologist shall notify Permit Compliance and P&D staff immediately. If prehistoric or historic archaeological resources are not encountered, the archaeologist shall notify Permit Compliance and P&D staff within two weeks of completion of ground disturbing activities within the surveyed area(s). **(THIS CONDITION HAS BEEN SATISFIED)**~~

## Fire Protection

27. The applicant shall implement a Fire Access Plan approved by the Montecito Fire Protection District. Any modifications to the Fire Access Plan necessitated by field changes or other project modifications that occur during project construction shall be approved by the MFPD prior to implementation of the field changes or project modifications. **Plan Requirements and Timing:** The Fire Access Plan requirements shall be denoted on building and grading plans as appropriate prior to Zoning Clearance approval and shall be implemented during project construction. Applicant shall verify MFPD approval of any changes to the Fire Access Plan during project construction. **Monitoring:** Montecito Fire Protection District shall ensure compliance prior to occupancy clearance. Permit Compliance shall verify compliance prior to signing off on occupancy clearance.

## Geological Processes

28. Excavation and grading shall be limited the dry season of the year (April 15 – November 1) unless a Building & Safety-approved Grading and Erosion Control Plan is in place and all measures therein are in effect. **Plan Requirements:** The Grading and Erosion Control Plan shall be designed to minimize erosion and shall include the following:

- a. Detailed plans and report prepared by a licensed geologist or engineer for any permanent erosion control structures.
- b. Methods such as retention basins, drainage diversion structures and spot grading shall be used as appropriate to reduce siltation into adjacent drainages or roadways during the grading and construction activities.
- c. Provisions to reseed exposed graded surfaces with ground cover to minimize erosion. Graded areas that are to be built upon shall be revegetated within four (4) weeks of completion of grading activities with deep-rooted, drought-tolerant species wherever possible and in accordance with the required Landscape Plan ~~(condition 3)~~ to minimize the potential for oversaturation and erosion. Surfaces graded for placement of structures shall be seeded with ground cover if construction does not commence within four (4) weeks of grading completion. This requirement shall be noted on all grading and building plans.
- d. All cut and fill slopes on the property shall be no steeper than 2:1 (horizontal to vertical).
- e. All fill material shall be recompacted to engineered standards as specified within the Uniform Building Code or by a qualified Soils Engineer and as approved by P&D.
- f. ~~Recommendations regarding the placement of fill material, recompaction, and grading methods contained within the *Preliminary Geotechnical Report, Miramar Hotel and Bungalows, 1555 South Jameson Lane, Montecito, California*, January 4, 2008, Fugro West Inc. incorporated herein by reference shall be implemented.~~

**Timing:** The Grading and Erosion Control Plan shall be submitted for review and approved by P&D and Flood Control prior to Zoning Clearance approval. The applicant shall notify Permit Compliance prior to commencement of demolition. Applicable components of the grading plan shall be implemented during demolition and grading activities and prior to occupancy clearance. **Monitoring:** Grading inspectors shall monitor technical aspects of the grading activities. Permit Compliance shall site inspect



during grading to monitor dust generation and four weeks after grading completion to verify seeding and/or that construction has commenced in areas graded for structures.

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

### Hazardous Materials/Risk of Upset

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

### Historic Resources

31. ~~Potential impacts to historic resources at the Miramar Hotel site shall be mitigated through implementation of the recommendations of the Consistent with the December 1998 Preservation Planning Associates study and the Historical Resources Technical Report by Archaeological Resources Group dated June 2024, each of which are incorporated herein by reference, the project shall implement the following, including subsequent Addenda as appropriate. Specific measures to be implemented are:~~
- a. ~~The “Miramar” neon roof sign shall be retained in working order on the site. The sign need not be lit, but shall remain functional. The preferred site for relocation is on the outside wall of the proposed parking garage. If the sign is placed inside the garage, it shall be accompanied by a display of historic postcards and photographs of the Miramar Hotel, including the 1940s period.~~
  - b. ~~The neon pole sign at the corner of Eucalyptus Lane and South Jameson Lane shall be retained at this location.~~
  - c. ~~The sandstone entrance caps with “Miramar” incised in them shall be placed remain on square sandstone piers to match those in historic photographs, at the junction of Miramar Avenue and South Jameson Lane and relocated to the entrance of the northeast lot under the project.~~
  - d. ~~Prior to demolition, the kidney shaped swimming pool, sandstone poolhouse, and Linen building shall be documented with large format black and white photographs according to Santa Barbara County guidelines and the remaining buildings shall be documented with color photographs. These photographs shall be deposited in the Montecito Historic Committee archives, with a copy of the Preservation Planning Associates report (including Addenda).~~

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

**Monitoring:** Permit Compliance shall site inspect to ensure adherence to the historic resources ~~mitigation measures~~condition.

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

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

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

## Noise

33. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:30 p.m., Monday through Friday. No construction shall occur on State holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise-generating construction activities, such as interior painting, are not subject to these restrictions. The contractor or builder shall designate a person or persons to monitor noise-related restrictions and shall submit that designee's name and telephone number to P&D and the public. **Plan Requirements:** Two signs stating these restrictions shall be provided by the applicant and posted on site in locations visible to the public. In addition, specific written notification of the noise monitor's name, location, and telephone number shall be provided to the Director of the All Saints by the Sea pre-school and to neighboring

residences within 300 feet of the project site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Written notifications shall be mailed prior to Zoning Clearance approval. Violations may result in suspension of permits. **Monitoring:** Permit Compliance shall site inspect to ensure required signs are posted prior to and during construction. Building inspectors and Permit Compliance shall spot check and respond to complaints.

34. Demolition/construction activity within 100 feet of the All Saints by the Sea Church pre-school building and/or play deck area shall not occur when school is in session, as follows:

- September-May: Mondays 8:30 a.m. to noon and Tuesday through Thursday 8:30 a.m. to 3:00 p.m.
- June-July: Tuesday through Thursday, 9:30 a.m. to 12:30 p.m.

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

~~35. Stationary construction equipment that generates noise that exceeds 65 dBA at the project boundaries, with the exception of the Torque Down 1275 pile equipment used at the Oceanfront units, shall be shielded to P&D's satisfaction and shall be located at a minimum of 100 feet from occupied residences and/or All Saints by the Sea Church pre-school. **Plan Requirements:** Equipment area(s) with appropriate acoustic shielding shall be designated on building and grading plans. **Timing:** Equipment and shielding shall remain in the designated location(s) throughout construction activities. **MONITORING:** Permit Compliance shall perform site inspections to ensure compliance and shall respond to complaints.~~

**This condition was removed because there is an updated condition for minimization of noise from construction equipment.**

~~36. Motorized construction equipment, with the exception of the Torque Down 1275 pile equipment used at the Oceanfront units, shall not be allowed to idle for longer than five minutes within 100 feet of occupied residences and/or All Saints by the Sea Church pre-school without appropriate acoustical shielding in place. **Plan Requirements:** Temporary acoustical shielding shall be installed around construction equipment such that sound levels are less than 65 dBA CNEL at sensitive receptors. **Timing:** Shielding shall remain in the necessary location(s) throughout noise-generating construction activities. **Monitoring:** Applicant's designee shall promptly respond to complaints.~~

Permit Compliance shall perform periodic site inspections to ensure compliance and shall respond to complaints.

37. Construction routes shall be limited to South Jameson Lane. The applicant shall provide all adjacent residents and All Saints by the Sea church and pre-school and Permit Compliance with a construction activity schedule and construction routes seven days in advance of construction activities. Any alterations or additions shall require seven-day prior notification. **Plan Requirements and Timing:** The applicant shall submit a copy of the activity schedule and mailing list to P&D at least seven days prior to initiation of any earth movement. **Monitoring:** Permit Compliance shall perform periodic site inspections to verify compliance with activity schedules and shall respond to complaints.

~~38. All construction techniques, recommendations and construction assumptions (e.g., exterior wall materials, roof, window, and door materials, etc.) presented in the Dudek Associates' November 2007 acoustical analyses regarding the proposed project shall be incorporated into the project design to reduce exterior noise to or below 65 dBA CNEL and interior noise of new structures to or below 45 dBA CNEL. **Plan Requirements and Timing:** Construction techniques and recommendations of the noise study shall be incorporated into the project design and detailed on building plans. P&D shall verify plans include these requirements prior to Zoning Clearance approval. **MONITORING:** Building inspectors shall ensure that all noise control measures have been implemented according to approved plans.~~

**This condition was removed because conditions from an updated noise study have been added.**

39. Follow-up noise measurements shall be taken by an acoustical engineer within the new ~~guestrooms~~apartments along South Jameson Lane to verify that indoor noise levels do not exceed 45 dBA CNEL. Exceedance of this standard will require that additional noise reduction measures be implemented. **Plan Requirements and Timing:** The survey shall be conducted after construction is complete and prior to occupancy clearance. A report documenting the survey results and prepared by an acoustical engineer shall be reviewed and approved by P&D prior to occupancy clearance. **Monitoring:** P&D shall ensure required sound levels have been achieved prior to signing off on occupancy clearance.

40. Amplified sound shall not be used at outdoor gatherings, including weddings, on hotel grounds. ~~**Plan Requirements and Timing:** Prior to approval of occupancy for the renovated hotel, the applicant shall submit to P&D for review a copy of the notice to potential hotel guests or event organizers that amplified sound is not allowed for private outdoor functions. **MONITORING:** P&D shall review amplified sound notice prior to signing off on occupancy clearance and Permit Compliance shall respond to complaints regarding nighttime noise during hotel operations.~~

41. ~~During pile driving activities a temporary sound wall shall be erected between pile driving activities and adjacent noise sensitive receptors. Temporary sound wall construction parameters presented in the Dudek Associates' March 14, 2008 noise study addendum regarding pile driving activities shall be incorporated into the wall design. **MONITORING:** Building inspectors shall ensure that the sound wall has been~~

~~constructed according to parameters presented in the Dudek Associates' March 14, 2008 noise study addendum. **(THIS CONDITION HAS BEEN SATISFIED)**~~

42. ~~Off site accommodation for residents in proximity to pile driving shall be provided during maximum noise generating pile driving activities (at or exceeding 95 dB(A) at the source). The applicant shall work with neighbors to identify a time when pile driving activities would cause minimal disruption. The applicant shall notify residents of properties located within 100 feet of pile driving activities a minimum of 14 days prior to the commencement of activities. The applicant shall provide a notice to residents within 100 feet of pile driving activities that off site accommodation will be provided as necessary during maximum noise generating pile driving activities and shall provide accommodation as requested. **Plan Requirements and Timing:** A copy of the resident notice shall be provided to P&D. Notices shall include specific written notification of the responsible name, location, and telephone number of the individual responsible for coordinating accommodations. **MONITORING:** Permit compliance shall document and review notices and shall respond to complaints. **(THIS CONDITION HAS BEEN SATISFIED AND NO PILE DRIVING ACTIVITIES ARE PROPOSED)**~~
43. The contractor shall develop and implement a Noise Compliance Enforcement Program and Public Information and Complaint Response Procedures ~~as presented in the Dudek Associates' March 14, 2008 noise study addendum.~~ **Plan Requirements and Timing:** A copy of the Public Information and Complaint Response Procedures shall be provided to P&D for review prior to grading and construction. The name and telephone number of the Noise Compliance Enforcement monitor shall be provided to P&D prior to grading and construction. **Monitoring:** Permit compliance shall document receipt of the procedures and the name and telephone number of the compliance enforcement monitor.

### Public Facilities

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

**Timing:** The applicant shall initiate implementation of the approved Solid Waste Management Program prior Zoning Clearance approval. Program components shall be implemented prior to occupancy clearance and throughout the life of the project. **Monitoring:** P&D shall site inspect during construction, prior to occupancy, and after occupancy to ensure solid waste management components are established and implemented. P&D and Public Works shall review annual reports.

45. Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt). During grading and construction, separate bins for recycling of construction materials and plant material shall be provided onsite. **Plan Requirements:** This requirement shall be printed on the grading and construction plan. The hotel operator shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. **Monitoring:** P&D shall review receipts.
46. To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of demolition or construction activities. Waste shall be picked up weekly or more frequently as directed by P&D staff. **Plan Requirements and Timing:** Prior to issuance of follow-on Zoning Clearances for demolition/grading, the applicant shall designate and provide to P&D the name and telephone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. Additional covered receptacles shall be provided as determined necessary by Permit Compliance staff. This requirement shall be noted on all plans. Trash control shall occur throughout all grading and construction activities. **Monitoring:** Permit Compliance shall inspect periodically throughout grading and construction activities.
47. The proposed SWMP shall be developed in association with County of Santa Barbara Public Works Solid Waste staff. **Plan Requirements and Timing:** SWMP shall be developed and approved by P&D and PW prior to Zoning Clearance approval. **Monitoring:** County staff shall ensure receipt of approved SWMP.

## Recreation

48. Access to the Miramar Hotel's visitor serving amenities (restaurant, spa, beach bar, and the beach) shall be open and non-exclusive and open to the public. ~~**Plan Requirements and Timing:** Prior to approval of the first occupancy clearance for the renovated hotel, the applicant shall remove all existing "No Trespassing...", "Private Property..." and "Public Rights on Miramar Beach..." signs located throughout the site, and as identified on the Overall Signage and Lighting Plan. **MONITORING:** P&D shall perform a walk-through the hotel grounds to verify conformance with the approved Overall Signage and Lighting Plan prior to signing off on occupancy clearance. Permit Compliance shall respond to complaints regarding restricted access through the property.~~
49. Public pedestrian access easements shall be ~~recorded~~ maintained in three alignments across the Miramar site ~~(as shown on sheet A1.02b of the proposed plans):~~ 1) From the main entry at Jameson Lane through the site and down to the boardwalk and beach, 2) From the main entry at Jameson Lane through the site to the midpoint of the E/W portion of Miramar Ave, and 3) From the entry drive to the eastern parking lot through the site and down to the boardwalk and beach. The easement to the eastern parking lot shall be updated to reflect the changes due to the development in the northeast parking lot. **Plan**

**Requirements and Timing:** ~~Easements, subject to review and approval by County Counsel, shall be recorded concurrent with the County's vacation of the north-south segment of Miramar Avenue prior to Zoning Clearance Issuance. The revised easement language, subject to review and approval by County Counsel, shall be recorded prior to Zoning Clearance issuance.~~ **Monitoring:** P&D staff shall ensure recordation of the easement.

50. The applicant shall develop protocol for informing hotel guests and staff that street parking is for the public specifically to ensure that hotel guests and staff do not use the public parking spaces. **Plan Requirements and Timing:** Protocol shall be developed and presented to P&D in written form for review and approval prior to Zoning Clearance approval. **Monitoring:** P&D staff shall ensure receipt of the protocol document.
51. The applicant shall submit their proposed signage plan marking public routes through the site to the beach to P&D for review and approval. **Plan Requirements and Timing:** Signage plan shall be provided to P&D and reviewed and approved prior to Zoning Clearance approval. **Monitoring:** P&D shall ensure receipt of plan.
52. **Parking Decal Program.** To prevent employees from parking in public spaces, parking decals, to be fixed on the windshield of all employee cars, shall be issued to all employees. Said decals shall be displayed at all times during employment. Additionally, the applicant shall develop a plan and be responsible for monitoring use of parking spaces along Eucalyptus Lane, South Jameson Lane, Miramar Ave, and Humphrey Lane to ensure that spaces remain available to the public and are not used by hotel guests or employees.
  - a. Monitoring shall occur on weekend days throughout the year, during the week in the summer months (June 15 – September 15) and on all special event days.
  - b. To prevent Beach Club members from parking in public spaces, Beach Club members must be informed of detailed parking procedures at the time of initiation, and will be required to RSVP in advance on peak summer weekends (June 15 to September 15) and on special event days. Beach Club members shall be provided complimentary valet parking as a part of their membership.
  - c. Monitoring report shall be submitted to the County annually ~~from the date of final occupancy clearance and thereafter. 12-18 months after the beginning of operations,~~ Planning & Development shall provide the monitoring reports to the Montecito Planning Commission (review to occur during Planning & Development Divisional Briefing on Administrative Agenda).

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

## Transportation/Circulation

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

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

54. The applicant shall ensure that a traffic control monitor (flag person) is posted on public roadways as needed during construction. **Plan Requirements:** The monitor(s) shall direct traffic whenever heavy construction equipment is traversing and/or operating on or near South Jameson Lane, San Ysidro Road, Miramar Avenue, and Posilipo Lane, and any other time(s) and location(s) warranted to ensure public safety. **Timing:** The traffic monitor shall be posted throughout the demolition and construction periods, as necessary. **Monitoring:** Permit Compliance shall spot check during demolition and construction to verify traffic monitor(s) present as needed. The applicant's designee and Public Works, Roads Division shall respond to complaints.
55. A Final Miramar Parking Plan shall be provided. The Final Plan shall ~~include all elements of the Draft Plan and~~ shall also provide for a designated traffic coordinator, examples of notices to inform guests of parking procedures and locations, parking signage, an overall site parking exhibit and an exhibit indicating where additional on-site parking could be developed. The Final Miramar Parking Plan shall be implemented as approved. Additionally, the applicant shall prepare annual compliance report listing the total number of parking spaces used during all events (beach event, conferences, special events, etc.) which generate 200 cumulative patrons or more at any one time. The compliance report shall provide the date, type of event(s) and maximum number of parking spaces used during the event(s). ~~12-18 months after the beginning of operations~~ Annually, Planning & Development shall provide the compliance report to the Montecito Planning Commission (review to occur during Planning & Development



Divisional Briefing on Administrative Agenda). **Plan Requirements and Timing:** The Miramar Parking Plan shall be reviewed and approved by P&D and Public Works Transportation Division prior to Zoning Clearance approval. ~~A review of the parking situation shall be made by the Planning Commission 12-18 months after occupancy of the site in order to determine the adequacy of the Parking Plan.~~ **Monitoring:** Permit Compliance and Public Works, Roads Division Staff shall respond to complaints. P&D shall convey compliance reports to the Montecito Planning Commission ~~at the 12-18 month review and return~~ annually until the MPC determines that annual reporting is no longer necessary.

## Water Resources/Flooding

56. Drainage shall be consistent with an approved Drainage Plan. Where drainage waters are discharged from the project site in a concentrated manner (e.g., streets, channels, culverts), such drainage shall be conveyed to established water courses in a non-erosive manner. **Plan Requirements:** The final Drainage Plan shall be submitted to P&D and Flood Control for review and approval. ~~The plan shall include the following:~~

- ~~a. Location(s) of all proposed pipelines, the entire length of all proposed pipelines, trees located within fifteen feet of the pipeline, pipe diameters, and locations where the pipe(s) would surface in or near the creek, and amount of water that would flow from each pipeline.~~
- ~~b. Provision for openings in walls and curbs where they block flows that have historically passed through the area.~~
- ~~c. Elimination of flow under proposed structures.~~
- ~~d. Demonstration of positive drainage away from the exterior edge of new structures to reduce risk of water entry and oversaturation of the local earth materials.~~
- ~~e. Conveyance of all runoff water from impervious areas by bioswales and other methods which allow storm water infiltration or impervious conduits to existing drainages.~~
- ~~f. Provision of a French drain system to intercept and transport all excess subsurface fluids away from all building components including floor slabs and retaining walls that are to be placed below existing ground surface to an appropriate disposal site.~~
- ~~g. Provision for dewatering devices placed at least 18 inches below finish grade of the various components as appropriate.~~
- ~~h. Provisions for storm drain outlets to dissipate the energy flows and ensure minimal erosion during storm events, and to prevent children from entering the storm drain system. Storm drains and drainage inlets shall be sized for a peak 25 year runoff event. Minimum size for storm drains shall be 18 inches unless otherwise approved by the Flood Control Engineer. Storm drains shall be covered with silt fence until landscaping or other suitable ground cover is in place.~~
- ~~i. Provisions to install oil and grease traps in storm and drain inlets to prevent oil, silt and other debris from entering Oak Creek during construction and operations. Such temporary traps shall be maintained and cleaned out as necessary during construction (e.g., after storms). Permanent traps shall be maintained and cleaned out every spring and fall to prevent overflow situations and potential mosquito habitats from forming.~~
- ~~j. Provisions to install temporary silt fencing or other barriers to ensure surface runoff continues to flow to the drainage inlet to Oak Creek during construction.~~
- ~~k. Provisions to contain storm runoff from exposed surfaces onsite during grading and construction. Storm runoff shall be directed to the drainage inlet near Oak Creek.~~

- ~~l. The Design energy and hydraulic grade lines shall be on the Improvement or Underground Storm Drain profiles. Junction losses are to be calculated by a momentum analysis. The 100 year Energy and Hydraulic Grade Line shall be shown on plans and profiles for open channel designs.~~
- ~~m. Hydraulic data shall be included on engineering plans for all drainage channel, pipes, etc. as required by the Flood Control Engineer.~~
- ~~n. Provisions for notifying the Flood Control District five working days in advance of storm drain and attendant auxiliary construction. (The District may periodically inspect during construction.) A note to this effect shall be placed on the drainage plans.~~
- ~~o. Signature of a California Registered Civil Engineer.~~
- ~~p. Provisions for the Flood Control District to review and approve in writing any significant design revisions to the approved Plans prior to construction of the proposed revisions.~~
- ~~q. Provision for “as built” plans to be submitted to the Flood Control District as soon as practical upon completion of construction.~~

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

57. The applicant shall obtain a Drainage Improvement Certification Form from the Flood Control District. **Plan Requirements:** The District certification form requires that the California Registered Engineer certify that all drainage improvements (e.g. ditches, swales, channels, storm drains, drainage inlets, junctions, retention basins, revetment) were constructed in substantial conformance with the approved Plans. A note to this effect shall be placed on the plans. **Timing:** Certification shall be obtained prior to occupancy clearance. **Monitoring:** Permit Compliance shall verify certification prior to signing off on occupancy clearance.
58. Pursuant to County Ordinance 3898, the lowest finish floor elevation of all new structures, in habitable spaces, shall be at least two (2) feet above the 100-year water surface elevation or flood proofed in accordance with County Code 15A and 15B. **Plan Requirements:** Graded pads with slab on grade foundations shall be at least 1.5 feet above the 100-year water surface elevation, with finish floor 2 feet above the 100-year elevation. Finish floor elevations may be increased if deemed necessary by the Flood Control Engineer. Finish floor elevations or flood-proofed elevations shall be higher than overland escape of adjacent streets, bridges and other obstructions. **Timing:** Building plans shall be reviewed and approved by P&D and Flood Control prior to Zoning Clearance approval. **Monitoring:** Building inspectors shall site inspect during construction.
59. ~~The applicant shall dedicate a flood control easement to the Flood Control District for maintenance purposes. **Plan Requirements:** Prior to Zoning Clearance approval for grading, the applicant shall submit a map and description specifying the easement location subject to P&D and Flood Control approval. **Timing:** The easement shall be dedicated prior to occupancy clearance. **MONITORING:** Planning and Development shall confirm receipt of easement location prior to Zoning Clearance approval for~~

~~grading. Permit Compliance shall verify easement dedication prior to signing off on occupancy clearance.~~ **(THIS CONDITION HAS BEEN SATISFIED)**

60. The applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board. **Plan Requirements and Timing:** Prior to approval of the first Zoning Clearance for the project the applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. A copy of the SWPPP must be maintained on the project site during grading and construction activities. **Monitoring:** P&D shall review the documentation prior to issuance of ~~follow on Land Use Permits~~ Zoning Clearance. P&D shall site inspect during construction for compliance with the SWPPP.
61. The following measures and requirements shall be incorporated into the project Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall incorporate all feasible Best Management Practices (BMPs) to reduce erosion from construction activities, to prevent sediment in storm water discharges, and to minimize non-storm water pollutants at the project site to the maximum extent possible.
- a) The SWPPP shall include spill containment measures and communications and shall restrict road paving to dry weather.
  - b) Temporary stockpiles at the project site shall be protected from erosion by the combined use of surface stabilization, upslope runoff diversions, temporary berms around the perimeter, perimeter interceptor ditches, and temporary downstream catchments, as necessary and appropriate. Stockpiles that are present during the winter season (designated the following period for this project: November 1 to April 1) shall be protected from erosion due to direct precipitation or runoff during the winter by the use of surface stabilization (such as erosion control blankets or temporary seed cover) and perimeter berms and catchments.
  - c) BMPs to prevent discharge of construction materials, contaminants, washings, concrete, asphalt, fuels, and oils shall include the following measures:
    - i. All fuel, lubricants, paints and other construction liquids shall be placed in secured and covered containers within a bermed or otherwise contained area at least 200 feet from the creek.
    - ii. Refueling shall only occur in bermed areas with impermeable surfaces at least 200 feet from the creek or ocean.
    - iii. Implement measures and provide materials to contain any accidental spills or leakage during the fueling of construction equipment at the site.
    - iv. Equipment washing and major maintenance at the project site, except for washdown of vehicles to remove dirt, shall be prohibited.
    - v. Ensure that all construction vehicles and equipment that enter the construction and grading areas are properly maintained (off-site) to prevent leaks of fuel, oil and other vehicle fluids
    - vi. All refuse and construction debris shall be removed from the site as soon as possible.

- d) Two weeks or more prior to the beginning of the winter season (designated November 1 for this project) erosion control BMPs shall be installed at the site in anticipation of rain events. Due to the extensive area and volume to be graded at the project site and the proximity of the creek, erosion control measures shall include more than the placement of silt fences. Additional controls shall include other BMPs that are equally or more effective, and that provide redundancy, such as temporary grass cover, interceptor ditches, coconut fiber rolls, erosion control mats, and temporary catchment basins.
- e) All entrances/exits to the construction site shall be stabilized (e.g. using rumble plates, gravel beds or other best available technology) to reduce transport of sediment off site. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods.
- f) All storm drain or other drainage inlets shall be protected from sediment-laden waters by the use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps.
- g) Sediment control measures shall be maintained for the duration of the project and until graded areas have been stabilized by structures, long-term erosion control measures or vegetation.

**Plan Requirements and Timing:** These measures shall be included in the required SWPPP. P&D and the Water Agency shall ensure that the SWPPP contains these measures. This condition shall be shown on all project plans prior to issuance of ~~follow-on Land Use Permits~~ Zoning Clearance, and shall be included in all specifications and bid packages for the project contract. **Monitoring:** P&D staff shall check plans prior to Zoning Clearance approval. The applicant shall provide a copy of the draft and final SWPPP after their preparation and prior to implementation of any project activities.

### General Conditions of Approval

- 62. To address parking concerns, a normal limit of up to 400 persons may attend functions on the project site.
- 63. ~~Outdoor events at the ballroom shall conclude by 10:30 pm.~~ **(NO LONGER APPLICABLE)**
- 64. Weddings on the sandy beach shall be limited to the ceremony only, which must be 60 minutes or less in length, and no more than 100 people in attendance.
- 65. The beach bar and oceanfront restaurant shall close no later than 12 am (midnight). The last meals served would be served approximately one-half hour before closing.
- 66. **Beach Club Membership Phasing.** The Beach Club memberships shall be 200 individuals or families upon occupancy (i.e. a couple would have one membership as would a couple and their children living at home). **Plan Requirements and Timing:** A review of the Beach Club operations shall be made by the Montecito Planning Commission 24-36 months after occupancy in order to determine the adequacy of the site (i.e. with respect to circulation, parking and intensity of use) to host additional Beach Club memberships. If it is determined by the Montecito Planning Commission that the Beach Club is operating adequately and the site is capable of operating with additional

memberships, the number of members may be increased, but shall not exceed a maximum of 300 individuals or families. **Monitoring:** P&D shall review the Beach Club operations in conjunction with the annual reports required for parking and events and report to the Montecito Planning Commission annually until the MPC determines that annual reporting is no longer necessary.

67. ~~New buildings shall not be constructed over legal parcel lines. Prior to approval of the first Zoning Clearance for the project to allow construction of the Main Building, if it is determined that APN 009 371 003 is a legally created lot, it shall be combined with 009 371 004 through a process acceptable to the County Surveyor (i.e. merger, reversion to acreage, etc.). If it is determined that the antiquated parcel lines on either side of Miramar Avenue represent separate legal lots, these too shall be combined prior to the ZCI approval for a new or relocated structure over any of these lines. **(THIS CONDITION HAS BEEN SATISFIED)**~~
68. Prior to approval of the first Zoning Clearance for the project, the owner shall sign and record an Agreement to Comply with the project description and all conditions of approval.
69. All applicable final conditions of shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
70. The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the applicant agrees to:
- Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
  - Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
  - Pay fees prior to Zoning Clearance approval as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.
71. Prior to approval of the first Zoning Clearance for the project the applicant shall pay all applicable P&D permit processing fees in full.
72. Any change of use in any of the Miramar Beach Resort and Bungalows Project buildings or structures shall be subject to environmental analysis and appropriate review by the County including building code compliance.

73. No permits for development, including grading, shall be issued except in conformance with the approved Final Development Plan as revised by this Revision. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan ~~including Attachment M to the January 21, 2015 Montecito Planning Commission Staff Report, Attachment 14 to the March 24, 2015 Board Letter, and Attachment B to the April 6, 2015 staff memorandum to the Board.~~ Any increase in structural square footage that results in an increase of 1,000 square feet or more than 10 percent of building coverage of a particular structure ~~(over January 21, March 24 and April 6, 2015 project approvals)~~, whichever is less, shall be reviewed and approved by the Montecito Planning Commission at a regularly noticed public hearing.
74. On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but unbuilt plans shall become null and void.
75. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of Zoning Clearance approval.
76. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the revised Development Plan, amended Conditional Use Permits, and new Coastal Development Permits. ~~In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.~~
77. To reduce the potential for Ballroom-related traffic to add to existing congested peak-hour traffic conditions in the vicinity of the project site, Ballroom events expected to draw over 200 patrons from the local community shall not occur prior to 9:30 a.m. weekday mornings. **Monitoring:** Permit Compliance shall periodically spot check and respond to complaints.
78. ~~The applicant shall work with the neighbors in the hedgerow district and with Caltrans to develop a noise mitigation plan, including, but not limited to sound walls along this area's frontage along U.S. Hwy. 101. **(THIS CONDITION HAS BEEN SATISFIED)**~~
79. The project shall receive express authorization from the UPRR to construct improvements in its right of way prior to the first Zoning Clearance approval for the proposed project.
80. A review of the Beach Bar's hours of operations shall be made by the Montecito Planning Commission 12-18 months after occupancy in order to determine the compatibility of the Beach Bar' hours of operation with the residential character of the area. Subsequent Montecito Planning Commission review may be necessary in order to determine peak season beach bar hours of operation. **Monitoring:** Permit Compliance Staff shall respond to complaints.

81. **Review of Events.** The applicant shall prepare a compliance report listing the number of events, fundraisers and conference groups using the Miramar Resort Hotel site on an annual basis. The compliance report shall provide the date, type (beach event, conference, normal or special event, etc.) and hours of the event, number of people in attendance and the number of employees working at the site for each event. ~~12-18 months after the beginning of operations,~~ Planning & Development shall provide the compliance report to the Montecito Planning Commission annually (review to occur during Planning & Development Divisional Briefing on Administrative Agenda). **Plan Requirements and Timing:** The compliance reports shall include information quantifying the number of events per day over the course of the previous 12-18 months ~~as specified above.~~ **Monitoring:** P&D shall review the compliance reports in conjunction with the annual reports required for parking and report to the Montecito Planning Commission annually until the MPC determines that annual reporting is no longer necessary.

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

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

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

~~**Plan Requirements and Timing:** The applicant shall submit the final architectural and landscape drawings of the project for review and approval by the Montecito Board of Architectural Review prior to Zoning Clearance approval. Such plans shall be consistent with the definition of "Cottage Type Hotel" as described by the Montecito Planning Commission.~~

**This condition was removed because the project is only subject to objective standards and policies, and is not subject to review and approval by the MBAR.**

83. ~~**Special Condition DVP-1.** Prior to approval of the first follow-on Zoning Clearance for the Project, the abandonment of the North-South segment of Miramar Avenue and dedication of public access easements through the site (as shown on sheet A1.02b of the approved plans) shall be approved by the Board of Supervisors. (THIS CONDITION HAS BEEN SATISFIED)~~

84. **Permits Supersede.** Previous approvals for on-site development shall be superseded by the proposed revised project (~~14RVP-00000-00063, 14AMD-00000-00010, 14AMD-00000-00011, 14CDP-00000-00086, 14CDP-00000-00090, 14CDP-00000-00091~~24RVP-00050, 24RVP-00051, 24AMD-00008, & 24CDP-00077) upon effectuation of the proposed project.

~~85. **Fire District Access.** All project plans shall be in conformance with the Fire Department Turnaround Exhibit dated December 3, 2014. **Timing.** Prior to Zoning Clearance approval, all project plans shall depict the Fire District approved access over the railroad tracks as shown on the Fire Department Turnaround Exhibit dated December 3, 2014.~~

**This condition was removed because the fire district access has been updated and this condition is no longer relevant.**

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

~~87. **Parking Stall Length.** Prior to Zoning Clearance approval, the applicant shall revise the project plans to ensure that the parallel parking spaces along the E/W portion of Miramar Ave. are 23 feet in length. **Plan Requirements and Timing:** All site plans shall be updated to graphically depict the 23 foot long stalls. Stalls shall be dimensioned. **Monitoring:** P&D shall review plans prior to Zoning Clearance approval. **(THIS CONDITION HAS BEEN SATISFIED)**~~

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

1. Management shall maintain a current list of each employee's typical transportation mode (e.g. bus, bicycle, vehicle)
2. Management shall maintain a list of employees and their vehicles so that the vehicles can be easily identified (e.g. make, model, color, license plate)
3. ~~Consistent with condition 52,~~ All employees who drive to work shall have a numbered Miramar hotel parking decal permanently affixed to their vehicle and shall park in a Miramar Hotel parking lot.
4. Management shall educate all employees regarding the parking and transportation options (e.g. no parking on neighborhood streets, shuttle schedules, ride share/carpool programs, bus schedules).
5. All employees must be told that they will be held accountable for complying with the parking plan. Employees must be provided with a written policy that prohibits employees from parking on neighborhood streets and establishes penalties for failure to comply. The applicant shall provide procedures for non-compliance with the parking program.



**Monitoring:** Monitoring report shall be submitted to the County annually from the date of final occupancy clearance and thereafter. The applicant shall provide annual reports to P&D demonstrating the effectiveness of the employee parking program. Annual reports shall account for all employees, including part-time and contract employees. Reports shall include enforcement actions taken for non-compliance and details on how issues have been resolved. P&D shall convey compliance reports to the Montecito Planning Commission ~~12-18 months from final occupancy and shall return~~ annually until the MPC determines that annual reporting is no longer necessary. **Plan Requirements and Timing:** The applicant shall submit the monitoring plan including the design and intended location of employee parking decals for P&D's review and approval prior to Zoning Clearance approval.

89. **Automated Parking System.** The applicant shall install an automated parking system that utilizes access key cards in the ~~northwestern~~ parking lots. Employees who drive to work shall be issued parking lot access key card allowing admittance to the ~~northwest~~ parking lots, thereby allowing the hotel operator to confirm employee use of on-site parking. **Plan Requirements and Timing:** The annual compliance reports shall confirm that staff who drive to the hotel park on-site. The compliance reports shall include information quantifying the number of staff parking on-site over the course of the previous 12 months. **Monitoring:** P&D shall review the compliance reports in conjunction with the annual reports required for parking and report to the Montecito Planning Commission annually until the MPC determines that annual reporting is no longer necessary.

90. **Excursion Buses.** Excursion Bus pick-up, drop-off and temporary parking shall be prohibited in areas of the site that are required for Fire Department Access and in the on-site driveway area used by residents at the oceanfront to access their homes. Excursion buses shall only utilize parking lots that are not being used to capacity and that can safely accommodate the buses. Excursion buses shall not idle off-site. **Monitoring:** P&D staff shall respond to complaints and reported complaints shall be transmitted to the Montecito Planning Commission during annual compliance reporting.

~~91. **Visual Screening on Miramar Avenue.** A visual screening hedge and low garden wall shall be installed on hotel property between the Miramar Avenue Bungalows and the sidewalk along the length of Miramar Avenue. The screening hedge and wall shall have openings only at sidewalks, pathways, and access points that provide hotel guest and/or public access to/from the hotel. The visual screening hedge shall be at least 5 feet in height and the low garden wall shall be 3 to 4 feet in height. The hedge shall be of a species type sufficient to substantially block light intrusion emanating from the hotel bungalow area when the hedge has grown to maturity. **Plan Requirements and Timing.** Prior to final approval by the Montecito Board of Architectural Review, the final plant palette for the visual screening hedge shall be determined by the applicant's landscape architect and shall be illustrated on the landscape plans. Plans shall also indicate the final location, height, and materials of the garden wall. The hedge and wall shall be installed prior to final occupancy clearance for the Miramar Avenue Bungalows.~~  
**(THIS CONDITION HAS BEEN SATISFIED)**

92. **Offsite Parking.** In order to increase the number of beach club members from 200 to 300, project conditions require review of hotel operations regarding the adequacy of parking ~~at 24-36 months (condition 66, beach club members) from occupancy.~~ Should

the Montecito Planning Commission (MPC) find that, at that periodic review, additional parking would be required to accommodate the proposed increase in beach club members; the applicant shall provide an off-site parking plan for up to 50 off-site parking stalls or other long-term parking solution to address the increased number of beach club members. The proposed solutions must be in a form acceptable to P&D staff and the MPC and shall be subject to review for conformance with applicable ordinances and policies as well as CEQA.

**The following are new conditions applied to the 2024 proposed revised project:**

### **Noise**

93. **Temporary Sound Barrier.** A temporary and impermeable sound barrier shall be erected at the following locations, prior to the start of earth moving activities. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this design feature.

- Provide a minimum 16-foot-high temporary sound barrier along the western and southern boundary of the Project Northwest Lot between the construction area and the sensitive uses south and west of the construction area (represented by receptor locations R1, R2 and R3).
- Provide a minimum 14-foot-high temporary sound barrier along the eastern and southern (along the 50-foot UPRR setback line) boundary of the Project Northeast Lot between the construction area and the sensitive uses to the south and east of the construction (represented by receptor locations R6, R7 and R8 in the noise study dated July 2024). The temporary sound barriers shall have a minimum Sound Transmission Class of STC-25.

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

94. **Noise Minimization.** Noise-generating equipment operated at the Project Site shall be equipped with the most effective and technologically feasible noise control devices, such as mufflers, lagging (enclosures for exhaust pipes), and/or motor enclosures. Construction equipment within the 50-foot UPRR setback line shall have maximum sound power levels (Lw) of 90 dBA. Examples of construction equipment with sound power levels of 90 dBA or less include: the Volvo ECR25 Electric Excavator (84 dBA) and the Volvo L25 Electric Wheel Loader (89 dBA). **Plan Requirements:** This condition shall be printed on building and grading plans. **Timing:** Noise control devices shall be used throughout construction activities. **Monitoring:** Permit Compliance shall perform site inspections to ensure compliance with condition.

95. **Vibration Minimization.** The use of large vibratory roller shall be a minimum 23 feet from the church building adjacent to the Northwest Lot in order to minimize vibration impacts. **Plan Requirements:** This condition shall be printed on building and grading

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

96. **Balconies.** There will be no balcony along the north side of Buildings A and C, facing South Jameson Lane. **Plan Requirements:** Balconies shall be shown on building and grading plans. **Monitoring:** Permit Compliance shall perform site inspections to ensure compliance with condition.

### **Biological Resources**

#### **97. Tree Protection Construction Standards**

##### Pre-Construction

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

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

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

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

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

##### During Construction

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

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

Grade changes outside of the TPZ shall not significantly alter drainage to protected trees. Grading within the TPZ shall use methods that minimize root damage and ensure that roots are not cut off from air. Where erosion may be a factor, return and protect the original grade or otherwise stabilize the soil. Protected trees shall not be used to support posting signs, electrical wires or pulleys, and shall be kept free of nails, screws, rope, wires, stakes, and other unauthorized fastening devices or attachments.

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

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

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

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

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

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

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

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

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

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

#### Tree Removal Standards

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

#### Tree Replacement

Four native specimen trees, Trees #50, 56, 57, and 76, are proposed for removal to facilitate the proposed construction on site. In the absence of a specific replacement policy for the removal of native specimen trees in the Coastal Zone, these trees may require replacement per County policy and standard practice at one of the following

replacement ratios: 10:1 ratio for 5-gallon containers, 5:1 ratio for 15-gallon containers, 3:1 ratio for 24-inch boxes, 2:1 ratio for 36-inch boxes, or 1:1 ratio for 48-inch boxes. A drip irrigation system with a timer shall be installed. Trees should be planted prior to final inspection and irrigated and maintained until established (five years). The plantings shall be protected from predation by wild and domestic animals and from human interference by the use of staked, chain link fencing, and gopher fencing during the maintenance period. Please reference the landscape architect's landscape planting plan for the location of replacement trees.

**Plan Requirements:** Owner/Applicant shall: (1) Submit Tree Protection and Replacement Plan; (2) Include as notes or depictions all plan components listed above. **Timing:** The Owner/Applicant shall comply with this measure prior to issuance of Zoning Clearance. Owner/Applicant shall install tree protection measures prior to issuance of grading/building permits and pre-construction meeting. **Monitoring:** Owner/Applicant shall demonstrate to P&D compliance staff that trees identified for protection were not damaged or removed or if damage, or removal occurred, that correction is completed per the TPP prior to Final Building Inspection Clearance.

### **Cultural Resources**

98. **Archaeological Monitor.** Prior to ground disturbance activities, the Applicant and/or subsequent responsible parties shall retain a County-qualified archaeologist, meeting the Secretary of the Interior's Standards, and with experience in California prehistoric and historic resources (experience within Santa Barbara County preferred), to: prepare a CRMTP, manage archaeological monitoring, and address any inadvertent discoveries identified during Project implementation. **Timing:** Prior to approval of Zoning Clearance, the Owner/Applicant shall submit for P&D review and approval, a contract or Letter of Commitment between the Owner/Applicant and the archaeologist, consisting of a project description and scope of work, and once approved, shall execute the contract. **Monitoring:** The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the assigned onsite monitor(s) prior to grading/building permit issuance and pre-construction meeting. P&D compliance monitoring staff shall confirm monitoring by archaeologist and Native American consultant and P&D grading inspectors shall spot check field work.
99. **Cultural Resource Monitoring and Treatment Plan.** Prior to ground disturbance activities, the County-qualified archeologist will prepare a Cultural Resource Monitoring and Treatment Plan (CRMTP). The purpose of the CRMTP is to 1) guide additional inspection of soils at the Project Site after existing hardscape is removed; inspection may include ground inspection through pedestrian survey or subsurface testing in accordance with professional standards as outlined by the Office of Historic Preservation (1995); 2) outline cultural monitoring (archaeological and Native American/Tribal) protocols and a program of treatment in the case of an inadvertent discovery of cultural (archaeological or Native American/Tribal) resources during ground- disturbing phases; and 3) to provide for the proper identification, evaluation, treatment, and protection of any cultural resources in accordance with CEQA throughout the duration of the Project's ground disturbing activities. **Timing:** The CRMTP shall be filed with the county prior to approval of Zoning Clearance. **Monitoring:** Planning and Development staff shall confirm submittal and approval of the CRMTP.

- 100. Workers Environmental Awareness Program (WEAP) Training.** All construction personnel and monitors who are not trained archaeologists will be briefed regarding inadvertent discoveries of cultural resources prior to the start of ground disturbing activities. A basic presentation will be prepared and presented by the County-qualified archaeologist to inform all personnel working on the Project about the potential of encountering cultural materials within the Project area. The purpose of the WEAP training is to provide specific details on the kinds of cultural materials that may be identified during Project implementation and explain the importance of protection of significant cultural resources. Each worker will also be instructed on the proper procedures to follow in the event that cultural resources or human remains are encountered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of a qualified archaeologist and if appropriate, the Tribal representative. **Plan Requirements:** The Applicant shall submit the WEAP to the County for review and approval prior to implementation. All workers, contractors, and visitors shall attend the WEAP prior to entering the project site and performing any work. The Applicant shall provide copies of the training attendance sheets to County staff as a record of compliance with this measure. **Timing:** The WEAP shall be reviewed and approved by the County prior to Zoning Clearance approval. Implementation of the WEAP training shall occur prior to the start of construction and as new crew members are added to the project. **Monitoring:** P&D permit compliance staff will ensure compliance with the WEAP throughout construction by review of attendance sheets, inspection of the site, and interviewing workers, as appropriate.
- 101. Archaeological and Native American Monitoring.** The County-qualified archaeologist and a member of the Barbareño Band of Chumash Indians shall monitor all ground disturbances occurring within the archaeological site boundaries for P-42-000018 and 19-42-000019, and a 50-foot buffer from such boundaries within the Project area. Following the completion of construction, the qualified archaeologist shall provide an archaeological monitoring report to the County and the CCIC with the results of the cultural monitoring program. **Timing:** Prior to approval of Zoning Clearance, the Owner/Applicant shall submit for P&D review and approval, a contract or Letter of Commitment between the Owner/Applicant and the archaeologist, consisting of a project description and scope of work, and once approved, shall execute the contract. **Monitoring:** The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the assigned onsite monitor(s) prior to grading/building permit issuance and pre-construction meeting. P&D compliance monitoring staff shall confirm monitoring by archaeologist and Native American consultant and P&D grading inspectors shall spot check field work.
- 102. Stop Work at Encounter.** In the event of inadvertent discovery of potential prehistoric or historic-era archaeological or cultural resources (sites, features, or artifacts) during ground disturbing activities for the project, all ground disturbing activities occurring within 50 feet of the discovery shall immediately stop, and the County-qualified archaeologist should be notified immediately in order to assess of the discovery and determine whether additional study is warranted. Depending upon the nature of the discovery, the County-qualified archaeologist may simply record the find and allow work to continue. If the archeologist determines that the discovery is potentially significant under CEQA, the archeologist may require additional work, such as subsurface testing and resource evaluation. If the archeologist determines discovery is significant under CEQA, the archeologist may require data recovery. If archaeological

resources are discovered or are suspected to be of Native American origin, each of the consulting tribes for the Project should also be notified.

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

### **Biological Resources**

103. **Worker Environmental Awareness Training.** All construction/contractor personnel shall complete a Workers Environmental Awareness Program (WEAP) to ensure compliance with environmental/permit regulations and BMPs. At a minimum, the program shall include a description of special-status species potentially present in the biological survey area, their identification and habitat requirements, regulations protecting the species, specific measures being implemented to protect the species, and the boundaries within which the Project and work areas may be accomplished. The program shall also include directions regarding measures to take if listed species are observed within or near the work areas. On-site training and brochures may be used in the program. **Plan Requirements:** The Applicant shall submit the WEAP to the County for review and approval prior to implementation. All workers, contractors, and visitors shall attend the WEAP prior to entering the project site and performing any work. The Applicant shall provide copies of the training attendance sheets to County staff as a record of compliance with this measure. **Timing:** The WEAP shall be reviewed and approved by the County prior to Zoning Clearance approval. Implementation of the WEAP training shall occur prior to the start of construction and as new crew members are added to the project. **Monitoring:** P&D permit compliance staff will ensure compliance with the WEAP throughout construction by review of attendance sheets and hardhats, inspection of the site, and interviewing workers, as appropriate.
104. **Delimiting Construction Area.** Prior to the initiation of ground disturbance, grading, or equipment mobilization, the applicant shall implement the following measures to protect natural resources adjacent to construction areas:
- Temporary fencing or equivalent form of demarcation shall be installed along the perimeter of defined construction areas.

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

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

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

If active nests are found, a no-construction buffer shall be established at 100 feet (this distance may be reduced or increased, depending on the location of the nest, the natural history traits of the bird species, and the level of disturbance, as determined by the biologist) around the nest site. Clearing and construction within the no-construction buffer shall be postponed or halted, at the discretion of the biologist, until the nest is vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting. In addition, all active nests shall be mapped using GPS technology and nest locations with species-appropriate buffers, determined by a qualified biologist, shall be displayed on aerial-based figures for inclusion in regular updates to the County of Santa Barbara, project manager/engineer, and construction crew so that avoidance areas are well documented.