

## MONTECITO PLANNING COMMISSION

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

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

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## REQUEST

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

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

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

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

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

## **2.0 RECOMMENDATION AND PROCEDURES**

Your Commission's motion should include the following:

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

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

## **3.0 JURISDICTION**

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

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

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

## 4.0 ISSUE SUMMARY

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

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

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

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

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

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

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

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

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

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

#### Noise

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

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

### Traffic and Circulation

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

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

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

### Public Comment

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

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

## 5.0 PROJECT INFORMATION

### 5.1 Site Information

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

### 5.2 Background Information

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

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

### 5.3 Description

The project is a request for a Revised CUP to 90-CP-111 to allow the following project components associated with the MAW Master Plan<sup>1</sup>:

- Increase the maximum seating capacity in Hahn Hall from 300 permanent seats and 50 temporary seats during the summer to 350 permanent seats year-round. As required under the CUP, 330 seats will continue to be the maximum available to the public and the 20 remaining seats will continue to be used by students, staff, and volunteers.
- Decrease the permanent seats in Yzurdiaga Hall (formerly Stewart Hall) from 92 to 42 seats.
- Increase the maximum any-given-time public attendance from 330 to 410 people. This will allow more than one public event in a location other than Hahn Hall (350 seats). There will be no change in the daily attendance cap of 900 people.
- Increase the attendance cap for meetings and seminars from 175 to 350 participants per event.
- Eliminate the seasonal caps of “summer” (22,000 people) and “non-summer” (25,000 people) and maintain the existing annual cap of 47,000 people.
- Change reporting requirements from biannual to annual.
- Increase the number of parking spaces available to students from 10 to 20 spaces.
- Increase the instructional student population from 150 to 175 students.
- Increase the total allowances of use of the amplified spoken voice from twice a year to 17 times per year.
- Change in use to allow weddings and other special events known as Significant Life Events (SLEs).
  - Examples of SLEs include weddings, memorial services, quinceaneras, birthday and anniversary celebrations, bridal/baby showers and other individual private parties.
  - A maximum of 15 SLEs shall be allowed per year.
  - Reception attendance related to each SLE shall be limited to 225<sup>2</sup>.
  - Parking shall be limited to the MAW parking lots.

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<sup>1</sup> For complete detail, see Attachment B.1.

<sup>2</sup> Based on the maximum standing capacity (223) of Lehmann Hall.

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

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

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



Figure 1 Map of MAW Outdoor Zones

## 5.4 Summary Table of Operational Changes

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

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

<sup>3</sup> 2004 Revised CUP.

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

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

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

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

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

## 6.0 PROJECT ANALYSIS

### 6.1 Environmental Review

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

### 6.2 Comprehensive Plan Consistency

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

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

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

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

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

<i>community plan and are adequate to fully offset the identified potential increase in traffic.</i>	
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### **6.3 Zoning: Article II**

#### **6.3.1 Compliance with Article II, Coastal Zoning Ordinance**

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

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

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

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

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

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

**Compliant:**

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

**6.4 Subdivision/Development Review Committee**

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

**7.0 APPEALS PROCEDURE**

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

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

**ATTACHMENTS**

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

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

## **ATTACHMENT A: FINDINGS**

### **1.0 CEQA FINDINGS**

#### **1.1.1.1 ADDENDA TO ENVIRONMENTAL IMPACT REPORT**

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

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

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

#### **1.1.2 LOCATION OF RECORD OF PROCEEDINGS**

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

#### **1.1.3 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM**

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

#### **1.1.4 FINDINGS ADDRESSING ADDENDUM ISSUE AREAS**

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

### **2.0 ADMINISTRATIVE FINDINGS**

#### **2.1.1 CONDITIONAL USE PERMIT FINDINGS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**2.1.2 COASTAL DEVELOPMENT PERMIT FINDINGS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTACHMENT B.1

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

I. A Conditional Use Permit is Hereby Granted:

TO: The Music Academy of the West

APN: 009-282-029, -030

PROJECT ADDRESS: 1070 Fairway Rd

ZONE: 1-E-1

AREA: Montecito

SUPERVISORIAL DISTRICT: First

FOR: Music Conservatory

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

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

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

The project description is as follows:

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

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

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

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

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

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

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<sup>†</sup>No grading to occur within the easternmost section of the internal roadway, which is a paved easement not owned by the MAW.

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

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

#### Summary of Operational Changes:

- ~~Relocate p Primary instruction for the (up to) 50 vocal and accompanying students to the on-site campus. These, along with the up to 100 instrumental students historically receiving instruction exclusively on-site, will bring total enrollment allowed to no more than 150175 students. The number of vocal and instrumental students is to be determined by the MAW, but cannot exceed 150175 total students.~~
- Students would continue to reside off-site but all (up to 150175) students would receive lunch and dinner at the proposed new and improved catering kitchen and indoor dining facilities at the Music Academy. (The existing terrace on the east side of Marilyn Horne Main House (formerly Miraflores) would remain as well);
- Limit public attendance for all activities<sup>2</sup> as follows: Any-given-time (330410), Daily (900), ~~eight-week Summer Season (22,000) and 44-week Non-Summer Season (25,000)~~ for an and Annual Public Attendance Maximum of 47,000. The limitations would not apply to staff, faculty, other employees, summer music students, other performers, or people attending or performing administrative functions (e.g., volunteers);

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

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

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

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

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

### [COMPLETED] **Landscaping**

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

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

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

**[COMPLETED] Building Revisions/Physical Changes**

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

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

			EXISTING AREA (SF)	PROPOSED AREA (SF)	NET CHANGE FOOTPRINT (SF)	NET CHANGE AREA (SF)
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LANDSCAPE	N/A	N/A	259,280	197,040		-62,240
PAVING))	N/A	N/A	80,380 SF	115,670		+35,280
			<b>EXISTING</b>	<b>PROPOSED</b>		
PARKING	<b>N/A</b>	<b>N/A</b>	<b>214<sup>3</sup> SPACES</b>	<b>285 SPACES (+5 w/stacked parking)</b>		+76

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

~~Hahn Hall (formerly Abravanel Hall (the main recital hall) would be was reconstructed, featuring raked, fixed seating with a maximum permanent seating capacity of 300 plus allowance for an additional 50 removable seats during the summer season only. Under this CUP revision, the fixed seating in Hahn Hall will be increased from 300 to 350 and there will no longer be a need to set up removable seats in the summer. The number of permanent seats in Yzurdiaga Hall (formerly Stewart Hall) shall be decreased from 92 to 42 seats. No more than 300330 of the total 350 seats shall be sold to/used by the public<sup>4</sup>. The hall would have improved acoustics, optimized for chamber music and would remain the indoor venue with the largest seating capacity. The MAW will continue to schedule events off-site that will be attended by more members of the public than the maximum allowed in the replacement hall.~~

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

**[COMPLETED] Parking**

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

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

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

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

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

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

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

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

**[COMPLETED] New Practice Studio Building**

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

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

#### New Storage & Maintenance Buildings

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

#### **Operational Changes**

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

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

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

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

Attendance Limitations

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

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

Venue	Floor Area (SF)	Maximum Allowable Seating Capacity
<u>Hahn Hall (formerly Abravanel Hall)</u>	14,130	350 MAX ( <del>300</del> 350 fixed public seats +50 removable seats - no more than <del>300</del> 330 seats for public use/sale)
Lehmann Hall	1,761	195
<u>Yzurdiaga (formerly Stewart Hall)</u>	972	<u>92</u> 42
Instructional Bldg Lower Level	1,800	171
Instructional Bldg Upper Level	2,700	257
New Practice Studio Building Rooms	N/A	N/A

<p><b>Master Plan Maximum Indoor Seating Capacity with Public Attendance Caps</b>  <del>(330410-Any-Given-Time Public Attendees)</del>  <del>(with 50 removable seats in Abravanel Hall for summer use only)</del></p>		<p><b>330 max public attendees</b>  <del>(Summer &amp; Non-Summer)</del></p>
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Attendance shall be limited through restrictions on the maximum number of members of the public who can be on the Academy campus. Faculty, staff, summer music program students, performers and non-staff attendees at administrative activities on-site (including volunteers) will not be counted toward the proposed maximum attendance limits. Fundraisers shall be subject to the any given time, daily and ~~seasonal~~ annual attendance caps and are not considered administrative functions. ~~The exception to this is the one day fundraiser to be held during the non-summer period, which is not subject to any of the attendance caps.~~

The specific public attendance limitations proposed are as follows:

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

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

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

### **Non-Summer Season**

The proposed typical non-summer attendance limit activities shall include participants at both conservatory activities (musical classes, rehearsals, recitals, recording and concerts, classes and meetings sponsored by the Music Academy related to education in music, meetings related to music not sponsored by the Music Academy), MAW fundraisers, and rental activities (meetings, seminars, and non-profit benefits). ~~The rental activities/special events (seminars, meetings, non-profit benefits and educational programs in the arts<sup>5</sup>) shall only occur during the non-summer season.~~

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

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

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

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

Music Academy administrative activities will remain unchanged under the new permit and are specifically not included within these attendance limits. However, the Academy shall schedule any special administrative activities<sup>7</sup>, such that they shall not occur at the same time as large events on-site. The intent of this is to avoid the combination of event and administrative attendance at levels that would challenge traffic circulation and on-site parking demand or that will create other logistical problems.

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

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

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

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

**Summer Instructional Program**

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

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

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

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

*Summer School:* Instructional activities for the Summer School consist of individual and group instruction, individual and group rehearsals and practice sessions, orchestra rehearsals (no orchestra performances), and other school activities. The ~~150~~175-maximum number of students in the overall summer music program shall not change under the revised CUP. However, up to 50<sup>9</sup> vocal and vocal accompanying students, that have received primary instruction at ~~Cate School~~Westmont College, shall receive all instruction at the Music Academy upon completion of new facilities onsite. Following project implementation, all ~~150~~175 students will receive both lunch and dinner (catered meals, not prepared on-site) at the Music Academy campus. The number of vocal and instrumental students is to be determined by the MAW, but cannot exceed ~~150~~175 total students.

### **Other Music Academy Operations**

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

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

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

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

### **[COMPLETED] Modifications to the Coastal Zoning Ordinance Standards**

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

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

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

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

### **[COMPLETED] Project Phasing**

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

#### **~~Anticipated Phase 1a~~**

- ~~• Miraflores Restoration/Remodel~~

#### **~~Anticipated Phase 1b~~**

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

#### **~~Anticipated Phase 2~~**

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

#### **~~Anticipate Phase 3~~**

- ~~▪ Reconstruction of Abravanel Hall~~

**[COMPLETED] Grading**

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

**Grading/Phasing Calculations**

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

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

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

**Utilities and Services**

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

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

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

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

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

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

## Conditions Derived from EIR Mitigation Measures

### Aesthetics

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

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

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

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

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

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

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

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

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

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

- a. ~~The plans shall include existing mature trees, perimeter shrubs and historic gardens that are proposed to remain as well as new plantings identified in the landscape plan. The Music Academy shall include in its landscape plan the installation and maintenance of irrigation for the hedge along the northerly boundary of the Music Academy property which abuts 87 Butterfly Lane, which installation shall occur concurrently with the planting and irrigation of trees along the northerly perimeter of the site abutting 87 Butterfly Lane pursuant to Condition No. 14. Normal maintenance activities are expected, however, tree maintenance trimming should not exceed that explicitly recommended for tree health by the arborist and vegetation modification for fire fuel management purposes should not exceed that explicitly required by the MFPD<sup>10</sup>, as these activities also reduce vegetative screening of the site. This should be noted on the landscape plan as well as in contracts for any landscape maintenance, tree service work, or related work on site.~~

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

- ~~b. An attractive, hardy, drought resistant vine should be planted to screen all portions of the proposed storage and maintenance buildings, which would be visible from Hwy 101. This vine treatment shall also be considered for portions of all new structures in the Master Plan that would be visible from off site (subject to MBAR review and approval), at least until other proposed landscaping reaches sufficient height to provide screening for these buildings (and taking into account proposed regular pruning and trimming of the eucalyptus windrow along the northern property line).~~
- ~~c. Screening landscaping shall be incorporated along the northern property line and the northern portion of the western property line and additional parking lot trees shall be added (with the goal in the parking lot area of accomplishing 50% canopy cover in 10-12 years) to provide screening from the north, to minimize the effects of night lighting in the parking area, as well as to break up the expanse of parking area as viewed from the historic property interior.~~
- ~~d. Clinging vines and/or vertical planting shall be provided on trash enclosure walls and any other masonry walls where appropriate, as determined by MBAR and P&D, to soften the visual effects of the structures and to discourage the occurrence of graffiti.~~
- ~~e. A six foot wall or fence shall be installed along the eastern property line, between the northeast corner and the exit driveway, to provide visual screening and so avoid land use conflicts (e.g., vehicle headlights in the new parking area shining onto the residential properties to the east).~~
- ~~f. The largest feasible size of replacement plantings (for trees, shrubs: 15 gallon minimum, but also using 24 inch+ box sizes) and/or fast growing plants from the landscape plan palette shall be incorporated into the landscape plan where screening or immediate visual effect are at issue. This may include, but would not be limited to, inclusion of vines on structures that would be visible from off site and specific (new) tree locations where the short term screening<sup>11</sup> is more critical than long term growth due to other existing and proposed plantings in the immediate area (e.g. loss of windrow eucalyptus and need for immediate replacement for screening).~~
- ~~g. The final landscape plan shall augment landscaping near the proposed emergency access on Fairway to minimize views into the site.~~

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

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

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

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

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

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

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

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

## Air Quality

9. ~~**[COMPLETED]** If any portion of the project site is graded and left undeveloped for over 30 days, the applicant shall employ the following methods immediately to inhibit dust generation:~~
  - a) ~~seeding and watering to revegetate graded areas; and/or~~
  - b) ~~spreading of soil binders; and/or~~
  - c) ~~any other methods deemed appropriate by the Air Pollution Control District and/or P&D.~~

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

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

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

~~a) During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust, after each day's activities cease. (Wetting of soil shall be sufficient to minimize dust only and should not be to an extent that soil is washed off the site or into storm drains).~~

~~b) During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever the wind speed exceeds 15 miles per hour.~~

~~c) Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.~~

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

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

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

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

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

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

### Archaeology

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

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

### Biological Resources

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

- ~~proper placement (in relation to structures) may minimize the need for extensive pruning and other maintenance activities. In order to ensure coordination, the applicant shall provide written documentation from Montecito Fire Protection District stating specific requirements for tree trimming in this area following a meeting with the Music Academy and a specialist on monarch butterflies, acceptable to the County. To ensure that habitat enhancement is maximized in this area, vegetation clearance for fire safety shall not exceed the requirements identified by MFPD;~~
- ~~b) Approximately 10 eucalyptus trees or other trees including oaks, sycamores, ironwood bay trees or other trees deemed acceptable by the monarch specialist and P&D shall be planted in front of the existing eucalyptus row, behind (south and east of) Miraflores to provide adequate density;~~
  - ~~c) The slope plantings shall be planted in a manner that will contribute to the creation of a protected circle;~~
  - ~~d) Additional eucalyptus or a combination of sycamores, tall coast live oak trees or other tall trees identified in b) above shall be incorporated to increase the density of trees in this area;~~
  - ~~e) Trimming of trees and shrubs near Miraflores to allow ocean views shall be prohibited, given this area's designation as a butterfly enhancement area. Trimming in this area would run counter to this goal. Trimming shall only be allowed to address mandatory Fire District requirements and/or to address imminent health threats to the trees (as identified by an arborist report). In the unlikely event that trees must be substantially trimmed or removed to address imminent health threats (e.g., concern that the tree likely to fall on the structure), replacement trees shall be planted;~~
  - ~~f) The enhancement area shall be planted in a manner which provides for a perimeter of dense, tall trees;~~
  - ~~g) Some of the new trees in the enhancement area (5-10% of total trees in this area, or as determined appropriate by P&D biologist) shall be larger, 24-inch box trees that have been shaped for height to accelerate immediate replacement of foraging and nesting habitat on-site for smaller bird species and roosting habitat for monarch butterflies. It is understood that the majority of trees planted would be from smaller containers, which provide benefits over the long term. The restoration plan shall specify the type and size of trees to be planted, taking into account the proposed planting location and species;~~
  - ~~h) Where space permits, the landscape plan shall be modified (and expanded in area) to include more clusters or groves of native plantings to enhance their habitat value. This is particularly applicable on the slope areas south and east of Miraflores, where there~~

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

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

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

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

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

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

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

- ~~simply listed for the canopy area). The critical root zones of trees located within 50 feet of construction activities shall be determined by an arborist and indicated on plans. The existing tree disposition plan shall be updated accordingly.~~
- ~~b) Construction envelopes shall be designated (fenced or otherwise clearly demarked in the field) to clarify the boundaries of the development area and to avoid damage to protected trees<sup>12</sup> and other vegetation on site. All ground disturbances including grading for buildings, access ways, easements, subsurface grading, sewage disposal and well placement shall be prohibited outside construction envelopes.~~
- ~~c) Equipment storage and staging areas shall be designated on approved grading and building plans, preferably within existing paved areas of the site (but outside of the easement along the exit drive) to avoid damage to protected trees. Special consideration shall be given to proposed construction access for trucks using the UPRR right of way with regard to protection of the eucalyptus trees.~~
- ~~d) Paving shall be pervious material wherever possible (e.g., gravel, brick without mortar) where access roads or driveways would be extended to encroach within the critical root zones of protected trees, except where roots will already be cut for project development and would be unlikely to grow back into these areas (e.g., the northern parking lot) as determined by the arborist.~~
- ~~e) Permanent tree wells or retaining walls to protect trees in proximity to grading work, new fill material, or changes in drainage shall be specified on approved plans and shall be installed prior to approval of Coastal Development Permits for project grading/construction activities. A P&D qualified arborist or biologist shall oversee such installation.~~
- ~~f) Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding. These plans shall be subject to review and approval by P&D or a P&D qualified biologist/arborist.~~
- ~~g) All utilities shall be placed in construction envelopes or within or directly adjacent to roadways and driveways or in a designated utility corridor in order to minimize impacts to trees.~~
- ~~h) All access improvements (e.g., along the allee, northern parking area, new service turn-out, etc.) shall minimize tree removal to the maximum extent possible. If a new return lane to Fairway is ever added pursuant to direction at MPC compliance hearings (to address CTRP), this lane would have specifically limited use (for returning vehicles unrelated to the Music Academy back onto the public road) and,~~

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

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

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

- ~~a). All replacement trees shall be identified as to species, size and location on the final landscape plan. Any performance securities required for installation and maintenance of the replacement trees identified in the proposed landscape plan will be released by P&D after its inspection and approval of such installation. A drip irrigation system with a timer shall be installed. Trees shall be planted prior to occupancy clearance and irrigated and maintained until established (five years). The plantings shall be protected as necessary (e.g., gopher fencing) during the maintenance period.~~
- ~~b). It is acknowledged that the standard tree replacement ratios of 10:1 for native trees and 3:1 for non-native trees cannot be accommodated on-site given the extensive tree removal proposed on-site. However, the landscape plan shall maximize the number of replacement trees to be replanted on-site as well as the size of the replacement trees (only where immediate visual screening is an issue). Non-native trees removed can also be replaced with natives, except in area(s) proposed for restoration for monarch habitat or where specific non-native species have been identified as replacement trees to address specific aesthetic or historic impacts (as identified in the aesthetic and historic resource sections' mitigation measures). If unanticipated damage or loss of trees results from construction activities, these trees shall be replaced at the standard ratios identified above.~~
- ~~c). Tree removal shall be timed to avoid the period of peak breeding activity for birds. Therefore tree removal shall be limited to late July through early February. This condition shall be re-visited in the unexpected event that monarch butterflies return to roosting on-site. If this occurs, the site would need to be carefully monitored to determine the extent to which trees on-site are providing habitat for birds and monarch butterflies and tree removal timing revised accordingly.~~
- ~~d). No grading (any earthwork activities) or development shall occur within the critical root zones of protected<sup>13</sup> trees that occur in the construction area, except as identified in the Board of Supervisors approved plans. Where grading, trenching, or other earthwork activities would occur within the critical root zone (as established by a qualified arborist and indicated on the grading plans), the arborist shall be present during earthwork to determine the best way to accomplish necessary grading, while protecting the health of the tree to the maximum extent feasible.~~

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

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

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

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

~~**Plan Requirements:** Prior to approval of Coastal Development Permit for grading, the applicant shall submit a copy of the tree protection plan to P&D for review and approval. All aspects of the plan shall be implemented as approved. Prior to approval of Coastal Development Permit for grading, the applicant shall successfully file and receipt evidence of posting a performance security which is acceptable to P&D. **Timing:** Timing on each measure shall be stated where applicable; where not otherwise stated, all measures must be in place throughout all grading and construction activities.~~

~~**MONITORING:** Permit Compliance shall conduct site inspections throughout all phases of development to ensure compliance with and evaluate all tree protection and replacement measures. Release of performance security requires Permit Compliance staff signature.~~

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

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

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

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

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

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

### Fire Protection

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

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

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

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

### Historic Resources

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Land Use Compatibility

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

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

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

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

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

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

27. ~~**[COMPLETED]** All construction related vehicles (including construction worker vehicles), equipment, and supplies shall be located within the project site. In addition, waiting trucks (supply delivery trucks, vehicles transporting fill, etc.,) shall wait on-site (and outside the portion of the exit drive which is actually off-site and within an access easement to the MAW<sup>14</sup>), rather than on neighborhood streets. The contractor shall control vehicle traffic through the site (as part of the CTRP) using traffic control personnel at both the entrance and exit gates. In the event that the project gate(s) are closed during construction, contractor shall otherwise control vehicle entry.~~

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

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

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

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

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

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

30. ~~The applicant shall submit a Cut through Traffic Reduction Program (CTRP) to minimize land use compatibility impacts associated with any increased traffic in the surrounding residential neighborhood prior to approval of CDPs for the first phase of grading. The plan shall be implemented prior to occupancy clearance (with the exception of occupying the Miraflores remodel). The plan shall be designed consistent with, but not limited to, the description in the ATE traffic study dated 9/17/03. Some of the components from the ATE study are detailed below and some additional requirements have been added. The components identified below may be modified if it is determined that such modifications would still result in an effective CTRP.~~
- ~~a) Provide a "ticket spitter" before arriving at the fork in the entrance drive, where the driver would receive a ticket and provide signage that indicates that validation of the ticket will be required or a minimum \$10.00 fee will be charged upon exiting the site.~~
  - ~~b) An access card, pass or sensor installed on the windshield to open the gate (rather than punching in a code) shall be issued to Music Academy staff, faculty, for up to 10 student vehicles and others who are regularly on site when the gates are normally closed. There shall be a protocol for either confirming the card holder at the kiosk (through information on the card) or for regularly checking to see which cards have been used and how often (to ensure access cards have not been duplicated or otherwise used improperly). In addition, such access card, pass or sensor shall be valid for no more than 12 months from the date of issue.~~
  - ~~c) Whenever the entrance gates are open, a kiosk on the exit segment shall be manned to collect validated tickets or the exit fee (for non-validated tickets). If cut-through vehicles are found to be cutting through at other times (by following other cars in through the gate or because access cards are being inappropriately reproduced), the kiosk shall be manned during these times of known cut through traffic. A computer system shall be used to track cut through vehicle data for the CTRP.~~
  - ~~d) Others who frequent the site intermittently, but who do not have access cards,~~

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

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

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

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

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

issue verbal warning to associated drivers.

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

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

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

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

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

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

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

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

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

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

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

35. Consistent with historic levels, there shall be no more than five public Saturday events during the summer<sup>15</sup>. **Plan Requirements and Timing:** Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the year's summer calendar.

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

36. Consistent with historic levels, there shall be no Sunday public events during the summer<sup>16</sup>. **Plan Requirements and Timing:** Applicant shall submit annual calendars for the summer program consistent with this requirement to P&D prior to finalizing the summer calendar.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50. All project related parking demand shall be accommodated on the project site<sup>17</sup>. **Plan Requirements and Timing:** This requirement shall be printed on project plans, rental contracts and shall be included on the MAW website associated with activities on-site.

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

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

## Noise

52. ~~**[COMPLETED]** Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:30 p.m., Monday through Friday. Construction vehicles arriving prior to 7:00 a.m. shall not wait on neighborhood streets. In addition, no construction shall occur on State holidays (e.g. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** Signs stating these restrictions shall be provided by the applicant and posted on site at both the Fairway and Butterfly Lane driveways, in a location visible from the street. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.~~

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

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

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

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

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

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

55. All use of amplified sound on-site in indoor locations shall occur with closed windows during periods when amplification is being used. The Music Academy shall provide a telephone number for members of the public to use to communicate with the Academy should amplified sound be audible outside the Music Academy boundaries. Amplified sound in outdoor locations shall be limited to the following:

- a) Location: ~~the "cloistered outdoor courtyard"~~ Zone 1 Anne's Garden, Zone 2/2.5 Holden Encore Society Garden/Presidents Garden, Zone 3/4 Bock Garden/Williams Garden, Zone 5 Kuehn Court, Zone 7 Towbes Court, Zone 9 Lind Patio, and Zone 11 Kinnear Fountain.
- b) Frequency: ~~Two~~ 17 times per year.
- c) Duration: No more than ~~26~~ 6 hours per event.
- d) Level: Shall not be audible outside MAW property boundaries.
- e) Time of Day: ~~Beginning~~ Amplified sound and non-amplified acoustical music associated with SLEs shall begin no earlier than 9:00 a.m. and ~~ending~~ no later than 9:00 p.m.
- f) Limited to the spoken voice.
- g) Compliance with Self-Management Strategies listed under Operational Changes

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

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

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

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

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

## Solid Waste

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

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

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

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

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

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

### Geology/Drainage/Water

59. ~~**[COMPLETED]** The final grading, drainage and erosion control plan(s) shall be designed to minimize grading requirements, minimize erosion, properly convey runoff water across the site to appropriate off-site drainage infrastructure, and filter pollutants and sediment from run-off waters prior to drainage leaving the site. The plan(s) shall include, but not be limited to, the following:~~
- ~~(a) Bio filtration shall be incorporated into the drainage plan wherever feasible, such as in the northern swale and in appropriate landscaped areas<sup>18</sup>. Additional~~

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<sup>18</sup>~~This shall also be incorporated and graphically depicted on the landscape plan.~~

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

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

~~sediment off site. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods.~~

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

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

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

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

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

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

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

62. ~~**[COMPLETED]** Structures shall be designed to earthquake standards of the Uniform Building Code Seismic Zone 4. **Plan Requirements and Timing:** Prior to plan check, the applicant shall submit building plans indicating standards to the satisfaction of Building and Safety Division.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sewer

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

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

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

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

## Traffic

69. Parking demand generated by project activities shall be accommodated within the on-site parking supply (285 passenger vehicle spaces with ability for 5 additional spaces using stacked parking, and two bus spaces, consistent with approved plans). The parking shall be in place prior to any increases in attendance. This parking supply is consistent with application of a conservative parking demand rate of 0.76 spaces/seat<sup>19</sup>, the project would generate demand for 289 spaces.). In order to ensure that project generated parking

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<sup>19</sup> Based on ATE summer afternoon, high attendance event data

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

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

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

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

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

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

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

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

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

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

73. ~~[COMPLETED] The applicant shall prepare and submit a construction traffic plan to the County and the City of Santa Barbara prior to approval of a CDP for grading. The plan shall:~~

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

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

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

74. Project generated parking demand shall be accommodated by on-site parking (285 passenger vehicle spaces, 5 additional stacked parking spaces and two bus spaces). To facilitate on-site parking and avoid project generated parking demand on neighborhood streets, the MAW shall:

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

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

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

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

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

75. The applicant shall deposit funds to cover on-going staff review and compliance efforts. In addition to regular compliance review, this shall also include the cost for staff to attend (unannounced) events on-site periodically<sup>21</sup> and to perform manual counts of attendees at such events for general comparison with applicant submitted monitoring reports regarding attendance. Precise comparison will not be possible for some events (e.g., summer concerts) as some of the attendees will include students and faculty. However, the monitoring data submitted by the MAW will break out the number of public attendees. **Plan Requirements and Timing:** The applicant shall submit necessary funds for long-term compliance with P&D prior to approval of CDPs. The amount shall be determined following review of project plans for CDPs, including, but not limited to, the manner in which the project operations propose to comply with project conditions.

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

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

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

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

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

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

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

### **Project Specific Conditions**

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

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

#### CONDITIONAL USE PERMIT CONDITIONS

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

## COUNTY RULES & REGULATIONS/LEGAL REQUIREMENTS

86. **Rules-02 Effective Date-Appealable to CCC:** This Conditional Use Permit shall become effective upon the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].
87. **Rules-05 Acceptance of Conditions:** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
88. **Rules-23 Processing Fees:** Prior to issuance of Coastal Development Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
89. **Rules-31 Mitigation Monitoring Required:** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:
- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
  - b. Compliance monitoring costs for existing Case No. 02PMC-00000-00306 will continue to be invoiced monthly and may include costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute. Monthly invoices shall be paid by the due date noted on the invoice;
  - c. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.

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

Case #: 21RVP-00000-00109  
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~~**MONITORING:** P&D shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.~~

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

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MAKER\MPC\01 STAFF REPORT\ATTACHMENTS\ATCHB1\_CUP\_21RVP-109.DOC



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

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

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

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

**APPEALS:**

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

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

**PROJECT SPECIFIC CONDITIONS:** See Attachment A.

**ASSOCIATED CASE NUMBERS:** 21RVP-OOOOO-00109

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

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

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

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

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

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

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**Print name**

**Signature**

**Date**

**Coastal Development Permit Approval By:**

\_\_\_\_\_/\_\_\_\_\_  
**Chair, Montecito Planning Commission** **Date**

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

**Planning and Development Department Issuance By:**

\_\_\_\_\_/\_\_\_\_\_  
**Planner** **Date**

## ATTACHMENT A: CONDITIONS OF APPROVAL

### Project Description

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

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

The project description is as follows:

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

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

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

#### Summary of Operational Changes:

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

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

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

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

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

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

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

Hahn Hall (formerly Abravanel Hall)–was reconstructed, featuring raked, fixed seating with a maximum permanent seating capacity of 300 plus allowance for an additional 50 removable seats during the summer season only. Under this CUP revision, the fixed seating in Hahn Hall will be increased from 300 to 350 and there will no longer be a need to set up removable seats in the summer. The number of permanent seats in Yzurdiaga Hall (formerly Stewart Hall) shall be decreased from 92 to 42 seats. No more than 330 of the total 350 seats shall be sold to/used by the public<sup>1</sup>. The MAW will continue to schedule events off-site that will be attended by more members of the public than the maximum allowed in the hall.

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

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

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

## Operational Changes

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

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

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

#### Attendance Limitations

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

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

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

The specific public attendance limitations proposed are as follows:

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

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

### **Non-Summer Season**

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

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

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

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

Music Academy administrative activities will remain unchanged under the new permit and are specifically not included within these attendance limits. However, the Academy shall schedule any special administrative activities<sup>3</sup>, such that they shall not occur at the same time as large events on-site. The intent of this is to avoid the combination of event and administrative attendance at levels that would challenge traffic circulation and on-site parking demand or that will create other logistical problems.

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

The attendance maximums shall not include up to 89 staff/faculty (including all conservatory, administrative, maintenance, service and other staff), up to 175 students/performers, or attendees at administrative activities on-site such as MAW board meetings, auxiliary meetings, council dinners, etc. As with the non-summer period, Music Academy administrative activities shall remain unchanged under the new permit and shall not be included within the proposed attendance limits. However any special administrative activities<sup>4</sup>, involving greater numbers of

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

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

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

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

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

### **Summer Instructional Program**

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

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

*Summer School:* Instructional activities for the Summer School consist of individual and group instruction, individual and group rehearsals and practice sessions, orchestra rehearsals (no orchestra performances), and other school activities. The 175-maximum number of students in the overall summer music program shall not change under the revised CUP. However, up to 50<sup>5</sup> vocal and vocal accompanying students, that have received primary instruction at Westmont College, shall receive all instruction at the Music Academy upon completion of new facilities onsite. Following project implementation, all 175 students will receive both lunch and dinner (catered meals, not prepared on-site) at the Music Academy campus. The number of vocal and instrumental students is to be determined by the MAW, but cannot exceed 175 total students.

### **Other Music Academy Operations**

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

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

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

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

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

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

### **Conditions Derived from EIR Mitigation Measures**

#### **Aesthetics**

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

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

**MONITORING:** Permit Compliance shall site inspect to ensure compliance.

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

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

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

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

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

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

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

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

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

b) Hours of operation:

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

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

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

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

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

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

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

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

- 11. Consistent with historic levels, there shall be no more than five public Saturday events during the summer<sup>6</sup>.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Noise

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

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

## Solid Waste

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

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

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

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

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

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

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

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

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

## Traffic

27. Parking demand generated by project activities shall be accommodated within the on-site parking supply (285 passenger vehicle spaces with ability for 5 additional spaces using stacked parking, and two bus spaces, consistent with approved plans). The parking shall be in place prior to any increases in attendance. This parking supply is consistent with application of a conservative parking demand rate of 0.76 spaces/seat<sup>8</sup>, the project would generate demand for 289 spaces.). In order to ensure that project generated parking demand can be accommodated on-site, once the Master Plan is operational, the applicant shall monitor event parking during large events (300 plus attendees) to determine whether parking is indeed adequate to accommodate on-site parking for the proposed any given time maximum public attendance. The parking monitor shall specifically evaluate parking

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<sup>8</sup> Based on ATE summer afternoon, high attendance event data

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Project Specific Conditions**

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

### **Conditions by Issue Area**

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

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

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

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

### **County Rules & Regulations**

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

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

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

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

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

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

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

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

**TO:** Montecito Planning Commissioners

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

**DATE:** March 7, 2023

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

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

**Background:**

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

**Proposed Project:**

The project is a request for a Revised CUP to 90-CP-111 RV01 to allow the following project components associated with the MAW Master Plan<sup>1</sup>:

- Increase the maximum seating capacity in Hahn Hall from 300 permanent seats and 50 temporary seats during the summer to 350 permanent seats year-round. As required under the CUP, 330 seats will continue to be the maximum available to the public and the 20 remaining seats will continue to be used by students, staff, and volunteers.
- Decrease the permanent seats in Yzurdiaga Hall (formerly Stewart Hall) from 92 to 42 seats.
- Increase the maximum any given time public attendance from 330 to 410 people. This will allow more than one public event in a location other than Hahn Hall (350 seats). There will be no change in the daily attendance cap of 900 people.
- Increase the attendance cap for meetings and seminars from 175 to 350 participants per event.
- Eliminate the seasonal caps of “summer” (22,000 people) and “non-summer” (25,000 people) and maintain the existing annual cap of 47,000 people.
- Change reporting requirements from biannual to annual.
- Increase the number of parking spaces available to students from 10 to 20 spaces.
- Increase the instructional student population from 150 to 175 students.
- Increase the total allowances of use of the amplified spoken voice from twice per calendar year to 17 per calendar year.
- Change in use to allow weddings and other special events known as Significant Life Events (SLEs).
  - Examples of SLEs include weddings, memorial services, quinceaneras, birthday and anniversary celebrations, bridal/baby showers and other individual private parties.
  - A maximum of 15 SLEs shall be allowed per year.
  - Reception attendance related to each SLE shall be limited to 225<sup>2</sup>.
  - Parking shall be limited to the MAW parking lots.
  - Amplified music shall be limited to indoor locations in Lehmann Hall or Weinman Hall and shall commence no earlier than 4:30 PM and end no later than 10:00 PM.
  - Outdoor amplified sound for SLEs shall be limited to spoken voice.
  - SLEs may take place in any appropriately-sized indoor space, with the exception of Hahn Hall. Outdoor amplified spoken voice and unamplified/acoustic music shall be limited to the following areas: Zone 1 Anne’s Garden, Zone 2/2.5 Holden Encore Society Garden/Presidents Garden, Zone 3/4 Bock Garden/Williams Garden, Zone 5 Kuehn Court, Zone 7 Towbes Court, Zone 9 Lind Patio, and Zone 11 Kinnear Fountain.
  - The following tools for self-management of sound levels shall be implemented for SLEs with outdoor amplified spoken word and/or unamplified/acoustic music shall be consistent with the proposed self-management recommendations outlined below:

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

<sup>2</sup> Based on the maximum standing capacity of 233 at Lehmann Hall.

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

**Project Impact Analysis:**

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

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

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

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

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

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

The completed structures are:

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

Structures approved, but will not be constructed:

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

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

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

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

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

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

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

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

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

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

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

- ~~c) Whenever the entrance gates are open, a kiosk on the exit segment shall be manned to collect validated tickets or the exit fee (for non-validated tickets). If cut-through vehicles are found to be cutting through at other times (by following other cars in through the gate or because access cards are being inappropriately reproduced), the kiosk shall be manned during these times of known cut-through traffic. A computer system shall be used to track cut-through vehicle data for the CTRP.~~
- ~~d) Others who frequent the site intermittently, but who do not have access cards, would access the site by using an intercom system at the entrance, (like the existing system), to contact administrative personnel, the caretaker, etc. to allow entry.~~
- ~~e) If the CTRP is not found to be successful in substantially reducing cut-through traffic, the MPC shall consider the need for and specific modifications to improve the program's effectiveness (as necessary) at their regular compliance hearing(s). The MPC shall determine the need to implement modifications to the program, including, but not limited to the options identified below:
  - ~~i) Increasing the times and times of day when the kiosk is manned;~~
  - ~~ii) Increasing the fee to \$20.00 or more for cut-through vehicles;~~
  - ~~iii) Adding a manned presence (second kiosk) at the entrance near the ticket spitter;~~
  - ~~iv) A narrow, chip-sealed CTRP return lane shall be installed between the existing entrance road and the reflection pool garden. A kiosk shall be placed prior to the fork in the entrance road. There shall be a mechanical arm or gate on the access road continuing north past the kiosk to allow kiosk personnel to stop cut-through vehicles and turn them back to Fairway using the return lane. There shall also be two mechanical arms or gates, controlled by kiosk personnel, installed at both ends of the return lane to: 1) keep vehicles parked in the allee from using the return lane as an exit back to Fairway and 2) keep vehicles from trying to enter this lane from Fairway when the entrance gates are closed.~~
  - ~~v.) One of the other access options;~~
  - ~~vi.) Any other measure determined to be appropriate, including the modification of permitted attendance levels. The MPC shall determine the need for and type of modifications to the program at their compliance hearing(s).~~~~
- ~~f) The plan shall include a recommended protocol for determining the effectiveness of the CTRP;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40. The primary use of the catering kitchen and dining facilities shall be to provide lunch and dinner to summer music students, faculty, and staff. The secondary use of these facilities shall be for the use of non-summer staff to heat up (microwave) and refrigerate their lunches and for use by caterer for rental activities in non-summer. Therefore, the kitchen and dining facilities shall be limited as follows:
- a) ~~The facilities shall not be available to resale shops customers.~~
  - b)a) The facilities shall not be open as a snack bar or restaurant for the public or for public on-site for non-event activities or non-catered events/activities, such as musical instruction or other lessons, or rehearsals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55. All use of amplified sound on-site in indoor locations shall occur with closed windows during periods when amplification is being used. The Music Academy shall provide a telephone number for members of the public to use to communicate with the Academy should amplified sound be audible outside the Music Academy boundaries. Amplified sound in outdoor locations shall be limited to the following:

- a) Location: ~~the "cloistered outdoor courtyard"~~ Zone 1 Anne's Garden, Zone 2/2.5 Holden Encore Society Garden/Presidents Garden, Zone 3/4 Bock Garden/Williams Garden, Zone 5 Kuehn Court, Zone 7 Towbes Court, Zone 9 Lind Patio, and Zone 11 Kinnear Fountain.
- b) Frequency: ~~Two~~ 17 times per year.
- c) Duration: No more than ~~26~~ hours per event.
- d) Level: Shall not be audible outside MAW property boundaries.
- e) Time of Day: Beginning no earlier than 9:00 a.m. and ending no later than 9:00 p.m.
- f) Limited to the spoken voice.
- g) Compliance with Self-Management Strategies listed under Operational Changes in Condition #1 (based on recommendations found in September 2021 Acoustics Analysis by 45dB Acoustics).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Findings:**

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

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

ATTACHMENTS

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

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

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

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

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

Owner/Applicant

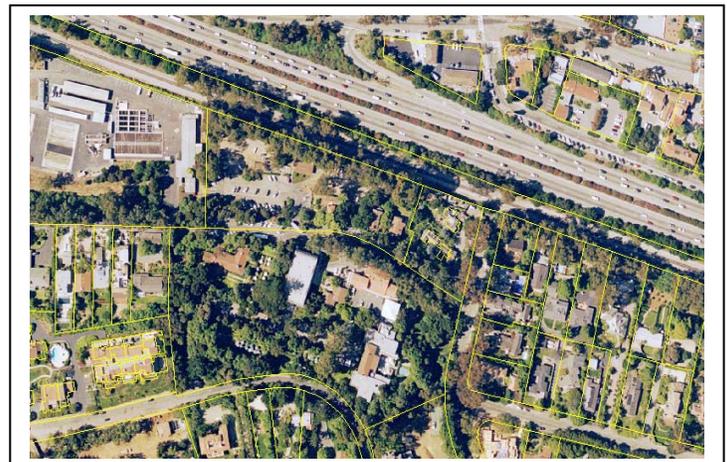
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Assessor Parcel Numbers 9-282-029, 030. The project site is located immediately south of the Union Pacific Railroad tracks and Highway 101, between Butterfly Lane and the Montecito Sanitary District facilities, commonly known as 1070 Fairway Road (also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

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

## 1.0 REQUEST

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

## **2.0 RECOMMENDATION AND PROCEDURES**

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

## **3.0 JURISDICTION**

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

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

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

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

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

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

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

## 4.0 ISSUE SUMMARY

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

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

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

## 5.0 PROJECT INFORMATION

### 5.1 Effectiveness of the Interim CTRP

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

#### Components of the Interim CTRP

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

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

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

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

#### Non-Summer Program

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

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

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

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

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

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

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

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

### **Effectiveness of the Interim CTRP**

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

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

**Table 1  
Cut-Through Traffic Data**

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

**Note:**

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

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

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

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

**Notes:**

**\*No counts completed in 2002.**

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

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

## **5.2 Proposed Phase 1 CTRP**

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

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

### **Components of the Phase 1 CTRP**

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

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

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

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

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

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

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

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

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

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

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

## **7.0 APPEALS PROCEDURE**

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



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March 24, 2009

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

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

### **Cut Through Surveys**

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

**Table 1**  
**MAW Cut-Through Data**

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

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

**Driveway Counts**

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

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

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

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

**Parking Surveys**

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

**Table 3  
Parking Demands -2008 MAW Summer Program**

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

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

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

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

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

Associated Transportation Engineers

Scott A. Schell, AICP, PTP  
Principal Transportation Planner

SAS/MMF

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

cc: Monisha Adnani

ATTACHMENT D

**PLANNING and DEVELOPMENT**

**FINAL  
ENVIRONMENTAL IMPACT REPORT  
03-EIR-06**

**FOR THE**

**MUSIC ACADEMY OF THE WEST MASTER PLAN  
REVISED CONDITIONAL USE PERMIT**

**90-CP-111 RV01**

**November 2003**

**Prepared by:  
County of Santa Barbara  
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(805) 962-0030, 568-2000**

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- J. Garcia & Associates Raptor Survey Report May 24, 2000
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- L. CFS Engineering Geology Inc. Geologic Hazard Study dated April 1999
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- AA. ATE Traffic Report for Off-Site Parking Lot dated May 22, 2003
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## 1.0 INTRODUCTION

The California Environmental Quality Act (CEQA) requires analysis of environmental impacts which could occur as a result of project development. This environmental document has been prepared pursuant to State CEQA Guidelines Sections 15161 (project EIR) and 15150 (incorporation by reference).

This environmental document, together with the documents incorporated by reference, is intended to inform the public and decision-makers of the significant environmental effects of the Revised Conditional Use Permit (CUP) for the Music Academy of the West's Master Plan (90-CP-111 RV01) and to identify possible ways to minimize the significant effects. The Montecito Community Plan Program EIR (92-EIR-3) is hereby incorporated by reference, with regard to its discussion of the cumulative effects of buildout of the Montecito area. In addition, the negative declaration prepared for the existing CUP (91-ND-54) is also incorporated by reference. The ND evaluated the impacts associated with the resale shops, the May Madness event, and the leasing of the facilities for weddings, seminars, benefits and other events, which were not explicitly allowed under the permits that existed prior to 90-CP-111, most notably 70-CP-67, as well as construction of a new practice studio building, Claeysens Studio.

As required by CEQA and recent case law, this EIR evaluates the net change in environmental impacts of the Music Academy of the West's current operations, including specifically permitted rental activities under their existing CUP (90-CP-111cz), against the reasonably foreseeable impacts of a Revised CUP for the proposed Master Plan.

The EIR also identifies a number of alternatives to the project that could reduce environmental impacts. The alternatives section includes an analysis of the No Project Alternative, which evaluates reasonably foreseeable impacts that could occur under the existing CUP. Because the existing CUP for the Music Academy lacks restrictions on activities related to a music conservatory, substantially greater attendance and activity levels than have historically been achieved must be considered under a reasonable worst case scenario. With regard to this issue, the existing CUP conditions of approval are included at the end of the EIR Background section for reference.

In response to the Draft EIR analysis and conclusions, the applicant revised the project, incorporating a number of mitigation measures from the Draft EIR and components of the identified Environmentally Superior Alternative, including relocation of the proposed parking structure. The applicant-submitted revisions to the project have been proposed to reduce the project's environmental impacts. The revised project: 1) would not result in new significant impacts, 2) would not increase the severity of previously identified project impacts, 3) are within the range of mitigation and alternatives previously analyzed in the Draft EIR, and/or 4) serve to provide greater clarification regarding the setting and project details. Therefore, recirculation of the EIR under CEQA §15088.5 is not necessary.

Until, recently, the Music Academy of the West was concurrently processing an application with the City of Santa Barbara for a permanent, 100-space, off-site parking lot on a currently undeveloped, ~2.4 acre parcel at 900 Channel Drive (within the City of Santa Barbara's jurisdiction), zoned R-1/SD-3, Residential with a Coastal Overlay. The Music Academy

withdrew their application for this off-site lot on November 13, 2003. The Initial Study and Mitigation Monitoring and Reporting Program prepared by the City of Santa Barbara for the Off-Site Parking Lot are included as an Appendix in the EIR. In addition, the off-site parking lot proposal is still included in two of the EIR alternatives (No Project Alternative with Off-Site Parking Lot and Master Plan with Off-Site Parking Lot Alternative) as aspects of the off-site lot could reduce some environmental impacts.

While CEQA requires that major consideration be given to avoiding environmental impacts, the lead agency and other responsible agencies must balance adverse environmental effects against other public objectives, including economic and social goals, in determining whether and in what manner a project should be approved.

In terms of adequacy, CEQA Section 15151 states:

*An EIR should be prepared with sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.*

This EIR has been prepared in accordance with the environmental review requirements established by CEQA statutes and Guidelines, and in accordance with the County of Santa Barbara CEQA Guidelines, adopted by the Board of Supervisors.

All documents are on file and available for review at Planning and Development, 123 E. Anapamu Street, Santa Barbara, CA.

## 2.0 EXECUTIVE SUMMARY

The proposed project is located in the unincorporated Montecito Planning Area of Santa Barbara County in the First Supervisorial District. The site is an historic estate composed of 9.04 acres which has been used as a music conservatory for over 50 years. The Music Academy of the West currently operates under a Conditional Use Permit that was issued in 1992 (90-CP-111cz). The existing Conditional Use Permit includes restrictions for rental activities/special events. Under this permit activities related to a “music conservatory” are unrestricted other than requirements for parking attendants and off-site parking for larger events (100 and 300 attendees, respectively).

This EIR evaluates the impacts of the proposed Master Plan against the existing physical setting as well as historic activity levels. Baseline activity levels for the currently, unrestricted conservatory related activities are assumed to be the actual, recent activity levels. However, baseline activity levels for special event and rental activities are assumed to be the maximum levels allowed by the existing CUP, even if these levels have not been achieved in the last several years. This is because the current CUP (and 91-ND-54), approved in 1992, evaluated the impacts of these previously un-permitted activities, based on levels that had been achieved at that time. At that time the Music Academy also expected those levels to continue to be achieved in the future (also refer to Appendix A, which details historic attendance levels).

Implementation of the proposed Master Plan would result in both physical and operational changes. A summary of the changes are listed immediately below. The Request/Project Description section, provides an expanded description of these project components.

### Summary of Physical Changes:

- Remove 85 mature trees and plant a minimum of 210 replacement trees;
- Modify the existing landscape components including the entrance allee, garden pathways and courtyards;
- Earthwork necessary to accommodate new structures, circulation and parking. Earthwork would involve 15,170 cubic yards cut, 6,181 cubic yards fill, and 8,989 cubic yards of excess fill to be exported off-site;
- Construct a secondary (emergency) access from Fairway to the motor court in front of Miraflores;
- Widen, re-grade and otherwise modify internal access roads and parking areas;
- Construct a new outdoor dining patio on the east side of the Student Services Building;
- Construct a new 2-level, 217-space parking structure in the northwest corner Use of the temporary gravel parking in this area is proposed to continue until the parking structure is built);
- Alter campus-wide development (excluding the proposed new parking structure<sup>1</sup>) with a net increase of 53,010 square feet of structural development and a net increase in overall building footprints of 15,220 square feet;
- Add 2,790 SF through reconstruction of Abravanel Hall (the primary recital hall)

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<sup>1</sup> The parking structure would total 81,972 SF with both levels and a footprint of 40,986 SF.

- Demolish Wood 1 and Wood 2 Practice Studios, including the employee apartment;
- Construct a new Instructional Building to replace Wood 2;
- Construct a new Practice Studio Building between Abravanel Hall and the new Instructional Building to replace Wood 1;
- Construct a new Student Services Building that would link Miraflores and the new Instructional Building (Note: Although the entire estate has been known as “*Miraflores*” or “*Mira Flores*”, the name has been written as one word in numerous publications since at least the 1920’s. Therefore, Miraflores is used throughout this EIR. In the context of this EIR, the former main residence is referred to as Miraflores).
- Construct a new Maintenance and Storage Building;

Summary of Permit and Operational Changes:

The existing Conditional Use Permit conditions are included in the Background section of the EIR. The applicant is proposing to modify the existing CUP conditions with regard to operations as follows:

- Maintain the 150 student maximum for the summer music program, but provide sufficient practice studio space on-site to allow the up to 50 vocal and collaborative piano students who currently take primary instruction at Cate School to practice with instrumental students exclusively at the Music Academy campus;
- Students would continue to reside at Cate School, but all (up to 150) students would receive lunch and dinner at the proposed new and improved kitchen and dining facilities at the Music Academy. Currently, the summer students have most of their meals at Cate with the approximately 100 instrumental students receiving lunch at the Music Academy. There is no existing indoor dining room at the MAW. Under the Master Plan, a dining room is proposed in the Student Services building and primary outdoor dining would be relocated from the existing portable canvas pavilion between Mira Flores and Wood 2 (summer) or the terrace on the east side of the main house (non-summer) to the new terrace just east and down-slope of the new Student Services Building. (The existing terrace on the east side of Miraflores would remain as well).
- Modify activities specifically regulated by the existing CUP as follows:
  - Add campus attendance limitations on all but administrative activities as follows: Any-given-time (480), Daily (1,170), eight-week Summer Season (29,245) and 44-week Non-Summer Season (27,866) for an Annual Attendance Maximum of 57,291. The limitations would not apply to staff, faculty, other employees, summer music students, other performers, or people attending or performing administrative functions (e.g., volunteers);
  - Eliminate the allowance for unlimited activities related to a music conservatory;
  - Eliminate the allowance for weddings on-site;
  - Eliminate specific attendance and frequency restrictions for educational programs in the arts and instead have these activities subject to the proposal for campus-wide any-given-time, daily, and non-summer season limitations;

- Combine the allowances for conferences/seminars and non-profit benefits, *taken together*, to a total of 41 events, with revised attendance limits for these activities, consistent with the proposal for campus-wide any-given-time, daily, and non-summer season limitations;
- Allow for modification to the Zoning Ordinance required number of on-site parking spaces with a proposal to provide 332 spaces (339 with stacked staff parking behind the Rack & Treasure House) rather than the 352 required in the Parking Regulations;
- Allow for modification to the Zoning Ordinance height limitation of 25 feet for the renovated Abravanel Hall (maintain existing height, 28.5 feet) and the new instructional building, which would be 29 feet in height based on the County’s methodology for measuring maximum height (average height of roof, excluding architectural projections);
- Allow for limited use of outdoor amplification, for a hand-held portable microphone for the spoken voice;
- Allow for two, 1-day fundraisers rather than the one, 2-day fundraiser currently allowed (May Madness);
- Extend the hours of operation of the resale shops from an existing closing time of 4:00 to 5:30;
- Revise Condition #10 to require two parking attendants (rather than the currently required one attendant) for all events involving 100 or more participants. In addition, revise this condition to eliminate the requirements for overflow parking and shuttle service upon completion of the proposed parking structure.

Access to the site would be via driveways on Fairway Road (also known as “The Fairway”) and Butterfly Lane. Pursuant to the existing Conditional Use Permit, Fairway Road is the primary entrance driveway and Butterfly Lane is the sole exit driveway. Buses and delivery trucks use the Butterfly Lane driveway for both ingress and egress.

Potential environmental impacts are discussed fully within the body of the document. Class I impacts are significant and unavoidable, Class II impacts are those significant impacts that can be mitigated to less than significant levels, Class III impacts are impacts found to be adverse, but not significant, and Class IV impacts are beneficial impacts.

For this project, potential Class I impacts include those associated with temporary aesthetic impacts during the construction phase. Class II impacts would occur in the following areas: aesthetics/visual resources, archaeological resources, biological resources, grading/drainage, fire protection, land use compatibility, noise, solid waste generation, transportation/circulation, and water quality.

Several alternatives to the proposed project were considered. These include:

- No Project
- No Project with Off-Site Parking Lot
- Proposed Master Plan with Only Surface Parking On-site/Off-Site Parking Lot
- Residential On-Site (12 Units)/Relocation of Music Conservatory to Off-Site
- Residential On-Site (90 Units- Extend Adjacent DR-10 Zoning)/Relocation of Music Conservatory to Off-Site
- Residential On-Site (Assisted Living Facility)/Relocation of Music Conservatory to Off-Site
- Project Redesign I
- Project Redesign II Plus Relocate Large Events (300+ Attendees) Off-Site
- Other Off-Site Alternatives
- Environmentally Superior Alternative Discussion

The second and third alternative address the applicant's recently withdrawn application with the City of Santa Barbara for a permanent, 100 space, off-site parking lot at 900 Channel Drive (APN 017-393-002, -003). In addition to analysis of this parking lot in the alternatives analysis, the City of Santa Barbara Initial Study and Mitigation Monitoring and Reporting Program for the off-site parking lot request are included in the EIR appendices.

Insert Operations Summary Page Here

**TABLE 1**  
**SUMMARY OF PROJECT ENVIRONMENTAL IMPACTS AND MITIGATION**  
**MEASURES**  
**MUSIC ACADEMY OF THE WEST REVISED CUP FOR MASTER PLAN**

-----  
**Class I Impacts.** Significant unavoidable adverse impacts for which the decision makers must issue a Statement of Overriding Considerations under Section 15093 of State CEQA Guidelines if the project is approved.  
-----

*IMPACT*

1. AESTHETICS/VISUAL RESOURCES (Short to Mid-Term). The following aesthetic impacts would be considered significant and unavoidable in the short to mid-term (until proposed landscaping reaches sufficient height/size to provide screening from off-site public viewing areas, particularly from the north, 10-15 years). The interim aesthetic impacts are associated with the change in views from a predominantly landscaped estate to views of major construction (and later increased structural development), with substantial removal of mature, screening trees, more visible night-lighting and, overall, a more institutional setting. Any unintentional loss of eucalyptus trees in the northern windrow, from natural or project-related causes, would exacerbate this impact in the short-term as these trees are located in the MSD sewer easement and cannot be replanted due to MSD concerns regarding operation and maintenance of the district's main inflow and outflow pipelines. Over the long-term, it is expected that project structures and night-lighting would be substantially, but not totally, screened from off-site viewing areas. - Temporary Class I (long-term Class II).

*MITIGATION MEASURES*

- a. Mitigation measures identified under Class II Aesthetic impacts would serve to partially mitigate the above impacts.

-----  
**Class II Impacts.** Significant environmental impacts that can be feasibly mitigated or avoided for which the decision maker must making "findings" under Section 15091 of State CEQA Guidelines if the project is approved.  
-----

*IMPACT*

1. AESTHETICS/VISUAL RESOURCES.
  - a. Removal of substantial numbers (85+) of mature trees throughout the site, including sky-line trees, and transplanting of 3 additional trees would allow new public views into the site during construction and until screening plantings reach sufficient heights, negatively altering public views of the site.

- a. The project would result in a substantial increase in overall development as well as new structures which are either closer to the perimeter of the property or of much greater size, massing and scale than existing structures on-site.
- b. Night-lighting of new development would potentially spill onto adjacent properties and increase visibility of new development from public viewing areas. Visibility of night-lighting itself would also increase over the existing setting when viewed from off-site.
- c. The upper level of the parking structure and vehicles and their headlights in the upper level would be visible from public viewing areas.
- d. Various project components would contribute to expansion of public views of non-residential uses in the neighborhood.

### *MITIGATION MEASURES*

- a. Compliance with the Tree Protection Plan as identified in the biological resources section. The following shall be added to the Tree Protection Plan to reduce aesthetic impacts: The TPP shall emphasize the protection (and retention, where feasible) of existing trees and shrubs that are critical to screening the property from off-site public viewing areas.
- b. Night-lighting and its intensity should be minimized to the extent feasible during Music Academy activities and night-lighting shall be reduced to the minimum necessary security and safety levels following the close of activities on-site any given day.
- c. Special consideration shall be given to lighting design of the exterior faces of structures (facing public streets) as well as the upper elevations of structures to reduce visibility of night-lighting from off-site and to reflect reduced lighting levels within 30 minutes of the close of evening activities or 10 p.m. on non-performance nights..
- d. Use and approval of earth-tone colors (i.e., colors which blend with surrounding vegetation, soils, rocks, etc.,) and muted colors for structural development, walls, signs, etc., unless otherwise approved by the MBAR based on historical resources considerations.
- e. The landscape plan and tree disposition plan shall be revised to maximize the screening ability of site vegetation and to minimize the timeframe for new landscaping to provide such screening.
- f. Future structures shall not exceed the proposed heights. If there is any discrepancy between the written and graphic representations of height, the lower reference to height shall be used.
- g. The graffiti on the remaining section of the northern wall shall be removed and the wall shall be painted in a color which blends in with the surrounding landscape. The wall shall be maintained graffiti free.
- h. The outdoor patio area shall be removed. The proposed cloistered courtyard yard area

could be used as an alternative outdoor eating area.

*IMPACT*

2. ARCHAEOLOGICAL RESOURCES. It is possible that significant, unknown buried cultural remains could be encountered within the project site during grading

*MITIGATION MEASURES*

- a. In the event that archaeological remains are encountered during grading, work shall be stopped and the applicant shall fund evaluation of the resources encountered and shall implement recommended mitigation, consistent with County Archaeological Guidelines.

*IMPACT*

3. BIOLOGICAL RESOURCES. The project would result in the removal of approximately 85 specimen trees on-site, including, but not limited to, numerous eucalyptus trees which formerly supported roosting areas for monarch butterflies and 10 coast live oaks (3 of which would be transplanted on-site).

*MITIGATION MEASURES*

- a. Implementation of a tree protection and preservation plan, including replacement for trees removed with additional native trees and inclusion of numerous large sized (24 inch box minimum) replacements where appropriate to achieve more immediate screening.
- b. Implementation of a revised Butterfly Enhancement Plan for the area behind Miraflores and the slope above Butterfly Lane.

*IMPACT*

4. FIRE PROTECTION. The project would result in potentially significant fire safety impacts if the proposed Master Plan were developed and implemented in a manner inconsistent with Montecito Fire Protection District requirements for on-site access, circulation, interior and exterior fire suppression, and storage of rummage.

*MITIGATION MEASURES*

- a. The applicant shall prepare a plan acceptable to the Montecito Fire Protection District (MFPD), which specifies the acceptable quantities and types of rummage and/or resale items which can be stored on-site as well as specific locations and duration of storage.
- b. Access, circulation, design, and fire suppression water shall comply with all MFPD requirements. The MFPD shall review and approve final grading and building plans prior to issuance of CDPs.

## *IMPACT*

5. GEOLOGY. The project improvements could be subject to potentially significant impacts associated with ground shaking from potential earthquakes (potential structural impacts). Project implementation and long-term operation could also result in increased erosion, sedimentation and runoff of other degraded runoff water, as a result of grading and construction activities as well as runoff from increased impervious surfaces on-site, including parking areas, throughout the life of the project.

## *MITIGATION MEASURES*

- a. The applicant shall prepare grading, drainage and erosion control plans for review and approval by P&D and the Flood Control District.
- b. Energy dissipaters shall be installed along drainage improvement emptying into the northern swale, which would be used as a bio-filter.
- c. Buildings shall be designed consistent with Uniform Building Code Seismic Zone 4 requirements.
- d. Implementation of bio-filtration and other methods (water quality BMPs) on-site to minimize unfiltered runoff draining from the site to the ocean via storm drains with maintenance provisions for perpetuity.

## *IMPACT*

6. HISTORIC RESOURCES. The project would result in potentially significant impacts to historic structures and the historic designed landscape due to extensive tree removal, alteration of circulation and garden pathway features, modifications to Miraflores, and alterations to views of and within the site.

## *MITIGATION MEASURES*

- a. The following recommendations in the Final Phase 1-2 Historic Resources Study submitted by Lex Palmer (January 7, 2000; Update Letter April 6, 2000) shall be incorporated into the project design:
  - i. Completion of the appropriate California Department of Parks and Recreation's Forms 523 for submission to the UCSB Department of Anthropology's Central Coast Information Center
  - ii. Historic American Building Survey (HABS) documentation consisting of HABS Level II drawings and photographs shall be performed on the Music Academy property to show the spatial relationships between the buildings and existing landscape features; preparation of HABS Level I documentation of Miraflores, history and description of the building, courtyard, and surrounding landscaping;
  - iii. The Miraflores extension shall replicate the original construction techniques, all original configurations, and shall utilize the original window and door hardware. The change must be documented and plans detailing this placed in the Music

Academy archive;

- iv. Preliminary and Final Working drawings, including landscape plans for the project shall be reviewed by a Santa Barbara County approved architectural historian and an expert in historic landscape design to insure compliance with mitigation measures addressing historic resources.
  - v. The character-defining elements of the Miraflores west elevation are the plain wall surfaces, low-massing, fenestration, doorways, and building hardware such as downspouts, door latches and locks. The new construction associated with the student services building link to existing Miraflores shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect, the historic integrity of the property and its environment. The Final Plans should be placed on file with Kurt Heifrich, Curator of die Architectural Drawing Collection, University Art Museum, University of California Santa Barbara, CA 93106 893-5354
- b. The applicant shall contract with an architectural historian (with input, as necessary from an expert in historic landscape design) to ensure that project plans are appropriately revised pursuant to project conditions that address historic resources. The architectural historian (and historic landscape expert) shall be consulted and shall review plan revisions, including but not limited to structural, landscape and commemorative plaque features. The contracted specialists shall also be required to attend at all MBAR, and Historical Landmark Committee meetings.
- c. The new courtyard shall be modified to include replacement trees for those removed. In addition, the alignments of the historic axial path system should be represented by embedding original materials (e.g., random cut stone, cast concrete textured to give the impression that they are stone, brick). New hardscape materials shall follow the historic design wherever possible.
- d. The existing pathway shall be retained across the new secondary access road (near Miraflores) and the plants and shrubs shall be retained on either side of the road. The surface of this emergency access road shall be planted if a surface that can be planted is acceptable to Montecito Fire Protection District. A botanical specialist should monitor cut and compaction activities associated with installation of this emergency access road to avoid/minimize damage to trees.
- e. The landscape plan shall be revised to reduce impacts to the historic designed landscape and to provide offsetting enhancement of altered historic landscape features.
- i. Existing vegetation shall be retained or, if replacement plantings are necessary, new vegetation of a similar character shall be planted that would screen the new construction from the pool/terrace area.
  - ii. The Reflecting Pool Garden shall retain its original design.
  - iii. More sky-line eucalyptus trees shall be included in the landscape plan.
  - iv. The pittosporum hedge along the allee shall be revised to be continuous, (e.g., not open for views into the new “Encore Society Garden.”)
  - v. Perennial flowers #5 should not be planted as a linear feature along the (allee) hedge.
  - vi. The hardscape and landscape design of the central courtyard shall reflect Thiene’s design approach (geometric and axial alignment of features).

- vii. A few rose bushes typical of the period, shall be reintroduced into the garden to partially restore the garden originally conceived by Thiene as a rose garden
- viii. A plaque to both Reginald Johnson and Paul Thiene shall be located on the original Miraflores building and a plaque to Yoch shall be placed in the Don Quixote courtyard (with 1992 redesign noted). An alternative would be a plaque to all three on the entry gate walls on The Fairway. The language and design of the plaques shall be reviewed and approved by an architectural historian acceptable to P&D.
- ix. Skyline trees of a similar character and height should be planted to replace the 36 eucalyptus trees planned for removal (maximum number feasible).
- x. The Encore Society Garden #12, shall be screened from the allee and the Reflecting Pool Garden and path leading to it.
- xi. The newly rendered topiary accents in the Octagon Forecourt shall be removed.
- xii. A qualified historic landscape architect shall review the final plans for the landscape design and monitor the work as it proceeds in order to assure that Thiene's original landscape design is adhered to as closely as possible.

f. All recommendations in the Final Phase 1-2 Historic Resources Study submitted by Lex Palmer (January 7, 2000; Update Letter April 6, 2000) shall be incorporated into the project design (except recommendations addressing raising of Treasure House and The Rack and relocation of the Don Quixote Fountain, as these components are no longer proposed).

g. The applicant shall contract with an architectural historian to ensure that project plans are appropriately revised pursuant to project conditions. The architectural historian shall be consulted and shall review plan revisions and shall also attend all MBAR, and Historical Landmark Committee meetings.

h. The new courtyard shall include replacement trees. In addition, the alignments of the historic axial path system should be represented in the new courtyard by embedding original materials within the hardscape.

i. The existing pathway shall be retained across the new secondary access road. The road surface shall be planted if acceptable to MFPD. A botanical specialist should monitor cut and compaction activities here.

## *IMPACT*

7. LAND USE COMPATIBILITY. The project would result in potentially significant land use compatibility impacts related to the change in views into the site and site development, increased traffic and parking demand during peak traffic periods (both standard and neighborhood peak traffic hours), the proposal to allow limited outdoor amplification, the proposal for increased attendance during the eight-week summer season, the allowance for two, one-day fundraisers instead of one, two-day fundraiser, expanded resale activity from potential increased storage of resale items on-site, the proposed construction and use of a new maintenance/storage building and yard area adjacent to the northeast property line and residential neighbors, the potential for substantially greater use of the larger and improved facilities throughout the site if the proposed attendance limitations were not enforced, use of the proposed outdoor dining patio above Butterfly Lane for up to 150 students, 75 staff/faculty and others as well as

potential for the larger and improved kitchen and indoor/outdoor dining facilities to become a destination separate from Music Academy events similar to the situation experienced at Glen Annie Golf course.

#### *MITIGATION MEASURES*

- a. The developer shall clear the project site of all excess construction debris prior to occupancy clearance for each construction phase.
- b. The proposed outdoor terrace dining area shall be eliminated. Outdoor dining may be permitted in the “cloistered” courtyard.
- c. On-site storage of resale items and rummage shall be limited to The Rack, Treasure House and a portion of the new storage/maintenance building, with the following exceptions: 1) In preparation for May Madness, rummage may be stored on-site one month prior to the sale day and 2) Drop-off items may be stored on-site for up to 5 days, awaiting transport to off-site storage location(s).
- d. A six foot wall shall be constructed along the property line behind (east side of) the new maintenance/storage building and yard area.
- e. Indoor amplification shall be limited to areas where doors and windows can and shall remain closed.
- f. Once Master Plan operations have been operational, the project shall return to the Montecito Planning Commission for a report on the compliance with project conditions. This hearing shall take place sooner if a sufficient number of complaints received prior to this time period necessitates an earlier hearing (at the discretion of the Director of P&D). If the Master Plan is implemented over a number of years, more than one hearing may be appropriate as determined by P&D. The Planning Commission shall specifically consider compliance with proposed attendance limitations along with consideration of the effectiveness of and compliance with all other project conditions. Project conditions may be modified or new conditions added to ensure or improve upon effectiveness and/or compliance.
- g. Subject to the discretion of the Director of P&D, if P&D receives serious land use compatibility or compliance with conditions complaints (e.g., substantially greater attendance on-site, substantial overflow parking onto neighborhood streets, substantial increases in activities not subject to attendance caps that generate significant land use impacts, etc.), the project may be returned to the Planning Commission to determine whether the project is in compliance with project conditions of approval and/or whether project conditions should be modified to address substantial neighborhood compatibility issues. The applicant shall be required to fund staff time and any specific evaluations necessary to bring the project forward for the Planning Commission (or Director of P&D). consideration. Refusal to fund work necessary to return to the Planning Commission would be considered a violation of the CUP.
- h. The applicant shall implement a Cut-through Traffic Reduction Program to minimize land use compatibility impacts associated with any increased traffic in the surrounding

residential neighborhood. The plan shall be based on the plan option which includes a separate return lane onto Fairway Road. The return lane shall be controlled in a manner which ensures that it cannot be used as an alternate exit for Music Academy related vehicles (metal arm controlled by kiosk personnel). A kiosk near the fork in the driveway shall be manned when the entrance gate is opened and when the resale shops are open. Protocol shall be proposed for operation of the entrance gate, when it is not open and kiosk personnel are not present.

- i. The MAW shall be required to provide monitoring reports twice annually.
  - a) Monitoring shall cover individual event attendance, daily attendance, and seasonal attendance. Attendees shall include all regular guests as well as any students, faculty, staff, or other employees who are not performing or working at the event.
  - b) The monitoring shall include a specific break down of seminars, conferences, non-profit events, educational programs in the arts and conservatory activities.
  - c) The monitoring shall include the results of the periodic monitoring of parking required to determine adequacy of on-site parking in meeting project demand.
- j. Subject to the discretion of the Director of P&D, if P&D receives serious land use compatibility or compliance with conditions complaints, the project may be returned to the Planning Commission to determine whether the project is in compliance with project conditions of approval and/or whether project conditions should be modified to address substantial neighborhood compatibility issues.

Mitigation measures identified in several other EIR sections would also be required to address land use impacts. These include mitigation measures in the aesthetics, air quality, biological resources, historic resources, noise, and traffic sections.

8. NOISE. The project would result in potentially significant impacts from short-term construction noise, use of outdoor amplification, and potential exposure to excessive interior noise levels in new structures.

#### *MITIGATION MEASURES*

- a. The applicant shall minimize noise impacts during construction period by limiting hours of loud activities and minimizing noise from stationary construction equipment.
- b. Outdoor amplification shall be limited as to location, duration, time of day, volume, and frequency.
- c. Return to Planning Commission at the discretion of the Director of P&D if there are substantial complaints regarding noise from outdoor amplification of the spoken voice.
- d. Construction routes shall be limited to those shown on the proposed construction route plan. Trucks used to export excess fill material shall be routed along the railroad right-of-way to Channel Drive and Highway 101, unless such access is not granted by UPRR. This same route shall be used when entering the site. The applicant shall provide all adjacent

property owners with a construction activity schedule and construction routes 10 days in advance of construction activities.

e. Use of amplified sound on-site shall be limited as follows:

- i. Location: the “cloistered” outdoor courtyard;
- ii. Frequency: four times per year;
- iii. Duration: not more than four hours per event;
- iv. Level: not to exceed 65 dBA at the Music Academy property line;
- v. Time of Day: Beginning no earlier than 9:00 am and ending no later than 9:00 pm.

f. In order to facilitate enforcement of this condition, the Music Academy shall purchase a device which can accurately measure ambient noise levels. This device shall be available on-site and shall be used at each event to ensure maximum noise levels are not exceeded at the property line. The Music Academy shall designate one or more employees to train in the use of the device. At least one noise measurement shall be taken and recorded at the beginning of each event involving outdoor amplification and amplification volume(s) shall be reduced if

#### *IMPACT*

9. PUBLIC FACILITIES (WATER, SEWER). The project would result in potentially significant impacts to water quality due to increased impervious surfaces on-site and potential for degraded water quality from runoff of construction related rinse water or unfiltered storm water runoff. The project would result in potentially significant impacts to existing sewer infrastructure. The project would contribute cumulatively to generation of increased solid waste going to area landfills.

#### *MITIGATION MEASURES*

In addition to the measures below, measures identified in the Geology section would also be required to reduce water quality impacts.

- a. Construction related wash-off areas shall be designated to ensure polluted waters do not runoff into storm drains and the ocean.
- b. Plans shall be reviewed and approved by Montecito Sanitary District and the City of Santa Barbara to ensure grading, construction and long-term use of new development would not impact sewer lines in the northern sewer easement.
- c. The existing Solid Waste Management Plan shall be updated and revised to address the proposed project.

10. TRAFFIC. The project would result in potentially significant impacts related to parking, project specific impacts at the Cabrillo Boulevard/Highway interchange (including short-term construction impacts from the need to transport ~10,000 cubic yards of excess fill material off-site), and cumulative impacts at Cabrillo/Highway 101 interchange and the Cabrillo/Los Patos/Channel Cabrillo Boulevard intersection. Project related construction traffic would also

generate short-term potentially significant impacts at the Los Patos/Cabrillo/Channel intersection and the Hot Springs/Cabrillo/Highway 101 ramps intersection.

### *MITIGATION MEASURES*

- a. In order to accommodate maximum attendance day-time events/activities, maximum allowed attendance shall be reduced during peak parking periods. Therefore, the following shall be implemented to ensure that project-generated parking demand would not overflow onto neighborhood streets:
  - i. During the months of June, July and August and on weekends throughout the year, the maximum any-given-time attendance limitation shall be reduced to 450 attendees between the hours of 11:00 am and 5:00 pm;
  - ii. If more than 450 attendees are proposed during the time periods identified in a) above, additional parking spaces for day-time activities/events shall be provided at an pre-approved off-site location, pursuant to the requirements of condition #2 below;

The applicant shall also fund preparation of periodic surveys of the total number of vehicles associated with large events on-site and where they park. The surveys shall be performed by professionals experienced in collection of traffic data. Project conditions, which affect parking, may be modified based on the results of these surveys. Given the potential ramifications of the survey results and to avoid any perception of conflict of interest, the survey personnel shall be funded by the applicant under contract to the County. The surveys shall account for all cars associated with Music Academy activities, including those associated with students, faculty, other employees, customers and sales people at the resale shops, and others attending administrative activities on-site. Once the Master Plan improvements have been operational for at least one year, the applicant may return to the Planning Commission to request that this requirement be terminated or modified. If the survey data is proposed to be used to eliminate the attendance limitation during peak parking demand periods, survey data shall be available for a continuous daily basis for a period of at least consecutive 10 days during the summer season and for 10 consecutive weekdays during the non-summer period.

- b. If an off-site parking lot is proposed as part of the final Master Plan, the applicant shall identify a location(s) for provision of off-site parking (in combination with a shuttle program) and shall submit an operations plan for the parking lot including shuttle service between the lot and Music Academy campus. The applicant shall submit an easement or agreement with the owner of the off-site parking lot, stating the minimum number of parking space(s) provided. The easement or agreement shall identify the subject parking spaces for the exclusive use of the Music Academy of the West, in order to satisfy the zoning ordinance requirements regarding the provision of parking spaces. This statement may be customized to limit exclusive right to parking spaces to specific time periods (e.g., specific hours, days, months, etc.) consistent with the project description. This easement or agreement shall be subject to the review and approval of P&D and County Counsel, and once approved shall be recorded with the County Recorder's Office.

- i. Until such time as the improvements to the Cabrillo/Los Patos-Channel intersection and the Cabrillo/U.S. 101 interchange/ramps are completed (and found to achieve LOS C with future traffic assumptions), the MAW shall schedule all activities/events involving more than 370 attendees <sup>2</sup>outside of the peak hour period of 4:00-6:00 p.m. Attendees shall include all regular guests as well as any students, faculty, staff, or other employees who are present in the capacity of audience members (e.g., seated, not performing or working at the event).
- c. The applicant shall contribute \$27,200.00 (the project's proportional share of a \$200,000.00 round-about, assuming the project would contribute 13.6% or 30 PHT out of 220 cumulative PHT to the intersection) to design and implement the necessary improvements at the Los Patos/Cabrillo Boulevard/Channel Drive intersection. If a round-about is not determined to be the appropriate method for addressing cumulative traffic, then these funds would go toward alternate City approved mitigation for this intersection.
- d. The applicant shall contribute funds representing the project's proportional share of the approved improvement at Hot Springs/Cabrillo/Highway 101 ramps, assuming the project would contribute 9.8% or 22 PHT out of 224 cumulative PHT to the intersection) to implement the planned improvements at this intersection. This contribution shall only be required if the applicant no longer wishes to limit attendance to baseline levels (370 attendees) for events that would generate vehicle trips from 4:00-6:00 pm and if the following conditions have not been met: the anticipated (currently funded and scheduled) improvements to the intersection have not been completed by either the anticipated funding source or the alternative fees required of the Fess Parker Hotel project
- e. The applicant shall prepare and submit a construction traffic plan to the County and the City of Santa Barbara prior to approval of a CDP for grading. The plan shall:
  - i. Designate a construction traffic coordinator;
  - ii. Identify the truck routes, which minimize effects on pedestrians and bicyclists and nuisance to neighbors. This shall include use of the UPRR right of way for all possible construction vehicles, unless approval for use of this right-of-way is not granted by UPRR or MSD;
  - iii. Require prompt clean up of dirt/other debris spilled from construction vehicles on neighborhood streets. Dry-cleaning methods shall be preferred to avoid flushing dirt and pollutants into the storm water system.
  - iv. Vehicles transporting excess fill from the project site shall avoid the p.m. peak hour period (4:00-6:00 p.m.) to minimize impacts on the Cabrillo/Hot Springs/Highway 101 intersection.
  - v. The applicant shall review the construction traffic plan with the Montecito Association and the MSD and obtain their comments on the plan for inclusion and later submittal to the County.

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<sup>2</sup> The 370 attendee maximum is based on the existing baseline for maximum attendance of 382 attendees minus 7 trips to offset the traffic which could be generated by increased faculty, staff and volunteers at the site (12 guest reduction/1.59 AVO = 7 trip reduction).

- f. The MAW shall deploy an adequate number of parking attendants for the larger events on-site as well as at any off-site lot, as necessary, to ensure that identified parking is maximized (and parking on neighborhood streets is avoided or minimized). An adequate number of attendants shall also be present for events to ensure that entering vehicles are not blocking west-bound traffic on Fairway in front of the Music Academy entrance. Parking attendants shall be responsible for directing vehicles to appropriate parking areas and open spaces and facilitating circulation throughout the site(s). If it is confirmed by P&D that MAW attendees, staff or students are parking on neighborhood streets, the MAW will be required to utilize an increased number of parking attendants and/or any other method determined appropriate by County. This may include return to P/C for changes to CUP conditions, such as a reduction in maximum attendees allowed at any-given-time.
- g. The applicant shall deposit funds to cover on-going staff review and compliance efforts.
- h. If more than 80 staff and performers are present for a maximum capacity non-summer event, staff or performers above this number shall be carpooled or bused to the Academy campus.
- i. The Music Academy shall ensure adequate breaks between the start and end times of events to avoid concurrent demand for available parking. At least 30 minutes shall be scheduled between the start and end times of larger events on-site (e.g., those involving individual or combined attendance of 400 or more).
- j. If parking or other traffic related issues generate substantial problems, at the discretion of the Director of P&D, the applicant shall return to the Planning Commission for a hearing to evaluate compliance with project traffic conditions as well as effectiveness and adequacy of the conditions. The Planning Commission shall specifically consider the adequacy of project parking, compliance with proposed attendance limitations, and success and implementation of the cut-through traffic reduction program. Project conditions may be modified or new conditions added to ensure or improve upon compliance and/or any unanticipated traffic related impacts.

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**CLASS III Impacts.** Adverse impacts found not to be significant.

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1. AIR QUALITY. The proposed project would generate adverse, but less than significant short-term air quality impacts related to short-term grading and construction, including export of substantial excess fill soil (~10,000 cubic yards) from the site. The project would also generate long-term air quality emissions, associated with vehicle trips, in an amount less than those identified in the thresholds of significance.
  2. PUBLIC FACILITIES (SOLID WASTE). The proposed project would result in waste generation of approximately 65 tons/year. This amount is less than the threshold of significance of 196 tons/year.
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CUMULATIVE IMPACTS. These impacts are presented to alert the decision makers to the locally and regionally significant effects of cumulative development. Mitigation of cumulative impacts often requires the adoption of regulations or ordinances rather than the imposition of conditions on a project-by-project basis.

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1. SOLID WASTE. The project contribution to cumulative impacts is considered significant. Participation in area recycling programs would reduce impacts.
  2. TRANSPORTATION/CIRCULATION. The project would contribute to cumulative impacts along area roadways and at intersections. Mitigation including limited attendance at events during the pm peak hour to baseline levels as well as contributing funds to cumulative roadway improvements would reduce the project's contribution to cumulative impacts to less than significant levels.
  3. GEOLOGIC PROCESSES. Cumulative impacts associated with erosion and sedimentation are considered potentially significant. Provision of adequate erosion control would be reduce the project's contribution to cumulative impacts to less than significant levels.
  4. HISTORIC RESOURCES. The project would contribute adversely toward impacts to or loss of historic resources in the area.
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#### BENEFICIAL IMPACTS

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1. Reduction in total annual vehicle trips and reduction in total non-summer season (44-week non-summer season) vehicle trips. There could still be periodic peak traffic periods with greater vehicle trips throughout the year (start and end times for high attendance events), given the proposal for increased physical capacity and any-given-time attendance.
2. The project would create a short-term increase in construction related employment opportunities from drivers of heavy equipment to design professionals.
3. The project would increase sales of various supplies and furnishings for the project benefiting the local economy.
4. The project would provide expanded opportunity for the interested public to attend summer music program musical events and overall increased and improved opportunity for community access to the arts.
5. The project would provide expanded opportunity for access to improved musical facilities and performance venues for students and professional musicians.
6. The project would result in elimination of weddings on the project site, which have been the subject of complaints by neighbors.
7. The project would enhance the overall quality of instruction for young musicians, including those musicians attending the internationally known summer music program. This program is tuition free for participating students.
8. The project would result in construction of new and improved recital hall on-site, benefiting both performers and guests.

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## ALTERNATIVES

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In accordance with CEQA Section 15126(d), a range of reasonable alternatives that are capable of eliminating or reducing project impacts are evaluated as follows:

- 8.1 No Project
- 8.2 No Project with Off-Site Parking Lot Alternative
- 8.3 Master Plan Plus Permanent Off-Site Parking Lot across from the Santa Barbara Cemetery
- 8.4 Residential (12 Units) On-Site/Relocation of Music Conservatory to Off-Site
- 8.4A Increased Housing Units:
- 8.4B Assisted Living Facility:
- 8.5 Project Redesign I
- 8.6 Off-site Location for 300 Attendees / Redesign
- 8.7 Other Off-site Locations:

### 3.0 BACKGROUND

The Music Academy of the West (**MAW**) was first established with the approval of a Conditional Use Permit (**CUP**) in 1951 (51-CP-1). Prior to this, the site was used as a private estate and as part of a country club. 51-CP-1, approved by the Board of Supervisors on April 9, 1951, permitted the establishment of a music conservatory (music academy) on the site. Conditions of approval restricted the number of students living onsite to 25, limited the total number of residents onsite to 50, with a maximum number of 20 people living in the main building, set the maximum number of students attending the school at 75, and required the provision of parking for 100 cars. The 1951 CUP was issued under Ordinance 453, the zoning ordinance in effect for this portion of Montecito from its adoption in February 1930 until the adoption of Article II, the Coastal Zoning Ordinance, in July 1982.

The original approval has been modified several times over the years. Early modifications to the original CUP include, but are not limited to:

1. 62-CP-2: Approval of a practice studio building in 1962;
2. 64-CP-42: Replacement of a practice studio building and acknowledgement that the 75-student maximum was being exceeded (average during the summer of 100 students);
3. 70-CP-67: Approval of a 7200 SF, 300 seat rehearsal hall (Abravanel Hall) in 1971. A letter from the Academy to the Board of Supervisors, dated January 22, 1971, states that "the present full (summer) schedule precludes any increase in present activity" and states that moving concerts and performances currently held at the Lobero Theater to the new auditorium was not contemplated.

A summary of all of the different permits/modifications is provided in Appendix C. The permits approved prior to 90-CUP-111cz (approved in 1992) built upon, but did not replace the preceding permits. These permits provided only for the use of the facility as a music conservatory, with use of the rehearsal hall only for "activities pertinent to music." The resale shops, leasing of the facilities for weddings, seminars, benefits and other events, and the May Madness event were not explicitly allowed under the permits that existed prior to 90-CP-111. A zoning violation for the special events was identified on 10/26/90. These activities were allowed to continue while processing of a new Conditional Use Permit application, 90-CUP-111cz, proceeded. 90-CUP-111cz was approved by the Planning Commission on March 25, 1992.

90-CUP-111cz replaced all previously approved permits. During processing of 90-CUP-111cz, the Academy entered into mediation with the neighbors to establish an acceptable level of use. Many of the neighbors were satisfied with changes to the project description resulting from these discussions. However, some neighbors remained concerned as to the level and nature of use of the Academy. 90-CP-111cz includes specific limitations on non-conservatory uses for the site including activities associated with the resale shops, leasing of the facilities for weddings, seminars, benefits and other events, and the May Madness fundraiser. 90-CP-111cz does not include limitations for conservatory related activities and events, other than the conditions that address parking. For more detail, please refer to the complete conditions of approval for the existing permit, 90-CP-111, at the end of this Background section.

Subsequent to approval of 90-CUP-111cz, the Music Academy processed the following:

1. On April 27, 1994, the Planning Commission approved a final development plan (94-DPF-002) to allow removal of five, 24-inch diameter eucalyptus trees in the northwest portion of the property, pursuant to the requirements of Article II, §35-140.2. The project description for the Development Plan specifies that "These trees pose a hazard to life and property on the Music Academy grounds as documented by a P&D approved arborist." Monarch butterflies roosted in this area in the winter of '90-'91 (during processing of 90-CP-111cz). Based on monitoring performed as a condition of 90-CP-111cz, the numbers of butterflies roosting in these trees declined and were nearly non-existent during the following three roosting seasons ('91-'92, '92-'93, and '93-'94). The scarcity of butterflies was primarily attributed to removal of trees on the adjacent Montecito Sanitary District property to the west. This removal was thought to have significantly altered the characteristics of the northwest Music Academy property where butterflies had been seen roosting in 1991. The monitoring reports identified the following additional factors which likely contributed to the reduction in monarch activity: permitted removal of eucalyptus trees as part of construction of the Claeysens Studio building (90-CP-111cz), loss of eucalyptus within the northwest grove during winter storms, and trimming and mowing within the grove.
2. On December 7, 1994, a hearing was held to consider whether the Music Academy was in compliance with the conditions of approval for 90-CP-111 (per requirement of condition #25 of 90-CUP-111). The Planning Commission found that the Music Academy was in compliance with all conditions of 90-CP-111, based upon the information presented in staff's report dated 11/28/94. With regard to the historic monarch roost and 90-CUP-111 condition #2 (monarch butterfly habitat), the staff report concluded that the area in the northwest corner of the property was no longer used by monarch butterflies based on the results of monitoring reports and determined that the issue of whether to require an open space easement in this area would be addressed in a separate hearing. (For the full text of condition #2, refer to the conditions of approval at the end of this Background section).
3. On May 8, 1995, the Director of P&D approved a request for a Substantial Conformity Determination 90-CP-111 SC01. 90-CP-111 SC01 was a request for the addition of storage space for two buildings: enclosure of an existing patio in the "Harger Brass" Studio, for 800 sq. ft. of additional storage, and construction of an addition to the "The Rack" for 91 sq. ft. of additional storage.
4. On June 9, 1999, the Director of P&D approved a Substantial Conformity Determination 90-CP-111 SC02 to allow installation and temporary use of approximately 14,000 sq. ft. in the northwest corner of the site for a 33-space gravel parking lot with wheel stops. The parking lot was to remain in place for one year (through the end of summer program 1999) and then the gravel and wheel stops would be removed and/or replaced with a permanent (permitted) parking lot or structure. The Music Academy did not implement the temporary parking lot in 1999.

5. On January 31, 2000, the Director of P&D approved a Substantial Conformity Determination, 90-CP-111 SC03 for the same request as SC02 above. Use of the gravel parking lot was approved through the end of the 2001 summer program.
6. In May 2002, a CDP was issued to allow continued use of the temporary parking lot as previously approved.
7. On May 21, 2003, a CDP was issued to allow continued use of the temporary parking lot as previously approved.
8. In 1998, the Music Academy of the West submitted a pre-application for a revision to 90-CUP-111cz. The pre-application materials proposed a project similar to 90-CUP-111 RV01, the project currently under review in this initial study. The pre-application letter dated 7/21/98 anticipated that the Planning Commission would consider the CUP Revision and the issue of whether to require an open space easement (per condition #2 of 90-CP-111cz) together.
9. In response to comments received by neighbors as part of the MAW's neighborhood outreach program, in developing its revised CUP proposal, the MAW modified their CUP proposal and voluntarily implemented some measures onsite to address neighborhood concerns. The initial application for a Revised CUP for the Academy's Master Plan was submitted in June 1999. After further neighborhood meetings in the fall of 2000 and further discussions with P&D in 2001, the MAW proposed more changes to their operations for their revised CUP project description. These revisions and clarifications were received by P&D between February and June 2002. Additional revisions and clarifications were made to the project plans between January and May 2003. These included changes to project plans in response to a review of the plans by the applicant's engineer and arborist in the fall of 2002. Additional traffic studies were also prepared by ATE to address Music Academy proposed reductions to their attendance limits and modified traffic distribution analysis, assuming approval of an off-site parking lot on Channel Drive (currently under by the City of Santa Barbara).

Insert 10 page existing CUP conditions and hand number pages

Planning Commission  
March 25, 1992

SANTA BARBARA COUNTY CONDITIONAL USE PERMIT  
ARTICLE II, CHAPTER 35

CASE NO. 90-CP-111cz

**I A Conditional Use Permit is Hereby Granted:**

**TO:** The Music Academy of the West

**APN:** 009-282-029, -030

**PROJECT ADDRESS:** 1070 The Fairway

**ZONE:** 20-R-1

**AREA/SUPERVISORIAL  
DISTRICT:** Montecito Area, First District

**FOR:** Operation of The Music Academy facilities as a conservatory of music including a summer music school, rehearsals, concerts and musical performances, year round educational programs and administrative functions associated with the Academy's activities. The facility would be rented on a regular basis, not to exceed the limitations described below for the following: educational programs in the arts, weddings, seminars and meetings, special events/benefits for nonprofit organizations. Two resale shops operated by and solely benefiting the Academy would continue to operate onsite. One week-end long event, open to the public and benefiting the Academy would be held each year. An existing caretaker's residence and one apartment would continue to be utilized by Music Academy employees. A 4614 square foot studio practice building with 15 individual practice rooms would be constructed onsite. The project is more fully described under II(1) below. This permit would replace all existing permits.

Attachment A

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

1. This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-1, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the Director of RMD for conformity with this approval. Deviations may require modification to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Use of the existing facilities onsite, including three music studios, a 300 seat auditorium, Miraflores Hall (administrative offices, recital and practice rooms, a kitchen, dining room, and music library), two structures housing shops, a caretaker's residence, and an apartment over a studio building, as well as construction of a 4614 s.f. music practice studio with 15 individual practice rooms, as a music conservatory. Conservatory uses include: 1) the operation of a summer music school with associated classes and concerts, attendance at the summer music school would not exceed 150 students. Classes for approximately 50 of these students would be held off-site; 2) classes and meetings sponsored by the Music Academy related to education in music (e.g. the Academy's afternoon Orff program) or; 3) meetings related to music and for rehearsal, concerts and recitals associated with the Academy and community groups (e.g. Santa Barbara Symphony, S.B. Chamber Music Society, S.B. Music Club, S.B. Youth Symphony, and S.B. Boys Choir); and 4) administrative activities associated with the Academy. No limit on the number of the music-related activities described above is proposed.

Summer session students would be transported to the site via the Butterfly Lane entrance. Members of the public would be directed to the Fairway Road entrance with egress directed to Butterfly Lane. Parking for 164 vehicles would be provided onsite.

One weekend fundraising event, benefiting the Academy, would be held each year. This event would be open to the general public. Two buildings onsite would continue to be utilized as resale shops benefiting the Academy. The shops would be open daily Monday through Saturday, from 1:00 to 4:00 p.m.

The caretaker's residence and the one bedroom apartment would continue to be utilized by Academy employees.

The facility would be rented to generate revenues to support the Music Academy's function as a music conservatory. Rental activities would be limited to the following uses:

- a. Seminars and/or meetings, not to exceed historic levels of 26 per year. Meetings and seminars would end by 10 p.m. Attendance would be limited to a maximum of 175 persons per meeting.
- b. Non-profit benefits conducted by non-profit community organizations. The total number of such events would not exceed 15 annually and would end no later than 10 p.m. Sunday through Thursday and no later than midnight Friday and Saturday. Attendance would be limited to a maximum of 300 persons per event.
- c. No more than 45 weddings per year, limited to a maximum of 150 guests each, ending no later than 8:30 p.m. No amplified music would be permitted. Valet parking would be provided for all events with 100 or more guests.
- d. Educational programs in the arts (defined as those programs not sponsored or directed by the Music Academy as Conservatory uses); no more than five programs would be held in any given week subject to the restriction in Condition #26. The average number of participants for each program would not exceed 15.

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

2. The applicant shall agree to the following measures related to the butterfly habitat:
  - a. No tree trimming, removal, ground disturbance or clearing shall occur in the area identified as butterfly habitat and depicted in Figure 3 of 91-ND-54 without approval of a CDP for these activities and under supervision of a RMD qualified Monarch specialist;
  - b. Installation of concrete parking stops along the northern boundary of the parking lot to prevent vehicles from entering the site, shall occur prior to Coastal Development permit;

c. Prior to issuance of a Coastal Development permit, the applicant shall fund monitoring by an RMD approved biologist of the butterfly habitat for a period of 3 years, commencing with the fall of 1992.

d. At the end of the three year period referred to in 2.c. the Planning Commission shall conduct a public hearing to determine if the site is used as an autumnal or permanent site during any of two of the three years monitored, and to determine if the applicant shall be required to offer to dedicate an open space easement over the area identified in 91-ND-54. This easement shall include the following:

i. A four foot high post and rail fence, boulders no less than 4 feet in diameter, or other barrier acceptable to DER, suitable to preclude vehicular encroachment into the easement area.

ii. Any tree trimming, removal, or replacement shall be done under the direction of a qualified Monarch butterfly specialist and an arborist approved by DER. Irrigation of the trees shall be allowed under the direction of a DER approved arborist to improve the health and vigor of the grove.

iii. All maintenance, grading or construction activities in areas within 100 feet of the open space easement (including parking lots) shall be carried out from April to September to avoid disturbance to the Monarch population.

iv. No adjacent structures or activity shall alter direction or intensity of wind and light entering the eucalyptus grove. No storage of fill materials, parking of cars, paving, or other activities shall occur within the Open Space easement.

v. Provision of an endowment in an amount sufficient to assure annual monitoring of the easement over the life of the easement.

Monitoring: Upon approval by the Board of Supervisors, provisions of the easement and encroachment prevention plans shall be monitored through site inspections and photo documentation by Permit Compliance staff annually.

3. Dust generated by the development activities shall be retained on site and kept to a minimum by following the dust control measures listed below. Reclaimed water shall be used whenever the RMD determines that it is reasonably available.

a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used in sufficient quantities to prevent dust from leaving the site and to create a crust after each day's activities cease.

b. After clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil shall be treated immediately by watering or revegetating or spreading soil binders to prevent wind pick up of the soil until the area is paved or otherwise developed so that dust generation will not occur.

c. 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.

d. The building site shall be treated with seeding or soil binders unless foundation work commences within three weeks after initial grading. All requirements shall be shown on grading and building plans.

e. Trucks transporting soil, sand, cut, or fill materials to or from the site shall be tarped from the point of origin.

Monitoring: RMD shall ensure measures are on grading and building plans. Permit Compliance shall spot check; Grading and Building inspectors shall ensure compliance on-site.

4. The project grading plan designed to minimize erosion shall be submitted for review and approved by DER prior to issuance of the CDP and shall include the following:

a. Graded areas shall be revegetated within three weeks of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. The use of geo-textile binding fabrics may be necessary to hold slope soils until vegetation is established.

b. Temporary storage of construction equipment shall be limited to the existing parking lot area to the north of the music studio.

c. The applicant shall notify Permit Compliance when grading has commenced.

Monitoring: Permit Compliance will photo document revegetation and ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities.

5. Construction activity shall occur only between the hours of 7 a.m. and 4 p.m. Monday through Friday. Non-noise generating construction activities such as interior painting are not subject to these restrictions. Two signs stating these restrictions shall be provided by the applicant and posted on site throughout grading and construction activities.

Monitoring: Building Inspectors and Permit Compliance shall spot check and respond to complaints.

6. Natural building materials and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces of all structures. All such surfaces shall be painted prior to occupancy clearance.

Monitoring: Permit Compliance shall photo document prior to occupancy.

7. The applicant shall petition the County Board of Supervisors to declare "no parking" along The Fairway prior to issuance of the CDP for approved uses.
8. The applicant shall propose a Solid Waste Management Program for review and approval of DER and Solid Waste (Public Works). An agreement requiring the owner to comply with provisions of the program must be submitted to and approved by DER and County Counsel prior to zoning clearance. The owner must comply with all measures of the approved program which shall include one or more, but not be limited to the following measures:

- a. Provision of space and/or bins for storage of recyclable materials within the project site.
- b. Establishment of a recyclable material pickup area.
- c. Development of a plan for accessible collection of materials on a regular basis.
- d. Encourage the use of reusable cups and place settings at weddings and special events held onsite to minimize solid waste generation.

To ensure compliance, prior to zoning clearance the applicant shall develop a recycling program subject to DER and Public Works Solid Waste Management Division review and approval.

Monitoring: Compliance staff will review and approve the monitoring program. Permit Compliance unit shall site inspect as required.

9. Water use shall be limited with a minimum of 2 inches of mulch under all landscaped areas.

10. When performances, weddings, events, seminars/meetings, and/or fundraisers are scheduled which are expected to generate more than 100 participants, a parking attendant shall be present onsite to direct vehicles to onsite parking. When events are scheduled where more than 300 people are expected, offsite overflow parking and, if necessary, shuttle service shall be provided. Advertisements for events open to the public shall include instructions to encourage onsite parking or identify designated overflow parking areas if appropriate.
11. Prior to issuance of a CDP, a parking lot restripping plan shall be submitted to RMD for review and approval. This plan shall provide 164 stripped parking spaces and shall be implemented within 60 days of issuance the CDP for the proposed uses.
12. No amplification of sound shall occur in outdoor areas.
13. The Academy shall maintain attendance records for activities held onsite. The records shall include the date, hours of operation, type of event, and number of persons attending. This information shall be submitted to RMD Permit Compliance staff on a bi-annual basis.
14. If the Planning Commission determines at a noticed public hearing, that the permittee is not in compliance with any one of the conditions of this permit, pursuant to the provisions of Sec. 35-172.10 of Article II of the Santa Barbara County Code, the Planning Commission is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.
15. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a CDP from the Resource Management Department. The CDP is required by ordinance and is necessary to ensure implementation of the conditions required by the Planning Commission. Before a CDP will be issued by the Resource Management Department, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available in the Resource Management Department.
16. Coastal Development Permits required to conduct previously unpermitted uses shall be obtained within six months of the date of this approval. In the event that permits have not been issued at that time, and no request for extensions has been filed, the Conditional Use Permit shall be null and void.

17. Prior to issuance of the CDP for the project, the owner shall file an agreement to comply with the project description and all conditions of approval as described in the final action letter. Forms shall be filed with the Permit Compliance unit and with the property title and are available at the RMD office.
18. Approval of this project is subject to payment of fees as follows:
  - a. Prior to issuance of a CDP the applicant shall pay compliance fees of such amount as may be authorized under ordinance and fee schedules to cover full cost of project monitoring, including costs of outside consultant analysis if deemed necessary by permit compliance staff. The permit compliance fees required shall be determined by the Permit Compliance Staff. The purpose of the fees shall be to ensure that the project development is completed in compliance with all project conditions including those contained in applicable ordinances, and is in accord with the approved site plan. An on-site preconstruction meeting must be held by the developer with permit compliance staff, and other departments as applicable prior to any earth movement. The project applicant shall contact the Permit Compliance Staff within 30 days of project approval to schedule the required preconstruction meeting and monitoring dates. Permit Compliance staff's signature is required for final grading and or occupancy clearance. If professional monitors in specialized fields (e.g. biology, archaeology, botany) are required by the County, the applicant shall pay for said professional services, but the County shall establish and manage the contract with said professional.
  - b. Prior to issuance of a CDP the applicant shall pay all applicable RMD permit processing fees in full.
  - c. Prior to the issuance of a CDP the applicant shall pay all outstanding zoning violation fees.
19. All final conditions of approval (Planning Commission or Board of Supervisors) shall be printed in their entirety as a cover sheet to any construction or building plans submitted to the Building and Development Division of Public Works.
20. In the event of non-compliance with project conditions, the owner shall assume the costs for the County to hire an outside consultant to assess potential damage to resources.
21. 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 attach, set aside, void, or annul, in whole or in part, the County's approval of the CUP. 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.

22. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought in the time period provided for in section 66499.37, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the Planning Commission and no approval shall be issued unless substitute feasible mitigation conditions/measures are imposed.
23. Compliance with Departmental letters:
  - a. Montecito Fire Protection District dated, December 26, 1991
  - b. Environmental Health Services dated, February 24, 1992
  - c. Transportation Division (Public Works) dated, March 4, 1992
  - d. Air Pollution Control District dated, January 22, 1992
24. Any change of use in the proposed building shall be subject to full environmental analysis and discretionary review by the Planning Commission.
25. Two years after the commencement of operations under this Conditional Use Permit, The Resource Management Department shall provide a written evaluation of the applicant's compliance with conditions of approval to the Planning Commission. The property owner shall defray the County's costs in making this study and holding public hearings. A noticed public hearing, at which public testimony is admitted, shall be held before the Planning Commission to determine the applicant's compliance with conditions of approval. The Planning Commission could, at the time of this report, amend, alter, delete or add conditions to this permit to address issues identified in the condition compliance review to ensure compliance.
26. To assure consistency with Circulation Element standards while Channel Drive remains fully or partially closed to through traffic, no more than two afternoon educational programs in the arts shall be held onsite. This restriction shall remain in place until any of the following occur: 1) Channel Drive is reopened to through traffic; 2) Roadway counts conducted by the Public Works Department indicate that The Fairway is operating below design capacity during non-summer periods; or 3) Transportation demand management measures implemented by the Academy are determined by the Director of RMD to provide a minimum reduction of 6 average daily trips over current volumes. In making this determination, the Director shall rely upon semi-annual reports submitted by the Academy which reflect participation rates on a monthly basis.

27. All construction related vehicles shall utilize the Butterfly Lane entrance to the site. Construction related vehicles shall not travel on The Fairway. Contracts for construction shall reflect this requirement and construction workers shall be notified of the requirement.

III. This permit is issued pursuant to the provisions of Section 35-172 of Article II of the Code of Santa Barbara County and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:

1. If any of the conditions of the Conditional Use Permit are not complied with, the Planning Commission, after written notice to the permittee and a noticed public hearing, may in addition to revoking the permit, amend, alter, delete or add conditions to this permit at a subsequent public hearing noticed for such action.
2. A Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.
3. All time limits imposed may be extended by the Planning Commission one time for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with the Resource Management Department prior to the expiration date.

  
Albert J. McCurdy, Secretary

DATE April 1, 1992

#### 4.0 CURRENT REQUEST/PROJECT DESCRIPTION FOR 90-CP-111 RV01

Agent

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Suzanne Elledge Planning and Permitting Services  
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805-966-2758

Owner/Applicant

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Architect

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The Music Academy of the West (**MAW**) requests a revision to their current Conditional Use Permit (90-CP-111cz) to implement a site Master Plan (90-CP-111RV01).<sup>3</sup>

Implementation of the proposed Master Plan would result in both physical and operational changes. A summary of the changes are listed immediately below, with specific details of each change described later in this section.

Summary of Physical Changes:

- Remove 85 mature trees and plant a minimum of 210 replacement trees;
- Modify the existing landscape components including the entrance allee, garden pathways and courtyards;
- Earthwork necessary to accommodate new structures, circulation and parking. Earthwork would involve 15,170 cubic yards cut, 6,181 cubic yards fill, and 8,989 cubic yards of excess fill to be exported off-site;
- Construct a secondary (emergency) access from Fairway to the motor court in front of Miraflores;
- Widen, regrade and otherwise modify internal access roads and parking areas;
- Construct a new outdoor dining patio on the east side of the Student Services Building;
- Construct a new 2-level, 217-space parking structure in the northwest corner Use of the temporary gravel parking in this area is proposed to continue until the parking structure is built);
- Alter campus-wide development (excluding the proposed new parking structure<sup>4</sup>) with a net increase of 53,010 square feet of structural development and a net increase in overall

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<sup>3</sup> The existing CUP with conditions is included in the appendices for reference.

<sup>4</sup> The parking structure would total 81,972 SF with both levels and a footprint of 40,986 SF.

- building footprints of 15,220 square feet;
- Add 2,790 SF through reconstruction of Abravanel Hall (the primary recital hall)
- Demolish Wood 1 and Wood 2 Practice Studios, including the employee apartment;
- Construct a new Instructional Building to replace Wood 2;
- Construct a new Practice Studio Building between Abravanel Hall and the new Instructional Building to replace Wood 1;
- Construct a new Student Services Building that would link Miraflores and the new Instructional Building (Note: Although the entire estate has been known as “*Miraflores*” or “*Mira Flores*”, the name has been written as one word in numerous publications since at least the 1920’s. Therefore, Miraflores is used throughout this EIR. In the context of this EIR, the former main residence is referred to as Miraflores).
- Construct a new Maintenance and Storage Building;

Summary of Permit and Operational Changes:

The existing Conditional Use Permit conditions are included in the Background section of the EIR. The applicant is proposing to modify the existing CUP conditions with regard to operations as follows:

- Maintain the 150 student maximum for the summer music program, but provide sufficient practice studio space on-site to allow the up to 50 vocal and collaborative piano students who currently take primary instruction at Cate School to practice with instrumental students exclusively at the Music Academy campus;
- Students would continue to reside at Cate School, but all (up to 150) students would receive lunch and dinner at the proposed new and improved kitchen and dining facilities at the Music Academy. Currently, the summer students have most of their meals at Cate with the approximately 100 instrumental students receiving lunch at the Music Academy. There is no existing indoor dining room at the MAW. Under the Master Plan, a dining room is proposed in the Student Services building and primary outdoor dining would be relocated from the existing portable canvas pavilion between Mira Flores and Wood 2 (summer) or the terrace on the east side of the main house (non-summer) to the new terrace just east and down-slope of the new Student Services Building. (The existing terrace on the east side of Miraflores would remain as well).
- Modify activities specifically regulated by the existing CUP as follows:
  - Add campus attendance limitations on all but administrative activities as follows: Any-given-time (480), Daily (1,170), eight-week Summer Season (29,245) and 44-week Non-Summer Season (27,866) for an Annual Attendance Maximum of 57,291. The limitations would not apply to staff, faculty, other employees, summer music students, other performers, or people attending or performing administrative functions (e.g., volunteers);
  - Eliminate the allowance for unlimited activities related to a music conservatory;
  - Eliminate the allowance for weddings on-site;

- Eliminate specific attendance and frequency restrictions for educational programs in the arts and instead have these activities subject to the proposal for campus-wide any-given-time, daily, and non-summer season limitations;
- Combine the allowances for conferences/seminars and non-profit benefits, *taken together*, to a total of 41 events, with revised attendance limits for these activities, consistent with the proposal for campus-wide any-given-time, daily, and non-summer season limitations;
- Allow for modification to the Zoning Ordinance required number of on-site parking spaces with a proposal to provide 332 spaces (339 with stacked staff parking behind the Rack & Treasure House) rather than the 352 required in the Parking Regulations;
- Allow for modification to the Zoning Ordinance height limitation of 25 feet for the reconstructed Abravanel Hall (34.8 feet) and the new instructional building, which would be 29 feet in height based on the County's methodology for measuring maximum height (average height of roof, excluding architectural projections);
- Allow for limited use of outdoor amplification, for a hand-held portable microphone for the spoken voice;
- Allow for two, 1-day fundraisers rather than the one, 2-day fundraiser currently allowed (May Madness);
- Extend the hours of operation of the resale shops from an existing closing time of 4:00 to 5:30;
- Revise Condition #10 to require two parking attendants (rather than the currently required one attendant) for all events involving 100 or more participants. In addition, revise this condition to eliminate the requirements for overflow parking and shuttle service upon completion of the proposed parking structure.

Insert Figure 1

Insert Figure 2

Insert Figure 3

Insert Figure 4

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Insert Figure 6

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Insert Figure 14

Insert Figure 15

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

## **Landscaping**

The *Landscape Master Plan* (Figure 5) includes landscape enhancements throughout the property, such as new screening elements along The Fairway, and new slope planting north and east of *Miraflores*. The design goals of the landscape plan are to: 1) honor the historic landscape by restoring critical design elements to the allee and by using historically accurate plantings and skyline trees 2) effectively enhance vegetation and trees along the perimeter of the site to screen MAW building improvements from the street, so that the site appears unchanged to the immediate neighbors (following establishment of new landscaping) and 3) to supplement and enhance landscaping in the southeast corner of the site, in an attempt to attract monarch butterflies back to this historic roosting area, behind the main house (*Miraflores*). These landscape improvements would result in landscape coverage of approximately 207,070 SF (~ 4.75 acres) of the 9 acre project site. Of this total, approximately 12,000 SF (~ .28 acres) would be lawn and non-drought tolerant landscaping with the balance, approximately 195,070 SF (~ 4.47 acres), made up of a combination of mature landscaping and trees, as well as new drought tolerant plantings.

The *Landscape Master Plan* identifies 85 trees for removal, 3 trees for transplanting on-site, and planting of a minimum of 210 new trees<sup>5</sup>. Seven of the trees proposed for removal, plus three trees proposed for transplanting are coast live oak (5", 8" and 8" diameter). Planting of 92 new oaks (5-gallon and 24-inch box) is proposed in the project landscape plan. Additionally, the landscape plan incorporates specifications for preservation of remaining trees throughout the site during all phases of construction similar to the measures identified in the County's standard tree protection plan.

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<sup>5</sup> As discussed in the biological resources section of the EIR, it is possible that additional trees (beyond the 85 identified on the tree inventory and landscape plan) may be removed due to project implementation.

## Building Revisions/Physical Changes

The table below summarizes the proposed revisions to the existing site plan, as depicted in the project plans at the end of this section.

**TABLE 2  
SITE PLAN REVISIONS**

<b>BUILDINGS</b>	<b>EXISTING FOOTPRINT (SF)</b>	<b>PROPOSED FOOTPRINT (SF)</b>	<b>EXISTING FLOOR AREA (SF)</b>	<b>PROPOSED FLOOR AREA (SF)</b>	<b>NET CHANGE FOOTPRINT (SF)</b>	<b>NET CHANGE FLOOR AREA (SF)</b>
<b>CAMPUS TOTAL</b> (excluding proposed parking structure)	<b>34,730</b>	<b>49,950</b>	<b>44,370</b>	<b>97,380</b>	<b>+15,220</b>	<b>+53,010</b>
Abravanel Hall - Additions	7,290	10,080	11,340	14,130	+2,790	+2,790
Wood 2 Practice Studios - replace with new INSTRUCTIONAL BUILDING	4520	8,850	5980	+27,750	+4,330	+21,770
STUDENT SERVICES	N/A	4,860	N/A	16,760	+4,860	+16,760
Wood 1 Practice Studio replace with NEW PRACTICE STUDIO BUILDING	1,920	3,460	1,920	10,380	+1,540	+8,460
THE RACK	1,200	SAME	1,600	SAME	NO CHANGE	NO CHANGE
TREASURE HOUSE	940	SAME	940	SAME	NO CHANGE	NO CHANGE
NEW MAINTENANCE/STORAGE	N/A	3,390	N/A	4,920	+3,390	+4,920
RESIDENCE (near Treasure House)	1,270	Same	1,270	Same	No Change	No Change
MIRAFLORES (former main residence)	11,250	Same	14,980	Same	No Change	No Change
CLAEYSSENS STUDIO	4,650	Same	4,650	Same	No Change	No Change

<b>BUILDINGS</b>	<b>EXISTING FOOTPRINT (SF)</b>	<b>PROPOSED FOOTPRINT (SF)</b>	<b>EXISTING FLOOR AREA (SF)</b>	<b>PROPOSED FLOOR AREA (SF)</b>	<b>NET CHANGE FOOTPRINT (SF)</b>	<b>NET CHANGE FLOOR AREA (SF)</b>
HARGER BRASS STUDIO/EX. MAINTENANCE	1,690	N/A	1,690	N/A	- 1,690	-1,690

			<b>EXISTING AREA (SF)</b>	<b>PROPOSED AREA (SF)</b>	<b>NET CHANGE FOOTPRINT (SF)</b>	<b>NET CHANGE AREA (SF)</b>
LANDSCAPE	N/A	N/A	259,278 SF	207,070 SF		-52,200
PAVING (excludes parking structure)	N/A	N/A	80,380 SF	111,520 SF		+31,140
			<b>EXISTING</b>	<b>PROPOSED</b>		
PARKING	N/A	N/A	<b>214<sup>6</sup> SPACES</b>	<b>332 SPACES</b> (339 with stacked staff parking)		+118
PARKING STRUCTURE LOWER LEVEL UPPER LEVEL			N/A	40,986 40,986	+40,986	+81,972
<b>TOTAL</b>				81,972		

Two of the main goals of the current proposal are: 1) to improve the quality and availability of on-site practice studio spaces so that all vocal and instrumental summer music festival students can receive instruction (together as appropriate) at the MAW campus; and 2) to provide an improved recital hall on-site with additional seating so that it can accommodate more summer music festival students, along with the increasing public attendance at the summer Masters' classes and concerts.

#### Rehearsal/Recital Hall (Reconstruction of Abravanel Hall)

Abravanel Hall, a 30+-year old recital facility on campus, has demonstrated numerous inadequacies in acoustics, HVAC systems, and designated spaces for both audience members and performers. The existing CUP provides for a 300-seat recital hall for events on campus, however,

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<sup>6</sup> The 214 spaces include the 31 temporary parking spaces approved in the northwest corner. Use of the temporary gravel parking area is proposed to continue until the parking structure is built.

up to 382 seats have been utilized since 1999 on a periodic basis (382 is the maximum allowed under the Uniform Building Code).<sup>7</sup>

Abravanel Hall would be reconstructed and would feature raked, fixed seating with a maximum seating capacity of 480. In addition to providing sufficient seating (for additional MAW summer students and the public), the hall would have improved acoustics, optimized for chamber music. As currently occurs for concerts for the largest events (those which cannot be accommodated in Abravanel Hall), future events with over 480 attendees would take place off-site in larger venues, such as the Lobero.

Abravanel Hall was constructed prior to adoption of Article II, the Coastal Zoning Ordinance, and its related height limitation of 25 feet. The finished floor elevation of the lobby for both the existing and reconstructed recital hall is at approximately the same elevation. Based on the County's methodology for calculating building height; the existing building is 34.8 feet. Because there is a 25-foot height limitation in this zone district, pursuant to Section 35-172.12 of the Coastal Zoning ordinance, the MAW is seeking approval of a modification to allow the reconstructed hall to remain at 34.8 feet in height (based on the County methodology for measuring height).<sup>8</sup>

### New Parking Structure

A new expanded parking area is proposed in the northwest corner of the property. The site topography generally descends from Miraflores, the Wood Practice Studios and Abravanel Hall toward Highway 101 and Butterfly Lane. Therefore, the parking structure is in an area that is lower in elevation than most of the property. The parking structure would be two levels. The upper level of the parking structure would be within 1 foot or less of the elevation of the existing access roadway as it turns easterly at the western property boundary. The upper level would be up to 12 feet above the proposed finished grade and up to 16 feet above the existing grade

A total of 332 parking spaces (339 with stacked parking behind The Rack and Treasure House) are proposed (Civil Plan), most of which would be located in the new parking structure. Currently there are 214 parking spaces on-site (source: ATE Traffic and Parking Study dated 3/14/03). Use of the temporary gravel parking area is proposed to continue until the parking structure is built. The proposed number is less than that required by the County Zoning

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<sup>7</sup> While typical attendance at most events held in Abravanel Hall is less than 300 people, very popular events generate a higher attendance. To accommodate the most popular events over the last three summers, the recital hall was set-up with 382 seats providing seats to members of the public and students who in the past have been unable to view Master Classes and their classmates' performances. County Counsel has determined that the County can properly assume the CEQA baseline for Abravanel Hall is 300 attendees, with periodic allowance for up to 382. Based on data collected by the MAW during the summer, it can be assumed that the 300 figure would be exceeded approximately 15 times, occurring during the summer months. Otherwise, the maximum seating figure for Abravanel Hall shall be assumed to be 300, consistent with the assumption utilized in the environmental document for the existing CUP, 91-ND-54.

<sup>8</sup> The MAW believes that this modification is justified because: 1) the hall is located in the heart of the campus where it would be screened from public views by existing and future landscaping and 2) the MAW believes that no visual impacts will result from the modification request because the changes to this structure would not increase the structure's existing height.

Ordinance. Therefore, the MAW is requesting a modification to the standard number of spaces required by the Zoning Ordinance (Article II, Division 6, Parking Regulations). The Zoning Ordinance would require provision of # Spaces, based on parking demand required for general assembly areas, the retail stores, site employees, and students. The ATE traffic and parking study (submitted by the applicant 3/14/03 and augmented with summer 2003 data submitted to the County on September 17, 2003 and October 16, 2003) concludes that the proposed parking spaces would satisfy projected demand, in part because 1) the project includes a self-imposed restriction that limits maximum seating for individual or conjunctive events(s) to 480 attendees<sup>9</sup> 2) summer students are primarily bused to the site, and 3) portions of the rooms that are used for “general assembly” are occupied by performance or “stage” areas. See later discussion of requested modifications to zoning ordinance standards, including the number of required parking spaces.

### Wood 2 Practice Studio Replacement Building (Instructional Building)

The MAW has found that the lack of adequate practice studios interferes with the quality of education that they strive to offer in their summer music program. The conditions of some of the practice studios are also inadequate, due to insufficient lighting and ventilation. The Master Plan proposes to remove Wood 2 practice studio building and replace it with a new instructional building which would provide expanded and improved practice studio spaces for individual students and a range of ensembles, including vocal students’ preparation for opera performance. The height of the new building is proposed to be 29 feet. Therefore, the height of this building is included as an additional request for a modification to the 25-foot building height standard in Article II. The new Instructional building is approximately 2 feet lower in height (above sea level) than *Miraflores*, to which it would be linked (via the proposed student services building).

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

Linking the proposed Wood 2 Replacement/Instructional Building with the main house (Miraflores) is a building dedicated primarily to administrative offices supporting student services. The student services building would include a basement storage area, kitchen and a faculty and student dining area. An outdoor patio area, partially enclosed by a surrounding five foot high wall, is also proposed along the east-side of the building, above Butterfly Lane. This area is proposed to be used only during day-light hours. The Music Academy proposes to provide food to its up to 150 students, up to 89 faculty and staff, and volunteers involved in events, in the proposed dining room and adjoining outdoor dining terrace. The Music Academy may also provide or sell food and beverages to attendees at events scheduled at the Music Academy. No food sales to the general public are proposed. The kitchen would continue to be used as a "catering" kitchen. Therefore the layout and food facilities are designed with this in mind. The facility would not serve as a restaurant or snack bar to the general public or others not involved in specific activities at the campus. (Caterers would be used to provide and serve food on-site. The MAW would not hire a chef or other kitchen employees to staff the kitchen/dining facilities).

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<sup>9</sup> In addition to the 480 attendees, there would be parking demand generated by staff/faculty (up to 89), other administrative activities, and students/performers, which would not be limited by the proposed 480-attendee restriction. The MAW proposes that there be no increase in the number students.

In joining together the Instructional Building and *Miraflores* with the Student Services Building, a new “interior” courtyard is created in the heart of the campus. Outdoor MAW gatherings could occur here in an insulated and well-screened area.

### Wood 1 Practice Studio Replacement with New Practice Studio Building

A new practice studio building is proposed in the area where the existing Wood 1 Studio building is located. The 10,380 SF structure would contain a total of 20 teaching studios, ensemble rooms and individual practice rooms and would have a footprint of 3,460 SF. The rooms in the new studio building would only be used as practice studios and for musical instruction and rehearsals. The rooms would not be used as venues for concerts, meetings, seminars, etc.

### New Storage & Maintenance Building

A 4,920 SF structure is proposed at the northeast corner of the site and would be used for campus maintenance and storage. The building has a maximum height of 18-feet. Approximately 1400 SF of this structure would be used for general storage, approximately 960 SF would be used for Garden and Maintenance related activities and storage and approximately 1,620 SF would be used for props and sets storage. The structure would be setback approximately 10-feet from the eastern property line and would be planted with a hedge to screen the building from the east.

### **Operational Changes**

The physical changes described above are intended to improve the quality of the existing instructional, practice and performance facilities on the MAW campus for the existing students in the Music Academy’s summer music festival. The existing permit, 90-CP-111cz allows for up to 150 students in this program, all of whom reside at Cate School. Approximately one-third of these students (50) are vocal or collaborative piano students who receive instruction at Cate School per the existing CUP requirements and practical space needs. The vocal and collaborative piano students are already permitted to rehearse and perform on-site as part of the summer music festival. Several operational changes are also requested with the Conditional Use Permit Revision application that are intended to simplify administration of, and compliance with, the existing CUP. These include:

1. Revise Condition #1, the project description condition, to reflect the current project description request. The revised condition shall break out proposed physical changes to the site as well as operational restrictions that would place limitations on the maximum number of audience members on-site at any-given-time, daily, and seasonally (summer/non-summer seasons).
2. Specifically revise Condition #1c. to eliminate weddings as a permitted use onsite.
3. Specifically revise Condition #s 1a. and 1b to limit conferences/seminars *and* non-profit events, taken together, to 41 events. Further amend this condition with regard to attendance restrictions for these activities, such that attendance for these activities be

expanded to the campus-wide proposal for the any-given-time (480), daily (1,170) and non-summer season (27,866) limitations<sup>10</sup>.

4. Revise Condition #12 to allow MAW to use a portable hand held microphone outdoors for the spoken voice. Use would only be allowed for Music Academy events, not for others renting or otherwise using MAW facilities. Proposed limits for amplification would require that amplification be at a decibel level not to exceed 65 dB(A) CNEL at the Academy's property line. Amplification of music would continue to be restricted to indoor areas (specifically the new Instructional Building, *Miraflores*, and the new recital hall).
5. Revise Condition #10 to require two parking attendants (rather than the currently required one attendant) for all events involving 100 or more participants. In addition, revise this condition to eliminate the requirements for overflow parking and shuttle service upon completion of the proposed parking structure.

#### Attendance Limitations

The existing CUP does not include restrictions on conservatory-related activities or events, nor does it include limitations on the maximum number of people onsite at any-given-time period. However, the MAW's self-imposed practice is to not exceed a maximum of 382 *audience members* on campus at individual or concurrent activities.<sup>11</sup> Conjunctive use of Abravanel Hall and/or other existing halls is not restricted in the existing CUP. Without this self-imposed restriction, the maximum combined seating capacity of *existing* interior venues onsite (under the existing CUP) would be between 657 to 739 audience members (depending on whether a capacity of 300 or 382 is assumed for Abravanel Hall), with additional capacity in outdoor garden areas. In addition to Abravanel Hall, the other existing indoor venues that can accommodate group gatherings are two large rooms in *Miraflores* that would remain (Lehmann Hall and Stewart Hall) and one in the Wood studio building (Singher Studio). Singher Studio would be removed with the demolition of the Wood practice studio building. Singher Studio would be replaced by two larger new rooms in the new instructional building. During the summer, one of these new rooms would commonly be reserved for use by the vocal students for the blocking of operas (rehearsing where to stand on the stage) and vocal instruction would take place in the other room. (Blocking currently takes place at Cate School). During the non-summer period, these rooms could be used for a variety of activities (instruction, rehearsals, meetings, seminars, etc.).

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<sup>10</sup> The existing CUP allows 26 conference/seminars with up to 175 participants and 15 non-profit events with up to 300 persons.

<sup>11</sup> With regard to the specific attendance allowed in Abravanel (recital) Hall, County Counsel has determined that the County can properly assume that the CEQA baseline for Abravanel Hall is 300 attendees, with periodic allowance for up to 382. Based on data collected by the MAW during the summer, it can be assumed that the 300 figure would be exceeded approximately 15 times, occurring during the summer months. Otherwise, the maximum seating figure for Abravanel Hall shall be assumed to be 300, consistent with the assumption utilized in the environmental document for the existing CUP, 91-ND-54. However, 382 attendees is the appropriate baseline figure for any-given-time, campus-wide attendance. Although not limited by the CUP to a campus-wide maximum, this is the Music Academy's self-imposed practice for maximum attendees.

The maximum capacities of the existing and proposed venues are listed in the tables below. The rooms have a maximum capacity as defined by the Uniform Fire Code (determined by floor area) as well as a reduced maximum capacity once the room area is adjusted to accommodate a performance area, i.e., stage or stage area.

With implementation of the proposed Master Plan, there would be a combined seating capacity at indoor venues on-site of 1,195 audience seats, a net increase in the combined indoor venues maximum seating capacity of 456-538 new seats. However, the MAW is proposing specific limitations on 1) any-given-time, 2) daily and 3) seasonal (summer and non-summer) attendance, which would greatly reduce the maximum allowable number of people on-site. These limitations are described in greater detail later in this section.

**TABLE 3  
EXISTING VENUES AT MUSIC ACADEMY OF THE WEST**

<b>Existing</b>	<b>Floor Area (SF)</b>	<b>Performance Area (SF)</b>	<b>Adjusted Floor Area (SF)</b>	<b>Maximum Physical Seating Capacity<sup>12</sup></b>
Abravanel Hall	2,672	N/A <sup>13</sup>	2,672	300-382 <sup>14</sup>
Lehmann Hall	1,761	396	1,365	195
Stewart Hall	972	324	648	92
Singher Studio	535	135	400	70
<b>Existing Potential Maximum Indoor Seating Capacity (without the Music Academy's self-imposed conjunctive audience attendance limit of 382)</b>				<b>657-739</b>
<b>Existing Self-Imposed Maximum Indoor Seating Capacity</b>				<b>382</b>

<sup>12</sup> For general auditoriums maximum capacity is based on gross floor area in accordance with the Uniform Fire Code requirements. Abravanel Hall has a stage that is physically separate from the audience area, while the remaining venues on the MAW campus have a “designated” performance area (i.e. without a permanent stage) which reduces the area available to audience members thereby reducing the room’s maximum seating capacity.

<sup>13</sup> The stage serves as the performance area in Abravanel Hall therefore the audience area is not adjusted downward to reduce maximum capacity as it is in the other MAW halls.

<sup>14</sup> County Counsel has determined that the County can properly assume that the CEQA baseline of Abravanel Hall is 300, with periodic allowance for up to 382. Based on data collected by the MAW during the summer, it can be assumed that the 300 figure would be exceeded approximately 15 times, occurring during the summer months. Otherwise, the maximum seating figure for Abravanel Hall shall be assumed to be 300.

**TABLE 4  
VENUES AFTER IMPLEMENTATION OF THE PROPOSED MASTER PLAN**

<b>Proposed</b>	<b>Floor Area (SF)</b>	<b>Performance Area (SF)</b>	<b>Adjusted Floor Area(SF)</b>	<b>Maximum Physical Capacity</b>	<b>Net Change from Existing</b>
Abravanel Hall	14,130	N/A	N/A	480 (fixed seats)	+180 (+98 assuming seating for 382)
Lehmann Hall	1,761	396	1,365	195	0
Stewart Hall	972	324	648	92	0
Singher Studio	N/A	N/A	N/A	N/A	-70
Instructional Bldg Lower Level	1,800	600	1200	171	+171
Instructional Bldg Upper Level	2,700	900	1800	257	+257
New Practice Studio Building Rooms*	N/A	N/A	N/A	N/A	N/A
<b>Master Plan Potential Maximum Indoor Seating Capacity</b>  (without the Music Academy's proposed 480 any-given time attendance limit)				1,195	+ 538 (+456 assuming periodic allowance for 382 seats for Abravanel)
<b>Master Plan Proposed Maximum Indoor Seating Capacity</b>				480	+ 180 (+98 assuming periodic allowance for seating for 382 in Abravanel)
*The new studio building spaces, including the large studios which range from ~300-400 square feet in size are proposed to be used for practice, instruction, and rehearsals. These spaces would not be used as venues for concerts, meetings, seminars, etc. and are therefore not included in this table.					

The Academy proposes that attendance be limited through restrictions on the maximum number of members of the public who can be on the Academy campus. (The applicant’s “Proposed Maximum Attendance Levels for the Master Plan”, including the philosophy behind it, is included in the appendices). Faculty, staff, summer music program students, performers and non-staff attendees at administrative activities on-site (including volunteers) would not be counted toward the proposed maximum attendance limits. The MAW proposes that there would be no increase in the number of students (currently restricted to 150 under the existing CUP).as part of the expansion plans. The specific attendance limitations proposed are as follows:

1. Any-given-time (480) - this would apply to either conjunctive use of multiple venues on-site (indoor and outdoor) or maximum seating capacity for the proposed recital hall;
2. Daily (1,170); and

3. Annual (57,291) based on the following seasonal attendance caps:
  - a) Summer (29,425)
  - b) Non-Summer (27,866) season

These limitations would apply to all events conducted on campus, including activities referred to in the existing CUP (90-CUP-111) as both conservatory-related and rental activities. Annual attendance would be reduced, due to a proposed reduction in attendance during the 44-week, non-summer season. However, attendance is proposed to increase during the 8-week summer program.

#### Non-Summer Season

In addition to the proposed non-summer season audience attendance limit of 27,866 participants, it is proposed that if more than 80 staff and performers are present for a maximum capacity non-summer event, staff or performers above this number shall be carpooled or bused to the Academy campus. The attendance limits are not proposed to apply to non-staff attendees at administrative activities on-site.

The proposed non-summer attendance limit would include participants at both conservatory activities (currently unrestricted) and rental activities/special events (regulated under existing CUP)<sup>15</sup>. The rental activities/special events would continue to occur only during the non-summer season. The Music Academy has provided historical<sup>16</sup> attendance figures for both types of activities for the 44-week, non-summer period. Based on their data, actual attendance at unrestricted conservatory activities totaled 18,166 attendees and the *actual* attendance for rental activities/special events totaled 14,618. This results in actual historic non-summer attendance of 34,784 attendees (approximately 113/day). However, actual participants at Music Academy rental activities and special events have been substantially lower than the maximum allowed under the existing CUP (14,618 actual vs. 35,600 permitted). The permitted levels of rental activities and special events were established as part of the existing CUP approval in 1992 and were based on actual levels for rental activities and special events achieved at that time. Because the maximum rental activity/special event allowance was established after review in 91-ND-54, the California Environmental Quality Act (CEQA) document for the existing CUP, this larger attendance figure (35,600) must be utilized as baseline in this EIR when evaluating the net impact of the proposed project. Therefore, the non-summer baseline is set at 53,766 (18,166 + 35,600) or approximately 175/day.<sup>17</sup> The proposed non-summer season attendance limit (27,866) would be lower than historic non-summer attendance, regardless of whether it is compared to actual historic attendance (34,784) or to the baseline attendance that must be assumed under CEQA (53,766).

The Academy proposes to reduce the existing audience attendance level in the non-summer

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<sup>15</sup> Special events and rental activities would continue to be limited to the non-summer season as the summer season would continue to be devoted solely to the Academy's summer music program.

<sup>16</sup> Based on available data from 1993-2001 non-summer periods.

<sup>17</sup> Non-summer baseline is based on actual historic conservatory related attendance (18,166), plus maximum total participants for special events achieved historically and allowed under the existing CUP (35,600).

season to provide assurance to the community that the Academy does not intend to, nor would it, become a commercial endeavor. Activities subject to the attendance limitations would include all music conservatory activities associated with the Music Academy, community groups, and other members of the public (e.g., concerts, meetings related to music, rehearsals, workshops and instruction, public use of practice studios, recording sessions, etc.) and all special events/rental activities (conferences/seminars, non-profit benefits, educational programs in the arts). The Academy proposes that meetings/seminars and non-profit benefits, which are limited to the non-summer period, be restricted to the same frequency set forth in the current CUP. However, the Academy requests that it have greater flexibility in determining *which* kinds of special events/rental activities to hold, as follows:

1. Under the Academy's current permit, the Academy is authorized to conduct 26 conference/ seminar events and 15 non-profit benefits with attendance limitations of 175 and 300 persons respectively. Taken together, this produces a total of 41 events. The Academy requests that the CUP restrict conferences/seminars and non-profit benefits, *taken together*, to a total of 41 events, and that the attendance restrictions be expanded to comply with the campus-wide proposal for the any-given-time (480), daily (1,170), and non-summer season (27,866) limitations.
2. Educational Programs in the Arts are currently limited to five programs per week and an average of up to 15 participants for each program. The Academy proposes to eliminate the existing restrictions for this activity and simply include the educational programs in the arts attendance within the any-given-time, daily and seasonal attendance limitations. Educational programs in the Arts take place during the non-summer period. Students, faculty, and/or instructors (other than those performing at a concert) would be counted toward the maximum attendance limitations.
3. Weddings would be eliminated as a permitted use.

Music Academy administrative activities would remain unchanged under the new permit and are not proposed to be specifically included within these attendance limits. However, the Academy proposes to schedule any special administrative activities<sup>18</sup>, such that they would not occur at the same time as large events on-site. The intent of this is to avoid the combination of event and administrative attendance at levels that would challenge on-site parking demand, circulation or that would create other logistical problems.

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

The attendance maximums for the summer season would not include up to 89 staff/faculty (including all conservatory, administrative, maintenance, service and other staff), up to 150 students/performers, or attendees at administrative activities on-site such as MAW board meetings, auxiliary meetings, council dinners, etc. As with the non-summer period, Music Academy administrative activities are proposed to remain unchanged under the new permit and are not proposed to be specifically included within the proposed attendance limits. However, the

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<sup>18</sup> Defined as administrative activities, such as board meetings, auxiliary member meetings, etc., which involve more people than regular staff activities.

Academy proposes that any special administrative activities<sup>11</sup>, involving greater numbers of people, would not occur at the same time as large events on-site.

Attendance at the Music Academy's Summer Festival is proposed to be limited under the new Conditional Use Permit to a total of 29,425 persons. This figure is based on the attendance recorded for the 2001 summer season, which is 17,681 audience members (including some students), plus an assumption of a continued increase in public attendance, as has occurred over the last several years<sup>19</sup>. In addition to accommodating greater numbers of the public at summer music program concerts, one important goal of the Music Academy is to increase student attendance at Master Classes by having more seats available for their use.

A table, which summarizes existing and proposed operations, is included at the end the Executive Summary.

### Summer Instructional Program

*Reconstruction of Abravanel Recital Hall:* A new recital hall is proposed to accommodate both more of the 150 summer school students (so as to enhance their educational experience) and additional members of the public.

*Off-Campus Master Classes:* The MAW would continue to schedule selected Master Classes off campus.

*Summer School:* Instructional activities for the Summer School consist of individual and group instruction, individual and group rehearsals and practice sessions, orchestra rehearsals, and other school activities. The 150-maximum number of students is not proposed to change under the revised CUP. However, up to 50<sup>20</sup> vocal and vocal accompanying students, who currently receive primary instruction at Cate School, would receive all instruction at the Music Academy upon completion of new facilities onsite. Currently the summer students take most of their meals at Cate School (where they reside), with the approximately 100 instrumental students receiving lunch at the Music Academy. Following project implementation, all 150 students would receive lunch and dinner at the Music Academy campus.

### Other Music Academy Operations

*Fundraising Events Open to the General Public (no attendance cap):* The MAW proposes a limit of two, 1-day events open to the general public, provided that, under such circumstances, the May Madness would be limited to a single day event. (May Madness would no longer be a two-day event).

*Resale Shop Hours:* Extend the hours for these shops from a closing time of 4:00 p.m. to 5:30 PM to allow persons attending public Master Classes to patronize the shops for a limited period

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<sup>19</sup> The Academy has experienced an approximately 10% increase in attendance at the summer music program concerts and master classes for 1999-2001, with attendance dropping back in 2002 and 2003.

<sup>20</sup> These 50 students would continue to be part of (not in addition to) the 150 maximum students in the summer program.

of time following conclusion of the 3:00 PM Master Class.

*On-Site Residences:* The caretaker's residence would be retained and the employee apartment would be eliminated.

### **Modifications to the Coastal Zoning Ordinance Standards**

As discussed earlier in this section the Music Academy is requesting modifications to the following standards in Article II:

1. Modification to the 25-foot height limit (Section 35-172.12) for the proposed renovation to the Abravanel Hall (although the height of Abravanel Hall would not be modified, it currently exceeds the 25 foot height limit) and for the Wood Practice Studio replacement building (Instructional Building), which is proposed to be 29 feet in height. (.
2. .Modification to the number of parking spaces required by Division 6 Parking Regulations (Section 35-109). The MAW is proposing a total of 332 parking spaces (339 using stacked staff parking behind The Rack and Treasure House). Their parking study identifies a parking demand of 259 spaces for evening events and 326 spaces for afternoon events. The Zoning Ordinance would normally require provision of 352 spaces.

### **Project Phasing**

The proposed project is expected to meet the needs of the Music Academy for the foreseeable future. The phasing of proposed Master Plan improvements would be contingent upon several factors, with adequate funding a primary consideration. The Master Plan has been conceived as one continuous project and ideally should be finished as such. Regardless, the MAW would complete perimeter landscaping and parking improvements during the first phase of construction. The potential phasing of the remaining components is presented below and represents the anticipated schedule at this point in time. With the exception of the parking structure being built in the first phase, the other proposed Master Plan Improvements may be prioritized differently in the future:

#### Anticipated Phase 1A

- New Parking Garage
- New Parking Lot

#### Anticipate Phase 1B

- Main entrance driveway
- Motor Court

#### Anticipated Phase 2

- Remove Wood 1 and 2?
- New Student Services Building
- New Instructional Center
- Realign the exit drive

### Anticipated Phase 3

- New Practice/Studio Building

### Anticipate Phase 4

- Reconstruction of Abravanel Hall

## Grading

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

**Table 5**  
**Grading/Phasing Calculations**

Phase	Cut	Fill	Export/ (Possible Import)	Total Construction Period	Duration for Grading Component
1a	4,537	2,638	1,899	10 months	4-5 weeks
1b	418	189	229	10 months	1-2 weeks
2	9,597	3,227	6,371	10 months	4-5 weeks
3	436	82	354	10 months	1-2 weeks
4	182	45	137	10 months	1-2 weeks
1-4 Totals	15,170	6,181	8,989		

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

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

## Utilities and Services

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

**Project Location**

The project site is located approximately 3,100 feet from the intersection of Cabrillo Boulevard and U.S. 101, commonly known as 1070 Fairway Road (also referred to as “The Fairway”), in the Montecito area, First Supervisorial District (APNs: 009-282-029, -30).

**TABLE 6  
SITE INFORMATION**

Coastal Land Use Plan Designations	Urban Area, Educational Facility, Environmentally Sensitive Habitat Area (ESH), Monarch Butterfly Trees
Zoning Districts, Ordinance	Article II, 1-E-1, Residential, 1 acre minimum lot size
Site Size	Gross and net: 9.04 gross/net acres
Present Use & Development	Music conservatory including a total of 44, 370 SF of structural development: (Abravanel Hall - 11,340 SF, Claeysens - 4,650 SF, Harger Studio/Maintenance - 1,690 SF, <i>Miraflores</i> - 14,980 SF, Residence - 1,270 SF, The Rack - 1600 SF, Treasure House - 940 SF, Wood 1 - 1,920 SF, Wood 2 - 5,980 SF, Maintenance 1600 SF), landscaping including historic gardens and numerous mature trees, roadways, walkways, and parking areas.
Surrounding Uses/Zoning	<b>North:</b> SPRR and U.S. 101 Zoning Transportation Corridor <b>South:</b> DR-1.8 and 1-E-1, Single family dwellings <b>East:</b> 1-E-1; Two residences abutting to the northeast, and residences to the east of Butterfly Lane <b>West:</b> Public Utility (PU), 7-R-1, DR-10; Montecito Sanitary District to the northwest, single family residences and condominiums directly west
Access	Private driveways off of Fairway Road (ingress only) and Butterfly Lane. Additional emergency accesses via Monte Cristo and second driveway on Fairway Road.
Public Services	<b>Water Supply:</b> Montecito Water District <b>Sewage:</b> Montecito Sanitary District <b>Fire:</b> Montecito Fire Protection District, Station #2

**Environmental Setting**

The Music Academy grounds are currently developed with nine structures encompassing 44,370 SF, including the following:

Miraflores (administrative offices, recital and practice rooms, kitchen and dining room, and music library); Claeysen Studio (the most recent building addition per 90-CUP-111cz), Wood 1 (practice rooms), Wood 2 (practice rooms with a one-bedroom apartment above), Abravanel Hall (auditorium, practice rooms, dance studio), Harger Bass Studio (music practice, set storage), "The Rack" and Treasure House (Women's Auxiliary shops, open 1-4 p.m., Tuesday -Saturday), and a staff residence (1- story, single family home occupied by Music Academy staff).

Surrounding land uses include single family residences and condominiums to the south, east and west of the Academy with the Southern Pacific Railroad (SPRR) to the north, and the Montecito Sanitary District (MSD) treatment facility and offices also to the west. The main intake and outflow sewer lines for the MSD, as well as the City of Santa Barbara sewer line serving Coast Village Road, are located within a 30 foot easement on-site that runs along the Music Academy's northern property line. There is also a 5 foot sewer easement on-site that runs along the property's western property line, north of Monte Cristo. In addition to the MSD facility, other non-residential land uses in the neighborhood include the Santa Barbara Cemetery, the Biltmore Hotel, the Arco Conference Center, the Coral Casino, and the former Miramar Hotel, further to the east.

The primary noise sources in the area are traffic on Highway 101 and trains on the Union Pacific Railroad tracks. Based on measurements performed by Matthew Brooke of artNTEK, ambient noise levels onsite vary from 54 dBA measured along Butterfly Lane (12/18/99) to 64 dBA measured at the terminus of Monte Cristo Lane (12/9/99).

Topography is varied over the Music Academy site, from fairly level in the main entry area, near Miraflores, to over 50 percent slopes behind Miraflores, as well as slopes of 30 percent between the upper set of buildings and the lower parking areas, toward the north of the site. The Music Academy is fully landscaped, primarily with non-native vegetation in well maintained gardens. There are numerous trees throughout the site, including native oaks and numerous eucalyptus trees. Many of the trees are located in the areas of proposed construction and roadway improvements. The site is designated with an Environmentally Sensitive Habitat (ESH) Overlay due to the historic presence of monarch butterflies in eucalyptus stands in both the northwest and southeast portions of the site. Based on recent monitoring and studies prepared by Dan Meade (1999, 2000, 2001, and 2002), butterflies are no longer congregating in either of these areas. (See biological resources section for additional information on monarch butterflies).

Some shell fragments have been identified on the property; however there are no known significant archaeological resources on the project site. The property includes a number of historically significant structures and gardens.

Access is provided via a 12-foot wide asphalt covered drive off of Butterfly Lane and Fairway Road. The Fairway driveway is used only as an entrance. The Butterfly Lane driveway is used primarily for exiting the site, with the exception of student buses and delivery trucks, which are limited to using the Butterfly Lane driveway for both ingress and egress (per existing CUP conditions of approval). Water would continue to be provided by the Montecito Water District and sewer service would continue to be provided by the Montecito Sanitary District.

## **CUMULATIVE IMPACTS**

Unless otherwise discussed in individual issue area sections, cumulative impacts of community buildout are addressed in the Montecito Community Plan Program EIR, 92-EIR-3, which is available for review at Planning & Development offices in Santa Barbara (123 E. Anapamu Street, 805-568-2000).

## 5.0 ENVIRONMENTAL IMPACTS

### 5.1 Aesthetics/Visual Resources

#### Setting:

The Music Academy site is located in the southern portion of Montecito in a coastal neighborhood bounded by the Union Pacific Railroad (UPRR) tracks and Highway 101 on the north, Olive Mill Road on the east, the Pacific Ocean to the south and Cabrillo Boulevard to the west. Most of the parcels in this area are zoned for single family residential use. However, there are a number of other land uses that have existed in the neighborhood for many years. These include a number of multi-family housing units (condominiums), the Montecito Sanitary District sewer treatment facility and offices, the Santa Barbara Cemetery, the Biltmore Hotel, Coral Casino and ARCO Conference Center. The former Miramar Hotel is located slightly further to the east.

The property's more immediate neighbors include: single family residences or estates to the south and east on Butterfly Lane, Hill Road, Monte Cristo Lane, Channel Drive, and portions of Fairway Road; multi-family condominium structures along the north side of the two-way section of Fairway Road; the Montecito Sanitary District (MSD) immediately west of the Academy's northwest corner; and the UPRR and Highway 101 to the north. The site is visible from some private residences in the immediate area, however the analysis in this EIR focuses on the site's visibility from public viewing places (e.g., public roadways), consistent with the County's CEQA Thresholds of Significance.

Currently, public views into the nine acre site are somewhat limited and intermittent, due to the presence of perimeter vegetation and an extensive mature tree canopy throughout most of the site. There are some existing gaps in the perimeter vegetation along Highway 101, Butterfly Lane and Fairway Road that allow for brief glimpses into the site. However, even the longer views through these gaps are dominated by specimen trees and shrubs, with little structural development visible. Existing public views of structural development are limited to 1) small portions of Miraflores, briefly visible from Fairway Road, 2) small portions of Wood 1 and 2 Practice Studios, briefly visible from Butterfly Lane south of Highway 101, and 3) brief views from Highway 101 of the northern storage building, the remaining section of the perimeter wall<sup>21</sup> with graffiti, and the temporary, gravel parking area in the northwest corner. Although the site has been developed with a recital hall and a number of other non-residential structures, the siting of existing development in its context of extensive, mature landscaping allows the campus to continue to appear as a landscaped estate from existing public viewing areas.

While none of the properties in the immediate area contain the same type of educational/institutional development as the Music Academy property, substantial structural development on a number of the surrounding properties is currently visible from public roadways. This includes many, large, single-family "estate-type" residences as well as the white, multi-story, multi-unit condominium development that spans the north-side of Fairway Road from Channel Drive to the Music Academy entrance. The Montecito Sanitary District treatment facilities and offices are also partially visible from Highway 101.

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<sup>21</sup> The rest of the wall along the northern property line collapsed recently.

Much of the architecture on-site is associated with the Spanish Colonial Revival architectural movement and estate construction trend by wealthy easterners in early twentieth century Montecito (Lex Palmer, Historic Resources Study dated January 2000). The majority of the surrounding neighborhood retains its historic residential estate visual context. However, the precedent for non-residential estate development in the neighborhood was set many years ago (e.g., Biltmore, Coral Casino, ARCO Conference Center/The Breakers, Bonnymede Condominium development, etc.). Other development that is clearly different than the residential estate setting of earlier times also exists adjacent to the Music Academy. This includes the Montecito Sanitary District sewage treatment facilities and the multi-story condominiums on Fairway Road. These two developments are visible from public roadways, namely Fairway and Highway 101 respectively. In addition, many of the single family residences in the neighborhood are substantial in both size and visibility from public streets, unlike the historic Montecito estates which were typically screened from the street by extensive landscaping.

There are two visual simulations that have been prepared for the project (see Figures 13 - 14, prepared by Videoscapes). The simulations have been updated since release of the Draft EIR to reflect the Music Academy's revised plans. One simulation represents the view into the site from Highway 101, near the west end of the property and the proposed parking structure. The second presents the view from Butterfly Lane, near the Music Academy's exit driveway. These simulations include three settings each: 1) the existing setting, 2) the proposed project with initial landscaping, and 3) the proposed project with mature landscaping (10-15 years after landscaping installation), as seen from southbound Highway 101 and Butterfly Lane near the exit driveway, respectively.

### **Impact Discussion:**

Several components of the proposed project have the potential to change the existing public views of the site, from a predominantly screened, landscaped estate to a more institutional facility, resulting in potentially significant impacts to the visual character of the neighborhood. These changes would result from extensive removal of mature trees throughout the site, construction of new buildings and a two-level parking structure and additional, more visible night-lighting on the project site. The substantial tree removal necessary to accommodate the Master Plan would have the greatest effect on views of the project site.

The applicant's "Existing Tree Disposition Plan" (Figure 6) identifies 172 trees on-site located in proximity to, and hence potentially affected by, proposed construction activities. These trees include 29 acacia, 73 eucalyptus, 15 Monterey cypress, and 29 oaks (including 3 oak clusters with 4-5 trunks apiece), as well as a number of star pine, swamp mahogany, Monterey pine, tipu tree, bottle tree, melaleuca, red ironbark, jacaranda, pittosporum, and a large Moreton Bay fig tree. Some of the existing trees, including some proposed for removal, are part of the historic designed landscape discussed further in the Historic Resources section. Because the tree inventory only includes those trees thought to be located within proximity to grading and construction activities, there are additional trees on-site that are not accounted for in the tree inventory. Most of the trees excluded from the inventory are located along Fairway Road and south of Miraflores and include oaks, acacia, pittosporum, southern magnolia, and Monterey pines. Other vegetation on-site consists of primarily non-native, opportunistic understory species on the east-facing slope and ornamental shrubs, hedges and ground-covers in the formal gardens and other landscaped areas of the site. Some of the hedges (to remain) screen the property from Fairway Road.

The project includes the proposed removal of at least 7 coast live oaks, transplanting of an additional 3 coast live oak (one 5-inch and two 8-inch diameter), removal of 36 eucalyptus, as well as removal of an additional 42 non-native specimen trees. Some the non-native trees proposed for removal include the historic Blackwood acacias that line the formal entrance drive to Miraflores (see Historic Resources section). Additionally, the eucalyptus trees along the northern property line would be limbed and trimmed prior to construction and over the long-term to improve the health and retention of these trees (Bill Spiewak Arborist report dated 1/30/03, Appendix F).

In addition to the trees slated for removal in the Tree Disposition Plan, it is likely that additional trees may be unintentionally damaged or removed during construction activities or throughout long-term use of these facilities. Of particular concern are the eucalyptus trees along the northern property line near the proposed parking structure, parking lot and new storage/maintenance building, as well as two oaks adjacent to the proposed new service driveway for the student services building.

The Spiewak arborist report identifies that a number of eucalyptus have already fallen in the area of the northern eucalyptus windrow in the last 10 years. It is not known whether this was due to solely natural causes or if historic grading in this area contributed to their demise. Additional loss of eucalyptus trees in the northern windrow (due to natural causes, project grading activities, or selective removal for real or perceived safety reasons<sup>22</sup>), would increase visibility into the site from highway 101, particularly given that numerous trees south of the windrow, that could otherwise provide screening, would be removed as part of the project. The trimming and pruning of the eucalyptus windrow identified in the arborist report is recommended as a long-term maintenance strategy for these trees. While trimming and pruning would somewhat reduce the existing vegetative screening that these trees provide, the alternative may be earlier loss of these trees. Once lost, these trees cannot be replanted, as they are located within the Montecito Sanitary District (MSD) sewer easement, which contains both the main inflow and outflow lines (100 year old clay pipes) for the entire district. The MSD has expressed concern with regard to tree roots and their adverse effects on long-term maintenance and operation of these critical pipelines. The revised project plans have relocated the proposed parking structure and set it back further from the sewer easement, resulting in a six to ten foot setback from the southern edge of the easement. This allows for space to plant a relatively shallow-rooted pittosporum hedge (north of the parking structure, the new parking area and new storage and maintenance building), but outside of the sewer easement. Upon maturity, the hedge would provide substantial screening.

The tree loss and trimming would increase visibility through the site from Highway 101 and Butterfly Lane. In the northern portion of the site, this would potentially increase the visibility of the new maintenance/storage building, the two-level parking structure, and associated night-lighting and car headlights near the northern property line. The proposal for wrought iron railings on the upper level of the parking structure would allow for increased visibility of car headlights from Highway 101, when cars in the upper level of the structure are heading in the direction of the freeway, until the proposed vine planting on the railing is established. The visual simulation from Highway 101 shows anticipated views with the existing eucalyptus trees after the arborist recommended pruning. Views from Highway 101 further to the east would be similar, where the

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<sup>22</sup> The Music Academy received Planning Commission approval to remove five eucalyptus trees near the windrow in the mid-1990's due to potential threats to safety and property.

new instructional building would be partially visible. The revised project plans have retained additional trees between Treasure House and The Rack as well as in the area between these resale shops and the new practice studio building. The proposed retention of additional trees in this area would maintain some of the existing screening in front of the proposed new practice studio building as well as along the eastern portions of Abravanel Hall.

Replacement trees, shrubs, groundcovers and vines are proposed to be planted throughout the property (Master Landscape Plan Figure 5). In the short and mid-term (5-15 years<sup>23</sup>, until the pittosporum hedge reaches sufficient height to substantially screen structures) reduced screening from the northern eucalyptus windrow, when combined with other proposed tree removal on-site, would increase visibility further into the property. Portions of the site would be visible from public roads, particularly from the north. During the construction period, tree removal, grading, construction activities and (currently hidden) existing structures would be visible. Following completion of construction, additional new structural development would also temporarily be visible. This would be considered a potentially significant short to mid-term impact.

Existing and proposed new night-lighting would be more visible than under the current setting, in both the new parking structure and in the upper portions of the new practice studio, instructional building, and potentially Abravanel Hall (subject to whether additional lighting is incorporated into the renovated structure, particularly in the upper portions of the structure, where reduced screening from tree loss and pruning could increase visibility from off-site). Structures near the center of the project site are at the highest elevations on the property. Therefore, night-lighting in the upper portions of these buildings would be the most noticeable.

Views from Butterfly Lane, south of Highway 101 may be similarly affected by additional development, but to a lesser degree. Small portions of existing structures are currently visible from Butterfly Lane. The proposed student services and instructional buildings and the new outdoor dining area and retaining walls, along with tree removal, would somewhat increase structural development visible from Butterfly Lane. New structural development would be minimally visible from passing cars, but would be more visible to pedestrians along Butterfly Lane (e.g., pedestrians using the pedestrian tunnel under Highway 101 to and from Butterfly Beach). Lighting associated with the student services and instructional building would also draw more attention to these structures at night when viewed from Butterfly Lane, particularly until new landscaping is mature. Depending on the design, intensity and location of lighting, this impact would be potentially significant.

The applicant is requesting a modification to the 25-foot height limit in Article II, the Coastal Zoning Ordinance, for both the renovated recital hall and the new instructional building. The existing height of Abravanel Hall (34.8 feet using County methodology for measuring height) would not be altered as part of the renovation of this structure, although it would continue to exceed the 25 foot height limit for the zone district. The new instructional building is proposed to be 29 feet in height. Neither the existing or the renovated recital hall exceed the overall height above sea level of Miraflores. Following proposed renovation, Abravanel Hall would be approximately the same size as the largest existing structure on-site, Miraflores. (Currently Abravanel Hall is the

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<sup>23</sup> Proposed shrubs would be expected to reach mature heights within 5-10 years. Proposed replacement trees would be expected to reach mature heights in 10-15 years.

second largest structure). Abravanel Hall would increase in both footprint and total floor area by 2,790 square feet.

The new instructional building would appear higher than the “maximum” 25-foot height as defined by the Zoning Ordinance, due to topographic changes, the design of the structure, and the County methodology for calculating building heights (“maximum” height is actually measured as the average height, minus architectural projections). The new, larger structure would occupy the higher elevation of the site and would also step down the slope to the north and east. As a result, the proposed structure would appear lowest in height when viewed from the interior of the site, such as from the main entrance drive to Miraflores. When viewing the same structure from the lower northern and eastern portions of the property, the additional lower levels and overall height of the buildings would be visible. The structure would appear a much taller and more massive structure from this vantage point on the site. From off-site public viewing areas, the additional four feet of height requested by the applicant (beyond the regular 25-foot height limit) for the instructional building is not expected to be noticeable. With regard to Abravanel Hall, the structure is already existing and would not increase in height as a result of the renovation. Therefore, the modifications to allow the new instructional building and recital hall to exceed the 25 foot height limit for the 1-E-1 zone district are not expected to result in a significant impact, whether viewed from on-site or from public viewing areas.

The additional structural square footage of the renovated recital hall and proposed instructional and student services buildings would increase the size and structural massing on-site. These new and replacement structures comprise the majority of the doubling of existing structural square footage for the site<sup>24</sup>. When comparing the proposed structures to those existing on-site, the overall sizes of the new structures would be more noticeable than the heights. Due to the substantial tree removal necessary to accommodate the overall Master Plan and the diminishing effects this has on the screening properties of the historic landscape setting of the estate, the increased size of new structures would have an adverse aesthetic impact on public views into the site.. This effect has been somewhat, but not substantially, reduced as a result of the project revisions submitted by the applicant in response to the Draft EIR.

The property currently maintains the appearance of an extensively landscaped estate from public viewing areas. However, views from the interior of the site have included an increasingly institutional setting over the years. Therefore, the physical changes to the property, as viewed from the interior, would not be as great as the temporary change in views from public viewing areas, which are considered potentially significant, until replacement trees and shrubs can provide sufficient screening.

A number of the mature trees, on the east-facing slope of the site, would be retained and more trees are proposed to be planted in this area. However, the proposed outdoor patio dining area would locate development and more activity further down the slope, closer to Butterfly Lane than any existing development. Existing outdoor dining is primarily limited to the upper patio behind Miraflores. The lower patio at Miraflores includes a pool and fountain, which effectively limits the number of people and related dining activities that can be accommodated in this area. The

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<sup>24</sup> Existing structures total 43,370 SF, with an existing total footprint (building coverage) of 34,370 SF. Following completion of the proposed Master Plan improvements, total structural square footage would increase to 97,380 SF and the new building footprint would increase to 49,950 SF.

proposed new outdoor dining area extends further down the slope than the Miraflores upper patio and there would be some limited views of the new patio area from Butterfly Lane. The proposed use of the new dining area for lunch and dinner for 150 students as well as staff/faculty (up to 89) may also affect how visibly noticeable this somewhat limited structural intrusion is to neighbors and to the public using Butterfly Lane. Given this intensity of use, the patio may appear as a commercial restaurant type use from the residential street below, drawing more attention to the structural development in this area, than if there were no additional outdoor patio dining area here.

Views of this educational/institutional dining area would be only partially visible from Butterfly Lane. The visibility of this area would increase if it were to be used in the evening with night-lighting or if safety lighting is required and used at night. Although the applicant has proposed that this area not be used after dark, they have proposed some night-lighting in this area for pedestrian and safety purposes. The use of night-lighting for evening activities here, as well as the design, location and intensity of any safety lighting (even if no specific activities are planned) would raise this otherwise adverse aesthetic impact to a potentially significant adverse impact.

The majority of the proposed architecture would be compatible with the existing architecture on-site and in the surrounding area. However the Master Plan would result in potentially significant impacts to the historic designed landscape, including vegetation, the entrance allee and pathways. (These impacts and associated mitigation are addressed in the Historic Resources section). In addition, temporary views into the site from Highway 101 and other public roads to the north would be altered from primarily views of an extensively landscaped estate to views of a more institutional facility, including overall structural development of substantially greater size, bulk and scale along with reduced landscaping through the mid-term. As stated earlier, the change in short to mid-term views of the property would result primarily from the removal of at least 85 existing mature trees on-site to accommodate development proposed in the Master Plan.

The Montecito Board of Architectural Review (MBAR) had generally favorable comments about the project layout and concluded that comments regarding details of individual structures would be more appropriate once the Montecito Planning Commission makes a determination on the level of additional development that is approvable on the site as well as the appropriate location for the outdoor dining area. The MBAR did recommend that additional screening be provided between the new storage/maintenance structure and related service yard in the northeast and along the western property line, adjacent to the parking structure. The additional planting along the western property line along with planting of trees up through the middle of the parking structure itself would serve to break up the expanse of parking lot from the interior of the site as well as from any views west of the site. The MBAR also commented on the need to have adequate perimeter landscaping to screen structures and to maintain the existing estate/garden setting onsite. The MBAR minutes are included in the appendices and may be referenced for specific public and board concerns and comments.

### **Cumulative Impacts:**

Cumulative development in the area includes the Miramar renovation (also visible from Highway 101), already permitted and proposed ministerial changes to the Biltmore Hotel facilities (primarily upgrades of existing facilities), proposed renovation of the Coral Casino, major remodels of existing single family residences in the neighborhood, and potential widening/modification of

Highway 101 through Montecito. The Music Academy project would contribute incrementally, to potentially significant aesthetic impacts from reasonably foreseeable cumulative development (especially Hwy 101 widening). Of particular concern would be development that would be visible from Highway 101.

**Mitigation and Residual Impact:**

1. Compliance with the Tree Protection Plan as identified in the biological resources section. The following shall be added to the Tree Protection Plan to reduce aesthetic impacts:
  - a. The TPP shall emphasize the protection (and retention, where feasible) of existing trees and shrubs that are critical to screening the property from off-site public viewing areas (e.g., particularly those trees that provide screening of the site when viewed from the north). In addition, the primary goal of tree maintenance activities (trimming, pruning) shall focus on maintaining the long-term health (and retention) of the trees. However, wherever possible, the maintenance activities shall also consider the goal of maintaining maximum screening provided by tree foliage.

**Plan Requirements and Timing:** The applicant shall revise the Tree Protection Plan and submit this for P&D review and approval prior to approval of CDPs. P&D shall check the plan for compliance with this measure.

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

2. Night-lighting and its intensity shall be minimized to the extent feasible for security and safety purposes and night-lighting should be reduced following the close of activities on-site any given day. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. The height of night-lighting shall also be minimized to reduce its visibility from off-site. This would apply to both the height of light fixtures as well as minimizing the location of night lighting in the upper portions structures, particularly those at the highest elevations on-site (e.g., recital hall, instructional building). Applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m., except when activities end at or later than 10:00 p.m. For these exceptions, lighting shall be dimmed to the maximum extent feasible and at the earliest possible time after 10:00 p.m. At a minimum, the lighting plan shall show all proposed lighting on or along structures, roads, walkways, and garden and patio areas. Special consideration shall be given to lighting of the proposed parking structure, other perimeter development and pathways, and all existing and proposed indoor and outdoor lighting on the sides of structures facing public streets to minimize visibility from off-site. **Plan Requirements:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the MBAR.

**MONITORING:** P&D and MBAR shall review a Lighting Plan for compliance with this measure prior to approval of a CDPs for structures or prior to CDPs for grading (if trenching for lighting is required). Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

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

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

4. The landscape plan and tree disposition plan shall be revised to maximize the screening ability of site vegetation and to minimize the timeframe for new landscaping to provide such screening. At a minimum, the revised landscape and tree disposition plan shall include the following:
  - a. The plans shall include existing mature trees, perimeter shrubs and historic gardens that are proposed to remain as well as new plantings identified in the landscape plan. Normal maintenance activities are expected, however, tree maintenance trimming should not exceed that explicitly recommended for tree health by the arborist and vegetation modification for fire fuel management purposes should not exceed that explicitly required by the MFPD, as these activities also reduce vegetative screening of the site. This should be noted on the landscape plan.
  - b. An attractive, hardy, drought resistant vine should be planted to screen all portions of the proposed parking structure and the storage/maintenance building, which would be visible from Hwy 101. This vine treatment shall also be considered for portions of all new structures in the Master Plan that would be visible from off-site (subject to MBAR review and approval), at least until other proposed landscaping reaches sufficient height to provide screening for these buildings.
  - c. Screening landscaping shall be incorporated between the western property line and the proposed parking structure to provide screening from the north as well as to break up the expanse of parking area as viewed from the historic property interior.
  - d. Clinging vines and/or vertical planting shall be provided on trash enclosure walls and any other masonry walls where appropriate, as determined by MBAR and P&D, to soften the visual effects of the structures and to discourage the occurrence of graffiti.
  - e. A six foot wall shall be installed along the eastern property line, between the northeast corner and the exit driveway, to provide visual separation (and to reduce land use conflicts) between the new storage/maintenance building, including the service yard, and the adjacent residences.

- f. The largest feasible size of replacement plantings (15 gallon minimum) shall be incorporated into the landscape plan where screening or immediate visual effect are at issue. This may include, but would not be limited to, vines on the parking structure railing and on the recommended wall behind the new storage building, and specific tree locations where the short-term screening is more critical than long-term growth due to other existing and proposed plantings in the immediate area (e.g. loss of windrow eucalyptus and need for immediate replacement for screening).
- g. The final landscape plan shall augment landscaping near the proposed emergency access on Fairway to minimize views into the site.

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

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

- 5. The proposed wrought iron rail along the north and west sides of the parking structure shall be replaced with a thicker railing to minimize visibility of cars and especially headlights in the upper level. To further minimize visibility of the vehicle headlights, the railing shall also be clad (planted) with a hardy, drought tolerant screening vine, subject to review and approval by P&D and MBAR. **Plan Requirements and Timing:** The change shall be shown on the project building and landscape plans and shall be reviewed and approved by P&D and MBAR to ensure appropriate height, color, vine species, etc. prior to approval of CDPs for the parking structure.

**MONITORING:** Permit Compliance shall inspect during construction and prior to occupancy clearance.

- 6. Future structures shall not exceed the heights identified in the project description and on the project plans. If there is any discrepancy between the written and graphic representations of height, the lower reference to height shall be used. Changes to proposed building height which do not exceed, but rather reduce the heights identified in the project description and on the project plans (e.g., the 29 height identified for the proposed instructional and recital hall buildings) would also be acceptable. **Plan requirement:** This measure shall be included on building plans. **Timing:** Plans shall be submitted prior to approval of Coastal Development Permits.

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

- 7. The graffiti on the remaining section of the northern wall shall be removed and the wall shall be painted in a color which blends in with the surrounding landscape. The color shall be reviewed by the MBAR and P&D in conjunction with condition #3 above. This wall shall be repainted within 72 hours, as necessary, if there is new graffiti in the future. If feasible, this wall section shall also be planted with a vine to reduce re-occurrence of

graffiti or the wall may be permanently removed subject to compliance with tree protection measures and replaced with a vine covered fence, railing, or wall. **Plan Requirement/Timing:** The applicant shall submit photo-documentation to show that this measure has been implemented prior to approval of CDPs.

**MONITORING:** P&D shall site inspect.

8. The outdoor patio area shall be removed. The new cloistered patio on the interior side of the new student services building would be the preferred location for an outdoor eating area, given its location on the interior of the site. **Plan Requirement/Timing:** The applicant shall submit revised plans to P&D and MBAR for review and approval prior to approval of CDPs.

**MONITORING:** P&D shall site inspect.

### **Residual Impacts:**

In the short to mid-term existing views of a predominantly screened, landscaped estate would be altered by the project. Until new plantings reach sufficient heights, views of extensive tree removal, grading, and construction activities as well as new views of existing and substantially expanded non-residential (institutional) development would be visible from public roadways. This would be considered a temporary significant and unavoidable (Class I) impact. The project landscape plan and incorporation of mitigation measures would reduce this impact to less than significant levels over the long-term (Class II). Inadvertent loss of the northern eucalyptus windrow trees would exacerbate, but would not change the conclusions regarding temporary Class I impacts and long-term Class II aesthetic impacts.

Impacts from installation of the secondary access along Fairway could be mitigated to less than significant levels with mitigation identified above (Class II).

For impacts to the historic designed landscape, please refer to the Historic Resources section of the EIR.

## 5.2 Air Quality

### Setting:

Federal and state ambient air quality standards for certain criteria pollutants have been established to protect human health. As of August 8, 2003, Santa Barbara County has been re-designated as a federal ozone attainment area for the 1-hour ozone National Ambient Air Quality Standard. The County continues to violate the state ambient air quality standards for ozone (O<sub>3</sub>) and fine particulate matter (PM<sub>10</sub>).

### Impact Discussion:

CEQA requires a significance determination of a project's direct and indirect emissions for both short-term (construction) and long term (operational) impacts on air quality. The significance of a pollutant concentration is determined by comparing it to the appropriate federal and/or state ambient air quality standard. The proposed development could result in the short-term construction-related and long-term operational air quality impacts as discussed below.

#### Short-term Construction Impacts.

Ozone air pollution is formed when its precursors, nitrogen oxides (NO<sub>x</sub>) and reactive organic compounds (ROC), react in the presence of sunlight. Project-related short-term air quality impacts could occur during earth moving associated with future construction activities. Grading would be required during site preparation work for the parking lot, parking structure, the new recital hall, the new practice studios, and the new student services, storage, and maintenance buildings as well as for changes to roadways, sidewalks and patio areas. Preliminary earthwork quantities are estimated at approximately 20,836 cubic yards of cut and 11,700 cubic yards of fill, with approximately 9,136 cubic yards of export. Proposed site grading activities are estimated in the table below. However, the number and/or order of the phases is proposed to be flexible, with the exception that the parking structure and much of the perimeter landscaping are proposed to occur in the first phase.

**Grading/Phasing Calculations**

Phase	Cut	Fill	Export/ (Possible Import)	Total Construction Period	Duration for Grading Component
1a	4,537	2,638	1,899	10 months	4-5 weeks
1b	418	189	229	10 months	1-2 weeks
2	9,597	3,227	6,371	10 months	4-5 weeks
3	436	82	354	10 months	1-2 weeks
4	182	45	137	10 months	1-2 weeks
1-4 Totals	15,170	6,181	8,989		

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

Dust and vehicle emissions would also be generated by vehicles and equipment associated with loading and transporting excess fill material off-site and/or transporting and unloading clean fill material. Based on available grading information, the project may include the export of somewhere on the order of 10,000 cubic yards of excess fill, although the amount of fill exported may actually be considerably higher based on soil expansion and other factors. This would involve substantial construction vehicle traffic, as each vehicle transporting soil typically carries only 7-17 cubic yards of material, depending on soil characteristics and transport equipment used. Assuming the hauling period is 60 days, the truck traffic could be 10-24 trucks per day (up to 24 trucks/day \* 60 days = 1,440 trucks)<sup>25</sup>. The export material is proposed to be transported off-site using the railroad right-of-way, to access Channel Drive near Cabrillo Boulevard. Utilizing the railroad right-of-way would allow trucks to avoid Fairway Road or Butterfly Lane, thus minimizing the potential traffic nuisance to residents and pedestrians on neighborhood streets, but still affecting Cabrillo Boulevard and its intersections near Highway 101. This type of use of the railroad right-of-way is typically granted. However, if the Music Academy does not receive approval to use the railroad right-of-way, excess fill dirt would be transported in vehicles using neighborhood streets. Use of neighborhood streets for transporting excess fill from the site would contribute to short-term air quality impacts identified in the next paragraph.

Overall, construction activities would generate combusive emissions (including ozone precursors) from heavy-duty grading equipment and fugitive dust (PM<sub>10</sub>) from ground disturbances. Short-term thresholds for emissions of ozone precursors from construction equipment have not been established. However, since combusive emissions from construction equipment are relatively small compared to total emissions, these potential impacts are considered adverse but not significant.

No quantitative threshold has been established for short-term, construction related PM<sub>10</sub> either, although dust mitigation measures are required for all discretionary projects and projects involving earthmoving activities over 50 cubic yards (County Grading Ordinance). Dust generated from the grading may impact sensitive receptors at adjacent single family homes, students, faculty, staff and other audience attendees at the Music Academy, as well as drivers along Highway 101 in the event that dust is blown onto the freeway. Therefore, although no project-specific threshold would be exceeded by the proposed project, fugitive dust emissions would have the potential to cause a public nuisance and/or exacerbate the County's PM<sub>10</sub> non-attainment status resulting in a potentially significant impact. Related, short-term impacts associated with odors from paving and roofing activities would be considered adverse, but less than significant.

#### Long-Term Operational Impacts.

The thresholds for long-term air quality impacts address a project's peak daily operational (usually motor vehicle) emissions.

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<sup>25</sup> Assuming a 20 mile round-trip, NO<sub>x</sub> emissions are estimated to range from 6 lbs/day to 14.46 lbs/day and ROG emissions would be 0.71 to 1.69lbs/day, less than significant (based on APCD calculations included in letter dated 8/12/2003).

The Music Academy is proposing the following attendance limitations, which would apply to guests attending events at the campus<sup>26</sup>:

1. **Any-given-time** (480) - this would apply to both conjunctive use of multiple venues on-site (indoor and outdoor) and maximum seating capacity for the proposed recital hall;
2. **Daily** (1,170); and
3. **Annual** (57,291) based on the following seasonal limits:
  - a) **Summer** (29,425)
  - b) **Non-Summer** (27,866) season

Although Music Academy generated traffic would be reduced on an annual basis, vehicle trips during the 8-week summer season would be greater than current levels, as the Music Academy is proposing to increase attendance during the summer from the existing 17,681 to 29,425 audience members. Students/performers, faculty/staff and others attending administrative functions are not proposed to be counted toward any of the proposed attendance limitations (any-given-time, daily and seasonal). The estimate for project related traffic increase takes into account assumptions for a reasonable increase in faculty/staff and volunteers (see transportation section for greater detail).

Implementation of the proposed Master Plan, with its expanded and improved facilities, could accommodate several events/activities simultaneously and could also more easily accommodate group events/activities sequentially within the same day. However, the proposed any-given-time, daily, and seasonal attendance restrictions would limit future activity levels on-site.

The Santa Barbara County Air Pollution Control District (APCD) long-term air quality threshold of significance for motor vehicle-related emissions is 25 pounds per day of the ozone precursors ROC or NO<sub>x</sub>. This threshold is applied to a project's net increase in *peak* daily vehicle emissions. The Urbemis 2001 computer program (Windows Version 6.2.1) is used to calculate long-term emissions from motor vehicles associated with peak daily emissions for the proposed project. Identified below are estimates of existing and proposed *peak* daily traffic for use in calculating and applying the long-term air quality thresholds. These assumptions for peak daily traffic are not meant to reflect an estimate of *average* daily traffic, which is used in the traffic section<sup>27</sup>. For example, the Music Academy's proposed maximum daily attendance is 1,170 guests. Therefore, the proposed *peak* daily attendance is 1,170. However, the proposed maximum guest attendance for the entire 8-week summer season is 29,425. The traffic study averages this attendance over the 45 activity days during the summer season, for a lower *average* daily attendance of 653.

The existing CUP has no daily limit on attendance. However based on historic activity levels and existing facilities, it is reasonable to assume that current peak daily vehicle trips would be associated with two high attendance events per day (300 attendees per event @ 2 events per day). This would represent a current peak attendance of 600 guests compared to the proposed

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<sup>26</sup> Faculty, staff, summer music program students, performers and non-staff attendees at administrative activities on-site would not be counted toward the proposed maximum attendance limits and they are not included in the baseline attendance assumptions. The MAW proposes that there would be no increase in the number of students (currently restricted to 150 under the existing CUP) and has assumed that faculty/staff would increase from the current maximum of 75 to up to 89 as part of the expansion plans.

<sup>27</sup> Average historic guest attendance during the summer season has been approximately 392 guests/day. The proposed Master Plan would allow for an average summer attendance of 653 guests/day (ATE Study 3/14/03).

maximum guest attendance limit of 1,170 per day. This would equate to a net increase of 570 guests/day (1,170 – 600 = 570) on a peak day or 699 vehicle trips<sup>28</sup>. The Urbemis model determined that the change in project emissions would be 13.47 pounds per day of ROC and 14.22 pounds per day of NO<sub>x</sub>, which would not exceed the 25 pounds per day threshold for NO<sub>x</sub> or ROC.

Because emissions based on peak day traffic would not exceed the County's adopted thresholds, long-term operational emissions from increased vehicle trips would be considered adverse but less than significant (Class III).

### **Cumulative Impacts**

A project's cumulative impacts are considered significant if the project's total emissions of the ozone precursors NO<sub>x</sub> or ROC exceed the long-term threshold of 25 pounds per day. The emissions associated with buildout of the new and expanded facilities would not exceed the long-term threshold. Therefore, although the project would contribute incrementally to degraded air quality in the region from increased vehicle trips associated with buildout under the Montecito Community Plan, it would not result in a considerable cumulative contribution.

### **Mitigation and Residual Impact: The following measures are recommended to address the project's contribution to degraded air quality in the region.**

1. If any portion of the project site is graded and left undeveloped for over 30 days, the applicant shall employ the following methods immediately to inhibit dust generation:
  - a) seeding and watering to revegetate graded areas; and/or
  - b) spreading of soil binders; and/or
  - c) any other methods deemed appropriate by the Air Pollution Control District and/or P&D.

If grading activities are discontinued for over six weeks, applicant shall contact both Permit Compliance staff and the Grading Inspector to site inspect revegetation/soil binding.

**Plan Requirements:** These requirements shall be noted on the grading plan. **Timing:** The final grading plan shall be submitted to P&D for review prior to land use permit approval.

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

2. Dust generated by the development activities shall be retained onsite and kept to a minimum by following the dust control measures listed below. Reclaimed water should be used whenever possible.
  - a) During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust, after each day's activities cease. (Wetting of soil shall be sufficient to minimize dust only and should not be to an extent that soil is washed off the site or into storm drains).

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<sup>28</sup> 570 guests / 1.63 guests per vehicle (ATE 3/14/03, average vehicle occupancy AVO rate) = 350 vehicles \* 2 trips/vehicle = 700 trips

- b) During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever the wind speed exceeds 15 miles per hour.
- c) Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- d) Trucks transporting soil, sand, cut or fill materials and/or construction debris to or from the site shall be tarped from the point of origin.
- e) The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to P&D and the Air Pollution Control District prior to land use clearance.

**Plan Requirements:** All requirements shall be shown on grading and building plans.

**Timing:** This condition shall be adhered to throughout all grading and construction periods.

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

- 3. The applicant shall secure a Right-of-Way Agreement from the Union Pacific Railroad.  
**Plan Requirements and Timing:** Prior to approval of a Coastal Development Permit for grading, the applicant shall provide P&D with a copy of the Right-of-Way Agreement for access purposes, indicating ability to utilize the railroad right-of-way to export fill offsite.

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

With incorporation of the mitigation measures identified above and those listed in the Section 4.3 Transportation/Circulation, residual project specific air quality impacts would be considered less than significant.

### 5.3 Archaeological and Ethnic Resources

#### Setting:

No prehistoric or historic archaeological resources are recorded within or adjacent to the project site, and the site is not known to be an existing sacred area to contemporary Native Americans. Three prehistoric sites are recorded within 1.0 mile, with the closest being 2,000 feet away. They are associated with locations that provided access to the Pacific Ocean or other substantial sources of fresh water, from which food resources were gathered.

#### Impact Discussion:

Larry Carbone, M.A., a County-qualified archaeologist, performed a Phase 1 Archaeological Investigation, including a review of existing archaeological site records and reports in the project vicinity and an intensive pedestrian survey of all proposed impact areas, in January 1999 and updated in August 1999. Though some proposed development areas are covered with ornamental vegetation, the Phase 1 archaeological investigation intensively inspected all ground surfaces such that the reliability of the survey is considered adequate. One concentration of small shellfish fragments was identified during the survey within the footprint of the proposed Abravanel Hall expansion. Small fragments of species that occur naturally in estuary environments were found including scallop, Littleneck clam, and horn shell. Of these, the horn shell is not found in local prehistoric archaeological site refuse, as it provides extremely small amounts of food (only snails smaller than 1/8 inch in diameter can fit in these shells) relative to other shellfish collected in estuaries and along the shoreline. Other ceramic tile and earthenware fragments were identified scattered throughout the project site. The ceramic tile and earthenware fragments are associated with 20<sup>th</sup> century occupation of the estate. The very low concentration of ceramic fragments over the site suggests that they are not associated with any specific historic activity, such that they are not considered important historic resources under CEQA Guidelines Section 15064.5.

The shellfish concentration identified by Carbone was evaluated in more detail by David Stone, M.A., a County-qualified archaeologist retained by the County. The shellfish concentration area identified in the Phase 1 investigation was revisited and was subject to an Extended Phase 1 archaeological investigation to determine the subsurface extent and integrity of the shellfish scatter. Very sparse shellfish remains were re-identified in three contiguous but distinct areas on what was originally a north-sloping landform east of Abravanel Hall. A total of five shovel test pits were excavated in the three areas to determine the extent of any subsurface artifact deposits and integrity of site soils. The pits were excavated approximately 1.0 feet deep and 0.75 feet in diameter.

The shovel test pit excavations determined that soils in which the shellfish fragments were previously identified during the Phase 1 survey were all previously disturbed by development and were the result of imported fill. In two of the areas below the existing landscaped garden, the soil included obvious modern debris including broken glass fragments, metal bottle caps, a chair leg rubber cap, and ceramic tile fragments. The soils also included granitic gravels that are not found locally. In the landscaped garden, the soils containing shellfish fragments were clearly of a contrasting soil to the native soil found underneath. The shovel test pit excavations definitively identified that the shellfish fragments found on the surface are associated with imported soils that were brought to the project site for either landscaping mulching, or to provide for other ground cover. The horn shell was the only species that was found below the ground surface. It was

found with the metal, rubber, and glass fragments adjacent to the retaining wall, indicating an area where cutting of the native surface occurred, and then subsequent fill soils were imported (probably during establishment of the equipment vehicle parking area). As the shellfish fragments are not associated with an intact archaeological deposit but are rather associated with imported soil, they are not considered potentially significant archaeological resources as defined in CEQA Guidelines 15064.5. As they do not represent prehistoric resources, they are not associated with Native American heritage values. Therefore, all proposed soil disturbances in these areas would not have the potential to impact significant cultural resources.

Though no other recorded archaeological deposits are recorded onsite, it is possible that other unknown buried cultural remains could be encountered within the project site during grading. Depending on their extent and integrity, unknown deposits could represent potentially significant archaeological resources. Disturbances to a significant archaeological resource would result in a potentially significant impact on archaeological resources.

### **Cumulative Impacts:**

Cumulative impacts on archaeological resources include the regional loss and destruction of archaeological sites over time. Past development in Montecito, like most areas of urban coastal California, has resulted in the destruction of vast quantities of archaeological sites. These non-renewable resources have suffered significant impacts from cumulative development. Proposed development would potentially contribute to this cumulative impact, if unknown subsurface, intact deposits were disturbed. Since these types of resources are non-renewable, the project's contribution to cumulative impacts could be significant.

### **Mitigation and Residual Impact:**

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

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

Incorporation of the mitigation measure listed above would result in reduction of potential impacts on unknown archaeological resources within the project site to less than significant levels. This mitigation would also reduce potential cumulative impacts to less than significant levels.

## 5.4 Biological Resources

### Setting:

The project site is located in a developed, urban neighborhood, one block north of the beach. The property is bounded by Highway 101 and the Union Pacific Railroad tracks, the Montecito Sanitary District offices and treatment facility, single family homes and condominiums, as well as Butterfly Lane, Fairway Road, and the terminus of Monte Cristo Lane. The closest major open space areas to the site are the Santa Barbara Cemetery and the Andree Clark Bird Refuge, less than one mile to the west. There is no known significant wildlife movement between the subject property and these open spaces areas.

The nine acre project site has been used as a residential estate, a country club and music conservatory over the last 80 years. Historical changes to the property have included construction of approximately 45,000 square feet of structural development, formal gardens, other non-native/ornamental landscaping, and paved roadways, parking areas, patios, and walkways throughout the site. The east-facing slope of the property, above Butterfly Lane, is the least disturbed portion of the site, although it also includes some non-native trees such as eucalyptus, pittosporum, cypress and acacia. The slope is otherwise dominated by coast live oak woodland. This eastern slope is proposed as the monarch butterfly habitat restoration and enhancement area.

The property includes a significant number of trees (native and non-native) that form an extensive tree canopy over much of the site. The project tree inventory (Figure 6, Existing Tree Disposition Plan) identifies 167 trees on-site, including 29 acacia, 71 eucalyptus, 15 Monterey cypress, and 30 oaks, as well as a number of star pine, swamp mahogany, Monterey pine, tipu tree, bottle tree, melaleuca, red ironbark, jacaranda, pittosporum, and a large Moreton Bay fig tree. There are additional trees on-site, which are not accounted for in the tree inventory, given their anticipated distance from proposed development activities. These trees are primarily along Fairway Road, the entrance drive, and south of Miraflores and include oaks, acacia, pittosporum, southern magnolia, Monterey pines and other non-native trees. Other vegetation on-site consists of primarily non-native, opportunistic understory species on the east-facing slope and ornamental shrubs and ground-covers in the formal gardens and other landscaped areas of the site.

The Music Academy of the West property is located in the southern portion of the Montecito Planning area in an urbanized coastal neighborhood. The Montecito Community Plan EIR (92-EIR-03, p. 5-161) identifies that “mammals, reptiles and amphibians in this portion of the planning area are limited by barriers imposed by roadways and structures”. The EIR also notes that this area is associated with a wide variety of exotic plant species. The only sensitive biological resources identified on, or in proximity to, the Music Academy of the West site are the two historic monarch butterfly sites discussed later in this section. No other rare, threatened, endangered or sensitive species of animals have been known to frequent the Music Academy site.

Historically, the eucalyptus trees on-site supported large numbers of monarch butterflies in two separate roosting areas (92-EIR-3, 91-ND-54). The main historic aggregation site on the property was located in the southeast corner of the property, near Miraflores until extensive tree removal and trimming occurred in this area both onsite and offsite. This area has not supported butterflies since at least 1989 (probably 1979) due to on-site and off-site pruning and trimming activities (Source: A.

Wenner Study 1989, 1990 referenced in SB County P&D, 91-ND-54 prepared for existing CUP). On-going, off-site, tree pruning, trimming, and removal along Butterfly and Hill Lanes (without replanting trees to offset tree/canopy loss) have continued to reduce the attractiveness of this area for butterflies (D. Meade, personal communication and monitoring reports prepared pursuant to approval of the existing CUP).

The northwest corner of the property was historically used as an autumnal roost, although butterflies also frequented this site throughout the October - March "butterfly" season. 91-ND-54 describes a P&D site visit observation of 1000 butterflies in the northwest corner on November 1, 1992. However that is the last observation of significant numbers of butterflies in this area. The existing CUP addresses this monarch butterfly area as follows:

Condition of Approval No. 2: *The applicant shall agree to the following measures related to the butterfly habitat:*

- a. *No tree trimming, removal, ground disturbance or clearing shall occur in the area identified as butterfly habitat and depicted in Figure 3 of 91-ND-54 without approval of a CDP for these activities and under supervision of a RMD qualified Monarch specialist;*
- b. *Installation of concrete parking stops along the northern boundary of the parking lot to prevent vehicles from entering the site, shall occur prior to Coastal Development permit;*
- c. *Prior to approval of a CDP, the applicant shall fund monitoring by an RMD approved biologist of the butterfly habitat for a period of 3 years, commencing with the fall of 1992.*
- d. *At the end of the three year period referred to in 2.c. the Planning Commission shall conduct a public hearing to determine if the site is used as an autumnal or permanent site during any of the two of the three years monitored, and to determine if the applicant shall be required to offer to dedicate an open space easement over the area identified in 91-ND-54. This easement shall include the following:*
  - i. *A four foot high post and rail fence, boulders no less than 4 feet in diameter, or other barrier acceptable to DER, suitable to preclude vehicular encroachment into the easement area.*
  - ii. *Any tree trimming, removal, or replacement shall be done under the direction of a qualified Monarch butterfly specialist and an arborist approved by DER. Irrigation of the trees shall be allowed under the direction of a DER approved arborist to improve the health and vigor of the grove.*
  - iii. *All maintenance grading or construction activities in areas within 100 feet of the open space easement (including parking lots) shall be carried out from April to September to avoid disturbance to the Monarch population.*
  - iv. *No adjacent structures or activities shall alter direction of intensity of wind and light entering the eucalyptus grove. No storage of fill materials, parking of cars, paving, or other activities shall occur within the Open Space easement.*
  - v. *Provision of an endowment in an amount sufficient to assure annual monitoring of the easement over the life of the easement.*

Monitoring: *Upon approval by the Board of Supervisors, provisions of the easement and encroachment prevention plans shall be monitored through site inspections and photo documentation Permit Compliance staff annually.*

A monarch butterfly specialist, Dan Meade, was hired to perform the monitoring required by this condition for the autumnal site. (The major historic aggregation site in the southeast corner of the property was not required to be monitored, as it had not supported butterflies for over 10 years). The monitoring study covered the winters of 1992, 1993, and 1994. The report concluded that a number of activities had resulted in continuing decreases in the number of butterflies onsite. Prior to initiation of the study, butterfly numbers onsite had already been reduced by pruning and trimming activities, both on and off-site, in approximately 1989 or 1990. Butterfly numbers continued to decline between 1992 and 1994, with less than 25 butterflies observed in 1994. A variety of factors likely affected this reduction in numbers, including:

- Removal of a number of large Monterey pine trees on the adjacent Montecito Sanitary District property, along the common property line. This tree removal increased wind and sun exposure for butterflies and probably resulted in the greatest change to the microclimate in this corner and the consequential reduction in butterflies using this area (D. Meade phone conversation May 2002);
- Removal of a number of trees, including at least six eucalyptus, to accommodate construction of the Claeysens Studio building (to the south) and modifications to site access as allowed under the 90-CUP-111cz approval;
- Loss of several large eucalyptus trees in the northwest area during winter storms;
- Removal of 5 large eucalyptus trees in the northwest corner per Planning Commission approval of a Development Plan for tree removal (94-DP-002). These trees were removed due to MAW concerns regarding threats to life and property, (e.g., to Harger Studio) if these trees were to fall.
- Mowing and sapling removal in the northwest corner<sup>29</sup>, which alters the microclimate under the trees and prohibits regeneration of downed trees with replacements

With regard to condition 2.c., declining numbers of butterflies were present patrolling the area (not roosting) during the 1992-1995 monitoring period. The question of whether to require the open space easement was never brought back to the Planning Commission for their consideration as required by condition of approval 2.d. However, both the monitoring reports and discussion at the Planning Commission for 94-DP-002 (the request to remove the 5 eucalyptus trees in this area), noted that only a few butterflies were observed in this area in each of the three monitoring years. The CUP condition required dedication of an open space easement if butterflies were found to use this site as an autumnal or permanent roost in two out of the three monitoring years. Butterflies

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<sup>29</sup> 90-CP-111cz condition of approval #2 prohibits tree trimming, removal, ground disturbance and clearing in this area. Although the Meade monitoring reports identified on-going trimming and clearing in this area, the MAW was not directed by the County to cease these activities. The MAW has indicated that mowing and sapling removal in this area occurred once in the mid-1990's in response to Montecito Fire District directed fire safety vegetation clearance near structures, however some of this clearing occurred at a substantial distance from structures. This issue points out the need to clearly understand the implications of Fire Dept/Fire District mandated vegetation clearance with regard to biological impacts during project review. In addition, according to the applicant, the improvements permitted for the temporary parking lot have meant that saplings do not emerge and no mowing has occurred, although it is unclear whether saplings could emerge in the areas near existing trees that are off-limits to cars.

were negligible in all three years.

Garcia and Associates performed a survey of the MAW site for raptors in December 1999, in April 2000, and May 2000 and prepared two reports, which detail the findings of these surveys (dated January 11, 2000 and May 24, 2000)<sup>30</sup>. No raptors were observed nesting or roosting on the MAW site during the field surveys. The only raptors observed were during the December 2, 1999 site visit. Two red-tailed hawks were sighted throughout that survey. The hawks were observed flying over the northern portion of the site, however, neither hawk landed onsite. In addition, the reports noted that no local ornithologists had specific information about raptors nesting at or near the project site. Garcia and Associates concluded that the site does not appear to be used currently by fall/winter roosting raptors and that the proposed tree removal would not result in the loss of raptor roosting areas or the loss of nest sites for raptors.

Garcia and Associates found that the site landscaping is used by a number of smaller species of birds for foraging and likely for nesting as well. Smaller bird species identified on-site include killdeer, mourning dove, Anna's hummingbird, acorn woodpecker, Nuttall's woodpecker, Northern flicker, black phoebe, Hutton's vireo, Western scrub jay, American crow, oak titmouse, ruby-crowned kinglet, bushtit, Bewick's wren, Northern mockingbird, European starling, yellow-rumped warbler, Townsend's warbler, orange-crowned warbler, California towhee, spotted towhee, dark-eyed junco, Brewer's blackbird, and house finch (GANDA 1999, 2000).

John Storrer (Storrer Environmental Services) provided a peer review of the Garcia and Associates reports. He also provided assistance to County staff in reviewing the initial study findings and the EIR biological resources section. With regard to the Garcia & Associates reports, Mr. Storrer found that "Seasonality, timing, frequency, and duration of the surveys were appropriate for determining current use of the site by birds of prey". He also found that "the information provides adequate documentation that raptors were not using the site for roosting or nesting."

### **Impact Discussion:**

Biological impacts on-site are primarily related to the proposed and potential additional tree loss that would result from project implementation. The project plans call out proposed removal of 85 specimen trees and transplanting of an additional three trees on-site. This includes the proposed removal of 7 coast live oaks, transplanting of an additional 3 coast live oak (5-inch, 8-inch, and another 8-inch diameter), removal of 36 eucalyptus, as well as removal of 42 other non-native specimen trees (also see aesthetics and historical resources section of this EIR for other impacts related to tree removal). Additionally, the eucalyptus trees along the northern property line would be limbed and trimmed prior to construction, with continued limbing and trimming to occur over the long-term to improve the health and longevity of these trees. (Bill Spiewak Arborist report dated 1/30/03).

Replacement trees and other vegetation are proposed to be planted throughout the property (Master Landscape Plan Figure 5). Planting north of the new parking structure, new surface parking and new maintenance/storage building would be limited to vines and pittosporum trees. However, no

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<sup>30</sup> At the time that these reports were prepared, it was anticipated that 73, rather than 85 trees would be removed, however this would not affect the survey findings that raptors were not observed using the site.

additional trees or large shrubs could be planted in the 30-foot wide easement to the Montecito Sanitary District (MSD), which runs along the northern property line. Additional trees would not be planted in this area because the main MSD inflow and outflow pipelines are located within this easement, as is the City of Santa Barbara's inflow line for the properties it serves along Coast Village Road (see comment letters in response to the project NOP and Draft EIR from MSD and the City of Santa Barbara in Appendices).

In addition to the trees slated for removal in the Tree Disposition Plan, staff believes it is likely that additional trees may be damaged or unintentionally removed during construction activities or long-term use of these facilities (including changes to irrigation under existing oak trees), given the trees' proximity to grading activities for roadway improvements and new structures and consequent alteration of their root zones, as well as due to the proposed location of construction staging along the northern windrow. Several of these trees are identified in the arborist report by Bill Spiewak along with proposed protection measures. Of particular concern are the eucalyptus trees along the northern property line and two additional oaks on the down-slope side of the proposed delivery driveway at the new student services building, the two oaks next to Miraflores, and the exotic trees on the west side of Abravanel Hall.

One of the alternatives for the cut-through traffic reduction program involves a new one-way, limited driveway from approximately the fork in the entrance driveway back to the southwest corner on Fairway. This lane is proposed in order to turn vehicles back onto Fairway that are not associated with Music Academy activities, but instead are using the Academy drive as an alternate route from Cabrillo Boulevard to the Butterfly Beach area. This lane would not need to be constructed to regular standards (e.g., sufficient to accommodate fire engines) due to its limited use, (to turn unrelated vehicles back to the public street) but would still require a simple paved surface to minimize dust and noise generation (associated with non-paved surfaces such as gravel). Implementation of this "vehicle reject" lane would involve the removal of a number of non-native trees, including acacia, pine, and pittosporum, but would maintain most of the trees in this area, including the trees along the western property line and along the main entrance drive.

It is possible that other trees located in proximity to proposed grading and construction could be damaged given the extensive amount of demolition, new construction re-grading and re-surfacing of paved areas proposed throughout the site as well as changes to irrigation in areas subject to landscape changes. In conclusion, the applicant's tree inventory does not reflect all of the trees that would potentially be removed as a result of the project and it is not known at this time whether the existing coast live oak trees proposed for transplanting will survive over the long-term. The total potential tree loss would be potentially significant without implementation of adequate tree protection and preservation measures.

#### Northern Eucalyptus Windrow

The Spiewak report assumes that no earthwork would occur close to the existing windrow. In addition, the arborist report acknowledges that even with mitigation identified in the report, including regular trimming and pruning, "It is possible that construction of the lower parking area could result in decline of some eucalyptus trees in that area. Trees should be monitored annually and pruned or possibly removed if they become hazardous..." Based on the revised location of the proposed parking structure, further setback (at least 10 feet) from the eucalyptus trees, potential project impacts to the windrow during construction should be reduced, although not eliminated.

A number of eucalyptus trees in this area have already fallen from natural causes and/or from historic ground disturbance in this area. The report states that the condition of the trees is good to poor, with many trees that are structurally weak. It is possible that any further degradation to their setting may hasten their demise. Replacement trees could not be replanted in this area due to conflicts with the underlying sewer easement. (Also see discussion of tree loss in the aesthetics section of this EIR, as these trees are also visually important, providing substantial screening of the site's development from public viewing places to the north). Additional stress on the windrow trees from site preparation, staging, and construction activities may result in damage to or loss of trees within the northern windrow. Due to the sewer easement in this area such tree loss could not be replaced with new trees. The revised project description proposes planting of hardy pittosporum trees paralleling the northern property line, but south of the sewer easement. It is expected that these plants would grow rapidly to provide screening and to minimize the views into the site that would result from thinning and possible loss of trees in the eucalyptus windrow and from extensive tree removal throughout the property to accommodate the proposed Master Plan improvements. The eucalyptus windrow provides some habitat for bird species (primarily smaller birds) as well as small numbers of patrolling (no longer roosting) butterflies. Although the windrow is not considered significantly valuable biological habitat, it probably provides greater biological value than the pittosporum trees to be planted immediately south of the windrow. Therefore, the potential loss of windrow eucalyptus as a direct or indirect result of the project would contribute to the potentially significant project impacts from overall tree removal on-site.

#### Other Trees

Other trees that are likely to be impacted by proposed development activities are the two oak trees on the down-slope side of the new service driveway to the student services. The oaks along the driveway would potentially be damaged or lost due to grading up to and around their trunks to accommodate the driveway design. The Spiewak report identifies measures to protect specific trees throughout the site during construction. The threatened trees on the west side of the Abravanel Hall are proposed to be retained pursuant to project revisions, although they would still be potentially impacted by construction activities without implementation of tree protection plan measures. The Spiewak report identifies ten additional trees that would be subject to potential damage or loss without implementation of specific measures identified in his report:

- Large Monterey cypress at the entrance to the Music Academy;
- Two black acacia and one melaleuca adjacent to the motor court at the turn;
- Morton Bay Fig and bottle tree on the west side of Abravanel Hall;
- Two blue gum eucalyptus at the northwest corner of the motor court by Miraflores; and
- Two oaks at the northwest side of Miraflores.

The potential loss of the above trees (without implementation of protection measures) would contribute to the potentially significant impact from overall tree removal.

#### Avian Species

Garcia and Associates found that the project would not result in significant impacts to area raptors, primarily because raptors have not been identified using the site for roosting or nesting. The peer review of the Garcia reports by John Storrer concluded that "there is sufficient basis for the

investigator's conclusion that the proposed tree removal will not have a significant effect on the local raptor population." Therefore, this impact would be considered less than significant.

Garcia and Associates and the peer-review by John Storrer also concur that the project site is used by a number of smaller bird species and provides good avian habitat. This is, in part, because there are consistent, year-round sources of food for several bird species. The Montecito Community Plan EIR (92-EIR-03) identifies that much of the southern portions of Montecito is comprised of ornamental plantings in an urban environment. However, the EIR acknowledges that "in addition to providing an expansive woodland canopy and under-story of hedges and shrubbery, some of the exotic species are winter flowering. This feature induces a number of migrant or summer visiting bird species to remain in the area, when they would otherwise leave for tropical or subtropical locations." The peer-review by John Storrer refers to similar discussion in a manuscript by local ornithologist Joan Lentz entitled "Montecito Habitat for Birds" (1990).

Mr. Storrer notes that it is difficult to point to a "threshold at which the number of trees would impact bird populations on a regional level. Certainly, some habitat will be lost for a good length of time (i.e. until replacement plantings are of sufficient stature to afford forage value, roost and nest sites). In addition, the Montecito Community Plan includes policy language that requires protection of all specimen trees (native and non-native) to the maximum extent feasible<sup>31</sup>. The impact from substantial tree removal would be short-term and significant, but mitigable through a landscape or restoration program, as proposed." With enhancements to the landscape plan identified in the mitigation section (e.g., inclusion of many larger trees<sup>32</sup>), the impacts from tree loss to avian species can be mitigated to less than significant levels based on the following factors:

1. There are no known rare, threatened, endangered, or sensitive bird species known to utilize the site for nesting or roosting;
2. The woodland habitat to be affected is not unique or restricted within the Montecito Planning Area or the immediate neighborhood;
3. The proposed landscape plan for the Music Academy project includes extensive replanting of trees, shrubs and ground-covers on-site;
4. The landscape plan specifically includes expansion of the native, coast live oak population on-site, which would improve the habitat value for many bird species.

### Monarch Butterflies

The proposed parking structure would be located in the historic monarch butterfly autumnal roost in the northwest corner of the property. As stated above, there would be direct loss of trees within the grading and construction footprint of this structure and an irreversible change in the micro-climate due to changes in the ground surface, sun exposure and wind. Even the remaining eucalyptus trees would be substantially altered by initial and on-going limbing and trimming as recommended in the arborist report. Although the arborist report (B. Spiewak 1/30/03) identifies that no ground

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<sup>31</sup> This policy derive from mitigation, in the MCD EIR, for impacts of cumulative buildout under the Community Plan.

<sup>32</sup> While the use of smaller plantings is normally recommended in a more rural habitat setting (due to increased success of establishment), the Music Academy site, with its regular grounds maintenance, lends itself to the successful establishment of more mature new plantings.

disturbance (grading) would occur in the lower level driveway closest to the trees, it is not possible to know the extent to which grading, excavation or compaction will be required to construct the parking structure and the related effects on the windrow.. The Spiewak report recommends that the eucalyptus trees in this area should be monitored annually and pruned or possibly removed if they become hazardous....” It is also important to acknowledge that the Montecito Sanitary District would not allow replacement trees in the area of their easement.

Although the eucalyptus in the windrow further to the east are not considered existing or historic butterfly trees, the habitat value of these trees for avian species or potential monarchs would also be impacted by grading activities during construction as well as long-term trimming and limbing.

Based on the most recent monitoring report by D. Meade (January 2002), "The lack of butterfly presence on the property during November and December indicates that a permanent monarch butterfly aggregation site does not exist on the Music Academy property." This conclusion is consistent with the other monitoring performed on-site following approval of the existing CUP in 1992 to present (1993, 1994, 1995, 1999, 2001).

At this point, it is speculative whether the northwest corner would be used in the future by monarch butterflies if mowing and other vegetation removal were to cease and eucalyptus trees were replanted here. Regardless of whether the parking structure is built, there are several factors that would limit the ability to replant this area with eucalyptus trees in a manner that would attract monarch butterflies, including:

- MSD has requested that no additional trees should be planted within their easements due to the effects that tree roots have on their clay main line and the additional challenges that trees in these areas make for on-going maintenance and pipeline replacement activities. This applies to both the easement along the common (north-south) property line with the Music Academy and to their easement that runs (east-west) along the northern boundary of the Music Academy property;
- The Academy previously received Planning Commission approval to remove several mature eucalyptus trees in this area in the mid-1990's, due to safety concerns and the potential for property damage to existing structures. Therefore any trees planted in proximity to these same structures may ultimately be removed for the same reasons;
- The trees removed to construct the Claeysens Studio cannot be replaced due to the presence of this building; and
- Some trimming and clearing would continue to be required by the Montecito Fire District for fire management purposes, due to the location of existing structures in this area.

Construction of the parking structure in the proposed location is expected to eliminate the potential use of the area for monarch roosting. This situation has been discussed with Dan Meade, the monarch specialist who has performed butterfly monitoring on-site under contract to the County for many years. He concurs that given the constraints identified above for replanting, it is speculative whether replanting the existing, reduced portion of the northwest corner would support butterflies in the future, even if this area were to remain undeveloped. Therefore, construction of the parking

structure as proposed would result in speculative impacts to monarch butterflies and their related habitat.

Because the Music Academy contributed incrementally to the decline of monarchs in this area with un-permitted trimming and clearing activities, it is appropriate that the project includes applicant-proposed mitigation, in the form of the butterfly enhancement area in the other historic roosting site, in the southeast corner of the site. The MAW has control over this area as to planting of significant numbers of trees, as well as the ability to maintain this area over the long-term. Inclusion of any non-native, invasive species in the landscape plan near this area has the potential to compromise the success of the proposed monarch butterfly habitat enhancement. In addition, locating an additional outdoor dining area, for up to 150 students and 89 faculty/staff, in close proximity to the proposed Butterfly Enhancement Area, may impact this habitat and tree maintenance activities within the mandatory fire vegetation management area around the patio.

#### Cumulative Tree Removal:

Proposed tree removal would contribute to cumulative tree removal in the area. Recent tree removal includes eucalyptus formerly removed onsite under the existing CUP, eucalyptus and other trees removed on the adjacent Montecito Sanitary District property, other eucalyptus removed as part of single family home renovations immediately south of the MAW property, on Hill Road and Butterfly Lane, and north of Highway 101, along Butterfly Lane. Tree removal from other projects includes extensive approved tree removal for the Miramar Hotel renovation and potential tree removal associated with the future Highway 101 improvements. Tree removal in the area has been primarily limited to non-native trees, (e.g., eucalyptus). However, historic and proposed removal of eucalyptus trees in the area threatens the long-term presence of monarch butterflies in the area for which Butterfly Lane was originally named. The removal of non-native trees would also impact avian species, which use a variety of tree species for nesting, forage, and shelter. The project would contribute significantly to these cumulative impacts.

#### **Mitigation:**

1. A Butterfly Habitat Restoration and Enhancement Plan shall be prepared by a P&D approved monarch butterfly specialist in coordination with the preparer of the landscape plan. This plan shall be included as a separate component of the final landscape plan. The goal shall be to plant a circle of tall trees that enclose an open space, generally on the south and east sides of Miraflores. The maximum area shall be restored and enhanced on this slope (the restoration area shall not be limited by the designated area on the preliminary landscape plan).
  - a) The plan shall be coordinated with the Montecito Fire Protection District (MFPD) to ensure that fire safety vegetation clearance is accounted for and designed into the proposed planting program. The specific plantings shall also be discussed with MFPD as proper placement (in relation to structures) may minimize the need for extensive pruning and other maintenance activities. In order to ensure coordination, the applicant shall provide written documentation from Montecito Fire Protection District stating specific requirements for tree trimming in this area following a meeting with the Music Academy and a specialist on monarch butterflies,

acceptable to the County. To ensure that habitat enhancement is maximized in this area, vegetation clearance for fire safety shall not exceed the requirements identified by MFPD;

- b) Approximately 10 eucalyptus trees or other trees including oaks, sycamores, ironwood bay trees or other trees deemed acceptable by the monarch specialist and P&D shall be planted in front of the existing eucalyptus row, behind (south and east of) Miraflores to provide adequate density;
- c) The slope plantings shall be planted in a manner that will contribute to the creation of a protected circle;
- d) Additional eucalyptus or a combination of sycamores, tall coast live oak trees or other tall trees identified in b) above shall be incorporated to increase the density of trees in this area;
- e) Trimming of trees and shrubs near Miraflores to allow ocean views shall be prohibited, given this area's designation as a butterfly enhancement area. Trimming in this area would run counter to this goal. Trimming shall only be allowed to address mandatory Fire District requirements and/or to address imminent health threats to the trees (as identified by an arborist report). In the unlikely event that trees must be substantially trimmed or removed to address imminent health threats (e.g., concern that the tree likely to fall on the structure), replacement trees shall be planted;
- f) The enhancement area shall be planted in a manner which provides for a perimeter of dense, tall trees;
- g) Some of the new trees in the enhancement area shall be larger, 24-inch box trees that have been shaped for height to accelerate immediate replacement of foraging and nesting habitat on-site for smaller bird species and roosting habitat for monarch butterflies (5-10% of total trees in this area, or as determined appropriate by P&D biologist). It is understood that the majority of trees planted would be from smaller containers, which provide benefits over the long-term. The restoration plan shall specify the type and size of trees to be planted, taking into account the proposed planting location and species.
- h) Where space permits, the landscape plan shall be modified to include more clusters or groves of native plantings to enhance their habitat value. This is particularly applicable on the slope areas south and east of Miraflores, where there may be room to cluster more oaks adjacent to existing oaks. In addition, native under-story plants (e.g., groundcovers and low-growing shrubs) could be used to increase habitat complexity and diversity (i.e. value to wildlife) and to help compensate for the fact that space will not allow a replacement ratio of 3:1 for non-native trees. It is possible to accommodate this goal as well as maintaining a butterfly enhancement area that includes tall trees on the perimeter and a sort of opening in the center, a typical component of monarch aggregation sites. The density, species, and long-term

maintenance in this area should ensure this area would not become overgrown, consistent with the goal of re-establishing habitat for monarch butterflies in this area.

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

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

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

- 2. A tree protection and replacement program, prepared by a P&D-approved arborist/biologist shall be implemented. The program shall incorporate all protection and mitigation measures identified in the Bill Spiewak report dated January 30, 2003 and shall minimize tree removal wherever possible. The plan shall further include, but not be limited to, the following components:

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

- a. The location and extent of dripline/critical root zone for all trees and the type and location of any fencing. The existing tree disposition plan shall be updated to include all trees on the project site.
- b. Construction envelopes shall be designated (fenced or otherwise clearly demarked in the field) to clarify the boundaries of the development area and to avoid damage to protected trees and other vegetation on-site. All ground disturbances including grading for buildings, access-ways, easements, subsurface grading, sewage disposal and well placement shall be prohibited outside construction envelopes.
- c. Equipment storage and staging areas shall be designated on approved grading and building plans, preferably within existing paved areas of the site to avoid damage to protected trees. Special consideration shall be given to proposed construction access for trucks using the UPRR right of way with regard to protection of the eucalyptus trees.
- d. Paving shall be pervious material (e.g., gravel, brick without mortar) where access roads or driveways would be extended to encroach within the critical root zones of protected trees.

- e. Permanent tree wells or retaining walls trees in proximity to grading work, new fill material, or changes in drainage shall be specified on approved plans and shall be installed prior to approval of Coastal Development Permits for project grading/construction activities. A P&D qualified arborist or biologist shall oversee such installation.
- f. Drainage plans shall be designed so that oak tree trunk areas are properly drained to avoid ponding. These plans shall be subject to review and approval by P&D or a P&D qualified biologist/arborist.
- g. All utilities shall be placed in construction envelopes or within or directly adjacent to roadways and driveways or in a designated utility corridor in order to minimize impacts to trees.
- h. The vehicle “reject” lane shall minimize tree removal to the maximum extent possible, taking into account that this lane would have specifically limited use (for returning vehicles unrelated to the Music Academy back onto the public road) and, therefore, would not be subject to standard roadway design standards.

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

- a. All replacement trees shall be identified as to species, size and location on the final landscape plan. Any performance securities required for installation and maintenance of the replacement trees identified in the proposed landscape plan will be released by P&D after its inspection and approval of such installation. A drip irrigation system with a timer shall be installed. Trees shall be planted prior to occupancy clearance and irrigated and maintained until established (five years). The plantings shall be protected as necessary (e.g., gopher fencing) during the maintenance period.
- b. It is acknowledged that the standard tree replacement ratios of 10:1 for native trees and 3:1 for non-native trees cannot be accommodated on-site given the extensive tree removal proposed on-site. However, the landscape plan shall maximize the number of replacement trees to be replanted on-site as well as the size of the replacement trees (only where immediate visual screening is an issue). Non-native trees removed can also be replaced with natives, except in area(s) proposed for restoration for monarch habitat or where specific non-native species have been identified as replacement trees to address specific aesthetic or historic impacts (as identified in the aesthetic and historic resource sections’ mitigation measures). If unanticipated damage or loss of trees results from construction activities, these trees shall be replaced at the standard ratios identified above.
- c. Tree removal shall be timed to avoid the period of peak breeding activity for birds. Therefore tree removal shall be limited to late July through early February. This condition shall be re-visited in the unexpected event that monarch butterflies return to roosting on-site. If this occurs, the site would need to be carefully monitored to determine the extent to which trees on-site are providing habitat for birds and monarch butterflies.
- d. No grading or development shall occur within the critical root zones of protected oak trees that occur in the construction area.

- e. All protected trees within 25 feet of proposed ground disturbances shall be temporarily fenced with chain-link or other material satisfactory to P&D throughout all grading and construction activities. The fencing shall be installed outside the critical root zone of each protected tree, and shall be staked every six feet.
- f. No construction equipment shall be parked or stored within any protected tree critical root zone. No construction equipment shall be operated within six feet of any protected tree critical root zone, except as allowed pursuant to the approved final grading plan and tree protection plan (e.g., grading would occur within the critical root zone of several trees such as the Moreton Bay Fig tree as identified on the project plans). The tree protection plan shall identify which trees would fall within this exception.
- g. No fill soil, rocks, or construction materials shall be stored or placed within the critical root zone of all protected trees unless such fill is identified on the final grading plan. The tree protection plan shall identify which trees would fall within this exception.
- h. No artificial surface, pervious or impervious, shall be placed within the critical root zone of any protected tree, except as allowed pursuant to the approved final grading plan (e.g., grading and building construction would occur within the critical root zone of several trees such as the Moreton Bay Fig tree as identified on the project plans). The tree protection plan shall identify which trees would fall within this exception.
- i. Any roots encountered that are one inch in diameter or greater shall be cleanly cut. This shall be done under the direction of a P&D approved arborist/biologist.
- j. Any trenching required within the critical root zone or sensitive root zone of any specimen tree shall be done by hand.
- k. No permanent irrigation shall occur within the critical root zone of any existing oak tree, unless irrigation has historically occurred in this area.
- l. Any construction activity required within three feet of a protected tree's critical root zone shall be done with rubber wheeled equipment or hand tools, (the latter for oaks).
- m. Only designated trees shall be removed.
- n. Any trees which are unintentionally or accidentally removed and/or damaged (more than 25% of root zone disturbed) during construction activities shall be replaced and maintained for the life of the project. Posting of a performance security may also be required as well as hiring of an outside consultant biologist to assess the damage and recommend mitigation. The required mitigation shall be done immediately under the direction of P&D prior to any further work occurring on site.
- o. Maintenance of proposed replacement trees and shrubs shall be accomplished through water-conserving irrigation techniques.
- p. The three oak trees scheduled for transplanting on the tree disposition plan shall be boxed and replanted as proposed on-site. These trees shall be maintained and monitored until clearly established or replaced (with same maintenance and monitoring until established).

- q. All trees located within 25 feet of proposed buildings shall be protected from stucco or paint during construction.
- r. A P&D approved arborist shall be onsite throughout all grading and construction activities which may impact trees proposed for protection that are located near the northern property line, near the new secondary access road and in other locations where protected trees would be located within 25 feet of the edge of heavy equipment.

**Plan Requirements:** Prior to approval of Coastal Development Permits, the applicant shall submit a copy of the tree protection plan to P&D for review and approval. All aspects of the plan shall be implemented as approved. Prior to approval of Coastal Development Permits, the applicant shall successfully file and receipt evidence of posting a performance security which is acceptable to P&D. **Timing:** Timing on each measure shall be stated where applicable; where not otherwise stated, all measures must be in place throughout all grading and construction activities.

**MONITORING:** Permit Compliance shall conduct site inspections throughout all phases of development to ensure compliance with and evaluate all tree protection and replacement measures. Release of performance security requires Permit Compliance staff signature.

- 3. Excavation work within or adjacent to protected trees shall be avoided to the maximum extent feasible. Where excavation must be performed within sensitive areas (as determined by P&D), it shall be performed with hand tools only. If the use of hand tools is deemed infeasible by P&D, excavation work may be authorized by P&D to be completed with rubber-tired construction equipment weighing five tons or less. If significant large rocks are present, or if spoil placement will impact surrounding trees, then a small tracked excavator (i.e., 215 or smaller track hoe) may be used as determined by P&D staff. Trenching routes for installation or extension of new utilities shall be reviewed and approved by P&D and shall be shown on project grading plans prior to approval of CDPs for grading. **Plan requirements and Timing:** The above measure shall be noted on all grading and construction plans prior to approval of CDPs.

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

- 4. The final landscape plan shall be reviewed to ensure that the new plantings around the Miraflores outdoor terrace would not include non-native invasive species, particularly species that could comprise the success of the monarch butterfly enhancement area. Long-term monitoring to address removal of detrimental, non-native species shall also be addressed in the final landscape plan. These requirements shall be incorporated into one combined condition relating the final landscape plan, which incorporates separate requirements for the final landscape that are identified in a number of EIR sections (e.g., aesthetics, historic resources, etc.).

## **Residual Impacts**

Following implementation of mitigation measures, residual impacts would be as follows:

**Monarch Butterfly Habitat:** Impacts to the previous monarch butterfly habitat in the northwest corner would be speculative. This is due to the variety of factors which contributed to its demise, as well as the current reduced area available to re-establish comparable habitat in this area, as

discussed earlier in this section. Impacts to the historic roost in the southeast corner would also be somewhat speculative. However, the southeast corner would continue to be primarily undeveloped, with considerable area available for replanting of both “butterfly trees” as well as other plant species that serve as nectar sources to attract monarchs back to this major historic roost. If the enhancement program proves successful, incremental and cumulative impacts to the historic monarch butterfly habitat in the southeast corner would be offset.

Raptors: Given the lack of raptor presence on the site, residual impacts to raptor species that would result from tree loss on-site would be considered adverse, but less than significant (Class III).

Other Bird Species: The significant short-term impacts to other bird species would be mitigated to less than significant levels (Class II).

Cumulative Impacts: In the short-term, proposed tree removal on-site would contribute to cumulative tree loss in the area (Class II).

## 5.5 Fire Protection

### Setting:

The site is located within the developed, coastal, urban portion of Montecito and is serviced by Montecito Fire Protection District (MFPR), Station #2. Station #2 is located at 2300 Sycamore Canyon Road. The Music Academy is located within the five-minute response area for this station (Jim Langhorne, MFPD, personal communication).

There are two existing hydrants on Fairway Road in proximity to the Music Academy. One of these hydrants would be changed to a 4" outlet as part of the proposed project. The other existing hydrants serving the Academy include one adjacent to the Monte Cristo Road emergency access gate and one northwest of the existing Claeysens Studio building. A new hydrant would be located just north of the proposed instructional building. Roadway widths vary across the site from 13-25 feet in width.

### Impacts:

Because the property is located in an urban neighborhood and outside of the designated high fire hazard area, it is not subject to controlled burns or backfiring, nor would it impair fire-fighters ability to deal with these activities.

### Storage of Rummage

MFPD has raised concern in the past over the amount and method of rummage/resale items stored on-site and their ability to suppress a fire associated with increased storage of rummage, given limited water pressure in the area. However, based on the Academy's current description of on-site storage areas, as indicated on the Emergency Access Study, the MFPD feels that the potential fire safety issues associated with the existing setting and operations at the Music Academy have been alleviated. Specifically, storage would be limited to items that MFPD considers to be "Ordinary Hazard - Group 1". According to MFPD (J. Langhorne), Ordinary Hazard – Group 1 occupancies shall be defined as occupancies or portions of other occupancies where combustibility is low, quantity of combustibles is moderate, stockpiles do not exceed 8 feet in height, and fires with moderate rates of heat release are expected."

The Music Academy proposes additional storage areas on-site as follows:

- New Storage/Maintenance Building: 1400 SF general storage, 960 SF garden and maintenance activities and storage, and approximately 1,620 SF props and sets storage.
- New Practice Studio Building: 2,770 SF general storage;

Additional storage areas are also provided in the proposed, new instructional and student services buildings.

Based on their review of the project plans, MFPD is currently satisfied that the existing water infrastructure in the area, including water pressure, is sufficient to address water suppression needs on-site in the event of a fire on-site, subject to final approval of project plans for compliance with standard MFPD requirements.

## Emergency Access

MFPD has reviewed and conceptually approved the current project plans for emergency access. This includes review of roadway widths, turn-arounds, and turning radii at roadway curves and the proposed cul-de-sac (see Figure 8, Master Plan Emergency Access Study plan, stamped "Approved for Access" by the MFPD).

The Fire District (Jim Langhorne, Montecito Fire Protection District) has determined that some aspects of the proposed project could result in an improvement with regard to access during an emergency if the Master Plan is constructed consistent with the MFPD approved Emergency Access Plan. MFPD has specifically identified the improvements to access design and inclusion of fire sprinklers in Mira Flores (and all new structures) as a benefit both onsite and to the neighborhood in general. Emergency fire access would continue to be provided at the terminus of Monte Cristo at the west end of the property. A new emergency fire access would be added near Mira Flores directly onto The Fairway. Site circulation has been improved, facilitating movement of passenger cars and emergency vehicles within, onto and out of the site. MFPD considers the proposed project to have a beneficial impact to access in the event of an emergency onsite if the project is constructed consistent with the Emergency Access Plan.

## Hazardous Materials/Risk of Upset

There have been no known use, storage, or releases of hazardous materials on the project site and the proposed uses would continue to be those associated with a music academy. The proposed maintenance building would however likely store substances which, at specified quantities, would be regulated by the MFPD. The maintenance building is located at the northern boundary of the property, generally away from areas where people would congregate (e.g., concert venues) and although people would be present in the nearby parking structure, this would be on a transient basis. It is located in close proximity to the fire hazard prone eucalyptus windrow.

The only non-residential use in the immediate vicinity, which would store quantities of hazardous materials, is the Montecito Sanitary District (MSD). The MSD previously used chlorine gas, which is highly toxic, to disinfect their wastewater prior to release into the ocean. MSD now uses liquid hypochloride, which is stored in a double-walled tank in a containment area. This has significantly reduced hazards onsite as well as to adjacent neighbors. Proposed MAW development nearest the MSD facility would be the parking structure, which is only occupied on a transient basis. In addition, improved access associated with the revised CUP would facilitate both evacuation of the site and access for emergency vehicles (source: Jerry Smith, MSD and Jim Langhorne, Montecito Fire phone conversations 7/13/01). Impacts from storage/use/disposal of hazardous materials onsite or at nearby facilities would be less than significant, upon compliance with MFPD standard design requirements.

The County's current safety thresholds do not apply to a project's proximity to railroads or highways. However a discussion of this issue is included in this section to disclose the location of the railroad and the project components in proximity to the tracks. The project site is located immediately south of the railroad tracks. Because the site is not bisected by the tracks, the project would not result in pedestrian or automobile conflicts with train operations. New structural development proposed in proximity (less than 100') to the tracks would be limited to a maintenance

building, a storage building, and approximately 1/2 of the parking structure<sup>33</sup>. Any human presence in the storage building and parking structure would be transient. Human activities in these structures would be limited to loading/unloading materials at the storage building and parking/exiting the parking structure. Use of valet parking would also reduce the total number of people present in the parking structure at any-given-time. Similarly, the maintenance building would be occupied only intermittently, as it would primarily be utilized to store maintenance equipment and for periodic repairs (e.g., to facility equipment, etc.). The project design minimizes exposure of people to accidents involving trains by locating the recital hall, practice rooms, administrative offices, food services, meeting rooms, etc., further from the tracks. In addition, project proposed changes to access and internal circulation would be a beneficial impact in the event of an emergency involving the railroad tracks or Highway 101. No impacts have been identified with regard to the project's location near the railroad tracks.

### **Cumulative Impacts:**

New development on-site, including increased storage of rummage items, would contribute incrementally to the cumulative demand for improved water pressure in the community water infrastructure.

### **Mitigation and Residual Impact:**

1. The applicant shall work with MFPD to define in greater detail the acceptable quantities and types of rummage and/or resale items which can be stored on-site as well as specific locations and duration of storage. **Plan Requirements and Timing:** A plan which describes the agreement with MFPD (in text and graphic depiction on plans), with regard to on-site storage of rummage and resale items shall be submitted prior to issuance of CDPs for structural development. The Fire Department shall sign-off on plans prior to approval of CDPs for structural development.

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

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

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

Compliance with these measures would ensure that residual impacts would be less than significant (Class II).

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<sup>33</sup> Limited parking is already allowed in the area of the proposed parking structure based on an approved substantial conformity determination.

## 5.6 Geologic Processes

### Setting:

The project site is located on a coastal plain approximately 600 feet north of the ocean. The property consists of a rounded knoll in the main entry and central use areas that slope down to the north between Abravanel Hall/Wood Studios and the exit drive (slopes measure approximately 30%) and more steeply to east between Wood Studios/Mira Flores and Butterfly Lane (slopes measure approximately 50%). The majority of the site is underlain by soil classified by the U.S. Soil Conservation Service Soil Surveys as Milpitas-Positas fine sandy loams. The project site is characterized as having a low potential for liquefaction, slope stability hazard, soil creep, and compressible/collapsible soils. The overall Geologic Problems Index (GPI) is III: moderate.

No active or potentially active faults are mapped underlying the site. The closest potential active fault system onshore includes the Montecito and More Ranch/Mission Ridge faults which are located approximately 3,000 feet and 1 ½ miles north, respectively. The Mesa-Rincon Creek fault is the closest offshore mapped fault, being approximately 6,000 feet to the south of the project site.

### Impact Discussion:

#### Hazards

A Geologic Hazards Study was prepared for the project site (CFS Engineering Geology, Inc., April 1999). This study was reviewed by County Geologist, Brian Baca, who determined the study to be adequate. The study concluded that hazards related to geologic conditions such as liquefaction, landslides, and seismic induced settlement would be low. Therefore, impacts from such hazards are considered less than significant. However, over the life of the project, it is likely that the site would experience strong ground shaking resulting from movement along a fault located in the project region. Compliance with the standard requirements of the Uniform Building Code (UBC) would reduce potentially significant ground motion impacts to a less than significant level.

#### Erosion

During construction activities, potential exists for an increase in wind or water erosion of soils onsite. Removal and replacement of pavement for circulation improvements, landscaping, site preparation for new buildings and additions to existing buildings, and drainage improvements, including installation of a storm drain, would require grading. Estimated earthwork volumes include approximately 20,836 cubic yards of cut and approximately 11,700 cubic yards of fill, resulting in over 9,136 cubic yards that must be exported off of the site. While the site topography has been previously altered and the majority of earthwork would occur in fairly level areas of the site, some grading is proposed in areas of the site that exceed 20% slopes, to accommodate development of the new parking structure, the new student services and instructional buildings, the new outdoor dining area, and changes for the existing exit drive and the new service driveway at the new student services building. The new student services and instructional buildings would be built into the hillside resulting in considerable cut and export of fill. Installation of new drainage pipes, could involve substantial trenching. Such site preparation activities would result in exposed graded surfaces, creating a potential short-term construction impact due to erosion of sediment entering drainage channels, eventually making its way to the

ocean. According to the U.S. Soil Conservation Soil Surveys, runoff is medium to rapid, and the hazard of erosion is moderate to high for Milpitas-Positas fine sandy loams. The hazards for soil blowing is considered high for the loamy sand areas where the surface is bare. Appropriate erosion control would be necessary to ensure that degradation of surface water quality does not occur. Impacts would be considered potentially significant.

### **Cumulative Impacts:**

Cumulative impacts to geology are discussed in the MCP EIR.

### **Mitigation and Residual Impact:**

1. The final grading, drainage and erosion control plan(s) shall be designed to minimize grading requirements, minimize erosion, properly convey runoff water across the site to appropriate off-site drainage infrastructure, and filter pollutants and sediment from runoff waters prior to drainage leaving the site. The plan(s) shall include, but not be limited to, the following:
  - (a) Bio-filtration shall be incorporated into the drainage plan wherever feasible, such as in the northern swale and in appropriate landscaped areas<sup>34</sup>. Additional mechanical/chemical or other filters shall also be installed in paved areas to further reduce oil and grease pollution from entering drainage channels and the storm drain system along Butterfly Lane. The plan shall include specifications for all proposed filtering mechanisms (biological and other) as well as on-going and periodic maintenance requirements to ensure proper working order.
  - (b) Best available erosion and sediment control measures (also known as water quality best management practices or BMPs) shall be implemented during grading and construction. BMPs such as, but not limited to, the use of geo-textile fabrics, gravel bags, erosion control blankets, jute net, silt fences, straw bales, temporary berms and sediment trapping/retention basins, drainage diversion structures and spot grading shall be used to reduce erosion and siltation into adjacent/nearby water bodies or storm drains during grading and construction activities and until graded areas have been stabilized by structures, long-term erosion control measures or landscaping. Design of BMPs and filters shall ensure appropriate location, size, and maintenance to maximize intended performance.
  - (c) The plans shall take into consideration potentially differing requirements for all phases of site development.
  - (d) Wherever possible, details of erosion control techniques and filters shall be shown graphically on the plans along with notes, (e.g., location of filters, landscape areas serving as filters, straw bales, siltation fencing, temporary berms, notes addressing siltation fencing installation and dust suppression requirements, etc.
  - (e) Drainage plans shall contain specifications and maintenance procedures. The applicant shall enter into a maintenance agreement for drainage improvements (for all private drainage improvements) and may be required to bond for long-term

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<sup>34</sup> This shall also be incorporated and graphically depicted on the landscape plan.

maintenance of specific filtering techniques/devices (or other BMPs), per Flood Control District conditions to ensure proper maintenance. The applicant shall maintain maintenance records as part of this agreement.

- (f) The applicant shall limit excavation and grading on the project site to the dry season of the year (i.e., April 15 to November 1) unless a Building and Safety approved erosion control plan is in place and all measures therein are in effect.
- (g) Native vegetation is recommended for mulch as protection for both soil blowing and water erosion over the long-term.
- (h) All entrances/exits to the construction site shall be stabilized (e.g. using rumble plates, gravel beds or other best available technology) to reduce transport of sediment off site. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods.
- (i) To minimize pollutants impacting waterbodies, storm drain filters, inserts, inline clarifiers, or separators shall be installed in the project area storm drain inlets and/or paved areas. The storm drain inlets shall be protected from sediment-laden waters by the use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps.
- (j) Graded areas shall be revegetated within two weeks of completion of grading activities, for areas that are not to be constructed on, with deep rooted, native, drought-tolerant species (unless alternative, equally effective non-native species have been approved in the landscape plan) to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- (k) Grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff.
- (l) A detailed geological and/or soils engineering study addressing structure sites and the access roads shall be prepared to determine structural design criteria, as recommended by the Planning and Development Building & Safety Division. The study shall be submitted for review and approval by Public Works.

**Plan Requirements:** The applicant shall submit final grading, drainage and erosion control plan(s) for review and approval by P&D and the FCD prior to approval of a Coastal Development Permit for grading. The plans shall include sign-off from the Montecito Sanitary District and the City of Santa Barbara prior to approval of the CDPs for grading in the northern and western portions of the site<sup>35</sup>. **Timing:** The applicant shall notify Permit Compliance prior to commencement of grading. Components of the grading plan shall be implemented throughout all grading activities as specified on the plan. The erosion control plan shall be implemented within two weeks after the completion of grading activities, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within 8 weeks of grading completion.

**MONITORING:** Permit Compliance will photo document revegetation and ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities. Prior to construction, installation shall be photo-documented and submitted by the applicant to P&D. P&D shall site inspect and ensure filters are maintained and effectively mitigating impacts. P&D shall monitor mitigation

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<sup>35</sup> Refer to Public Services section for information regarding the presence of a 30 foot wide sewer easement across the property.

implementation prior to and during construction. The Flood Control District would monitor the post-construction period via the maintenance agreement.

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

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

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

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

4. Structures shall be designed to earthquake standards of the Uniform Building Code Seismic Zone 4. **Plan Requirements and Timing:** Prior to plan check, the applicant shall submit building plans indicating standards to the satisfaction of Building and Safety Division.

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

5. To prevent illegal discharges to the storm drains, all on-site storm drain inlets, whether new or existing shall be labeled to advise the public that the storm drain discharges to the ocean and that dumping waste is prohibited (e.g., “Don’t Dump – Drains to Ocean”). The information shall be provided in English and Spanish. **Plan Requirements and Timing:** Location of storm drain inlets shall be shown on site building and grading plans prior to approval of CDPs for grading (on building plans as well prior to approval of CDPs for

structures). Labels shall be installed prior to occupancy clearance. Standard labels are available from Public Works, Project Clean Water, or other label designs shall be shown on the plans and submitted to P&D for approval prior to approval of CDPs.

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

**Residual Impacts:**

Geologic impacts would be reduced to less than significant levels with implementation of the above mitigation measures.

## 5.7 Historic Resources

This section is based on information and text excerpts from a number of Historical Resources reports. These include reports submitted by the applicant, which were prepared by Lex Palmer (Phase 1-2 Historic Resources Study dated January 7, 2000 and April 6, 2000 revision letter) and reports prepared under contract with Santa Barbara County P&D by San Buenaventura Research Associates with Susan Chamberlin (September 22, 2002 Peer Review of Palmer report, March 26, 2003 Phase III study addressing former owner John Percival Jefferson, the historic designed landscape and the associated landscape architects, April 21, 2003 Addendum to the Phase III study, and May 12, 2003 Addendum addressing raising of the Rack and Treasure House). These reports are very briefly summarized (including report text excerpts) below, but are included in their entirety in the EIR Appendices. In response to the Draft EIR, the applicant revised the project description. Some of the project revisions are proposed to address potentially significant impacts to historic resources that were identified in the Draft EIR.

### Setting:

The Music Academy of the West campus was part of the Santa Barbara Country Club<sup>36</sup> from 1908 until 1917, when the clubhouse (constructed by Francis Wilson in 1913) and surrounding golf facility was purchased by John Percival Jefferson and his second wife Mary C. Trunkey Jefferson. In 1918, the Jeffersons hired architect Reginald D. Johnson and landscape architect Paul G. Thiene to transform the former clubhouse and golf course into a residential estate. The Jeffersons named the estate “Mira Flores” (Spanish for “look at the flowers”). This name has been written both as one word, “Miraflores,” and two separate words, “Mira Flores” and has been applied to both the entire estate property as well as the main residence itself. According to the Phase III report, the name written as one word, “Miraflores,” was fairly consistently used in publications from at least 1926. Therefore, this spelling is used in the EIR.

A portion of the original estate was donated to the Music Academy in 1951. Currently nine structures exist on the property. Five of these structures were built between 1913 and 1942, including the main residence, Miraflores (now consisting of administrative offices, recital and practice rooms, a kitchen, a dining room, and music library), The Rack (formerly a residence, now a resale shop), Treasure House (formerly a residence, now a resale shop), a single family residence (occupied by staff), and the Harger Studio (music practice, set and resale item storage). Since 1942, four other structures have been added including both Wood 1 (practice rooms) and Wood 2 (practice rooms with a one-bedroom apartment) in 1965, Abravanel Hall (auditorium, practice rooms, and dance studio), in 1972 and most recently Claeysens Hall (practice studios) in 1993. A historical overview of the broader Montecito area is included in the Montecito Community Plan EIR (92-EIR-03).

### Historic Significance of Existing Estate

The California Environmental Quality Act (CEQA) requires that historic resources be evaluated using the Federal National Register of Historic Places and the applicable local criteria. The Santa Barbara County historic preservation eligibility criteria are found in the County's Cultural Resources Guidelines, Historic Structures Element (rev. 1993).

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<sup>36</sup> The Santa Barbara Country Club became the Montecito Country Club in 1921.

Lex Palmer evaluated five historic structures on the property. His study was peer-reviewed in reports prepared by Judy Triem, historical consultant for San Buenaventura Research Associates, with Susan Chamberlin, landscape historian (September 25, 2002 peer review letter; March 26 2003 Phase III report which addresses John Percival Jefferson, the historic landscape plan, and the landscape architects; April 23, 2003 Addendum to the Phase III Report, and May 12, 2003 Addendum addressing raising of the Rack and Treasure House).

The property does not currently have any official state or federal determination of eligibility or historic designation (according to the on-line National Park Service National Register Information System Database or Central Coast Archaeological Information Center Historic Resources Database maintained by the State Office of Historic Preservation). However, the property has been listed as a potential Santa Barbara County Place of Historical Merit (Montecito Community Plan EIR). A resource is eligible for listing on the California Register of Historical Resources if it is listed in a local register of historic properties.

Further, the Phase 1-2 Palmer Study concludes that the property is eligible for listing in the National Register of Historic Places and the California Register of Historical Resources based on the architectural design and association with nationally recognized architect Reginald Johnson and landscape architect Paul Thiene. Reginald Johnson designed other well-known Santa Barbara landmarks, including the Santa Barbara Post Office and the nearby Biltmore Hotel and Clark Estate. He is also known for designing tasteful, low-cost housing complexes in the Los Angeles area later in his career, after spending much of his early career designing for affluent clients. The Phase 1-2 study concludes that the property is also eligible for Santa Barbara County Landmark status.

The peer review by San Buenaventura Research Associates further found that the property would be eligible for the National and State Registers based on the historic designed landscape and the landscape architects who designed them, including Paul Thiene, Florence Yoch, and Cook and Hall. Due to the identified eligibility for listing as a historic property at the Federal, State and local levels, this property is considered to be a significant historic resource pursuant to the California Environmental Quality Act (CEQA).

The five structures evaluated in the Phase 1-2 Study included Miraflores (the former main residence), what is known as the eastern residence, The Rack, Treasure House, and the Harger Studio. The study concludes that Miraflores, the eastern residence, Treasure House, and The Rack are eligible for the National Register of Historic Places based on an age over 50 years and under Criteria A and C<sup>37</sup>. The study concludes that the Harger Studio does not meet National Register of Historic Places criteria because it has lost the integrity of design, materials, workmanship, and feeling due to remodeling and additions. The study concludes that despite the addition of new buildings and structures, the complex conveys the history of the estate, which represents the Spanish Colonial Revival architectural movement and estate construction trend, and is illustrative of early 20<sup>th</sup> Century patterns of cultural and social history in Montecito and

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<sup>37</sup> Criteria A refers to resources that are associated with events that have made a significant contribution to the broad patterns of our history. Criteria C refers to resources that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that represent a significant and distinguishable entity whose components may lack individual distinction.

Santa Barbara. Based on the County's Cultural Resource Guidelines criteria, the study concludes that the estate could qualify as a County Landmark. Over the years, minor alterations have been made on-site. These alterations have been made to Miraflores, the eastern residence, Treasure House, The Rack, and to exterior spaces throughout the site (undeveloped and ornamentally landscaped/garden areas). These various changes were not found to deter from the appearance of the original structures or the estate as a whole. The Palmer study concludes that modern additions to the estate have been integrated tastefully, and do not deter from the landscape setting.

The peer review analysis (by San Buenaventura Research Associates with Susan Chamberlin) basically concurs with the findings of the Palmer study, but also finds that the historic landscape plan and associated landscape architects, Paul George Thiene, Florence Yoch (Yoch and Council of Pasadena), and Wilbur David Cook and George D. Hall (Cook and Hall of Los Angeles) contribute to the historic significance of the property, in addition to prominent architect Reginald Johnson. The Phase III report found that Paul Thiene and architect Reginald Johnson are significant, nationally recognized leaders in their fields, in part due to their work on the Miraflores estate. Thiene and Johnson worked together on other local projects, including the Max Fleischmann estate "Edgewood" on Lambert Road. Florence Yoch most likely designed the Don Quixote courtyard, between the western property line and the Claeysens Studio building. She is also a well-known twentieth century landscape architect who designed many distinguished gardens in Southern California as well as film sets, including "Tara" for *Gone with the Wind*. The Miraflores estate and gardens have been published in numerous articles and books beginning in the 1920's and continuing today.

### **Impact Discussion:**

The Palmer and San Buenaventura reports evaluated the original project proposal. The conclusions of their analyses are included first below, followed by an update of the impacts pursuant to the project revisions submitted by the applicant in September.

The County Historic Landmarks Committee first reviewed the project on June 12, 2000. Of the six commissioners present, four expressed concern (two abstained) that the original proposal to raise The Rack and Treasure House may alter their historic setting and relationship with the main estate house, Miraflores. The relationship between these accessory structures and the main residence provides information about the social history of estate living in this area (servants quarters visually separated from the estate residents). The Draft EIR identified potentially significant, but mitigable impacts associated with raising Treasure House and The Rack. The revised project no longer proposes raising either Treasure House or The Rack. In addition, the area between these two structures is no longer proposed to be modified through grading and tree removal to accommodate a new patio. Changes in the area of these structures would be limited to the upgraded parking area to the north and west and construction of a proposed new storage/maintenance building in the northeast corner of the property.

The County Historic Landmarks Committee also reviewed the revised project on October 13, 2003. The project was returned to the committee to consider project revisions, a summary of the new historical reports prepared for the project and to provide direction to staff. The project site currently qualifies for County, State and Federal designation as a significant historical resource

or landmark. The committee was asked to identify whether there are any aspects of the proposed project that would keep the project from qualifying for landmark status in the future, if the applicant were to choose this path. The CHLC advised that a landmark designation would require more in depth review of the various historic reports, but that there were no project components that raised concern with impacting the project site's ability to qualify for landmark status in the future.

In addition to determining the significance of the existing historic resources onsite, the Palmer Study evaluated the potential impacts of the proposed development on those historic resources.

The Palmer study determined that:

- Construction of a new recital hall to replace Abravanel Hall would not directly impact historic structures due to the existence of the current building. However, to further help prevent visual intrusion into the Miraflores viewscape, the study recommends screening vegetation and placement of new features on the north elevation.
- Construction of the new Instructional Building would not create a significant impact due to the previous demolition/impact that already occurred to historic garages during the construction of Abravanel Hall, and the Singher and Wood Studios in the late 1960s.
- The study, including the 4/5/2000 update letter, further found that a distinct separation between the new student services building and Miraflores would be required to address potentially significant impacts to the historic main residence.
- The character-defining features of Treasure House and The Rack include the fenestration, plaster wall cladding, and doors on the exterior. Raising Treasure House and The Rack was identified as a potentially significant impact pending confirmation from a structural engineer that this would be feasible without cracking the character-defining plaster surfaces of the buildings, (e.g. from vibration the buildings would be subjected to, and if the mechanical vibration would damage the plaster and structural integrity of the buildings).
- Neither the storage structure nor maintenance building proposed on the northern portion of the property would directly impact the historic structures nearby.

The Palmer Phase I/II study identifies the following measures to mitigate potentially significant impacts to less than significant levels:

*Mitigation Measure 1:* Completion of the appropriate California Department of Parks and Recreation Forms 523 (Primary, Location, and Building, Structure, and Object) for submission to the UCSB Department of Anthropology's Central Coast Information Center for all historic structures;

*Mitigation Measure 2:* Historic American Building Survey (HABS) documentation consisting of HABS Level II drawings and photographs be performed on the Music Academy property to show the spatial relationships between the buildings and existing landscape features; HABS Level I documentation of Miraflores consisting of measured drawings and large format photographs, history and description of the building, courtyard, and surrounding landscaping be prepared;

*Mitigation Measure 3:* It is recommended<sup>38</sup> that the northwest corner of the Miraflores building be extended five to seven feet west, and five to six feet east to accommodate the applicant's

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<sup>38</sup> This recommendation is from the applicant.

needs. A condition of this mitigation is that the extension replicates the original construction techniques, all original configurations, and utilizes the original window and door hardware. The change must be documented and plans detailing this placed in the Music Academy archive; and *Mitigation Measure 4*: Final Working drawings for the project be reviewed after BAR approval by a Santa Barbara County approved architectural historian to insure the above design mitigation measures have been made.

The follow-up April 6, 2000 Palmer letter identifies additional information and mitigation with regard to modifications or additions to historic structures, including the new student services link to the existing Miraflores structure and the previously proposed raising and addition of basements under Treasure House and The Rack. The letter references the Secretary of Interior's Standards for Rehabilitation. This guide to recommended treatments for historic properties is referenced in the CEQA guidelines for determining appropriate alterations to historic structures.

*Mitigation Measure (per 4/6/2000 update letter for the Student Services Building addition to Miraflores)*: With regard to the addition onto the northwest end of Miraflores, the addition must be comparable with the massing, size, scale, and architectural features of Miraflores. The character-defining elements of this elevation are the plain wall surfaces, low-massing, fenestration, doorways, and building hardware such as downspouts, door latches and locks. The Secretary of Interior's Standard 9 states, "The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment." The introduction of a visual gap in the wall created by a plaster reveal 2-4 inches deep on the exterior and interior junction of the new Student Services Building hallway and Miraflores north elevation achieves this goal. The interior reveal can be accentuated by the use of a different floor tile or a metal seam in the floor.

The revised project no longer includes raising of Treasure House and The Rack. Therefore, this impact and related mitigation is no longer applicable. The project revisions include a revised location for a combined storage/maintenance structure (in the northeast corner) that is similar to the previously proposed two separate structures and would not directly impact other historic structures on-site. The revised structure would be similar in style to the previously proposed separate structures with generally low massing and board-and-batten siding. The other measures identified in the Palmer report would remain applicable to the current project.

A Phase III study (San Buenaventura Research Associates with Susan Chamberlin) was prepared to provide further research on owner John Percival Jefferson, the historic designed landscape, and the associated landscape architects. The Phase III study and two addenda (dated April 12 and May 21, 2003) identify additional significant adverse project impacts associated with the historic designed landscape as well as mitigation measures to address these impacts. The Draft EIR included impacts and mitigation measures based on the Phase III study, which are indicated below. San Buenaventura Associates and Susan Chamberlin (under contract to County P&D) subsequently reviewed the project revisions (in response to the Draft EIR) and evaluated whether the impacts and mitigation measures from the Draft EIR were still applicable to the revised project. In addition, they evaluated whether the project revisions (themselves) resulted in any new, previously un-identified impacts. The most recent review was also coordinated with input from Christine Palmer (under contract with the applicant). The discussion below identifies the previously identified impact from the Draft EIR, the Draft EIR mitigation measure(s), the

applicant's response (project revision) to the Draft EIR, and the effect of the revision (or no change) with regard to impact classification and mitigation as prepared by Judy Triem of San Buenaventura Associates.

***Original Project Draft EIR Impact One (Entry)***: The character defining entry sequence designed by Paul Thiene from The Fairway to the main residence would be altered. The configuration of the entrance drive would be altered. The original cut sandstone curb of the entrance drive may be removed to create 42 designated parking places with landscape islands. All blackwood acacia trees in the allee (numbered 115-122 and 58-61), including some historically significant specimens planted by Thiene, are marked for removal. The replacement trees would be deciduous, coarse-textured, light green London plane trees.

***Draft EIR Identified Mitigation***: The entrance drive allee featuring blackwood acacia trees is a central organizing feature of Paul Thiene's design for the Jefferson gardens, and is one of the better preserved landscape features remaining from that design. This feature should be restored to reflect Thiene's original intent, eliminating the parking spaces currently located along this drive and restricting parking to the auto court area.

Parking along the entrance drive is part of the existing setting. However, this measure was recommended to offset significant, adverse changes to the overall historic designed landscape, associated with the original project design, including circulation design, pathways through the gardens and the extensive removal of sky-line trees. Installation of decorative, permeable paving in parking areas, to distinguish the entrance drive was also recommended.

***Revised Project- Response to Draft EIR Impact One and Mitigation (Redesign of Allee)***. The revised project includes a redesign of the historic allee. The revision is designed to restore the driveway closer to its original intent by restoring the visual and spatial continuity of the allee of Black Acacia trees, while at the same time accommodating the parking. The revised project would replace existing black acacia trees with new trees of the same species in an arrangement in keeping with the original plan. The original sandstone curb (removed and reset after grading and reconstruction) would be retained.

The review of the revised project identified a design component, which would result in openings in the pittosporum hedge, such as would allow for views into the "Encore Society Garden". In addition, the review raised concerns regarding planting of perennial flowers as a linear feature along the hedge. The proposed openings into the garden along the allee and use of perennial flowers as a linear feature along the allee would contribute to potentially significant impacts to the historic designed landscape.

***Original Project Draft EIR Impact Two***: The entrance drive would dead-end at the entrance court instead of continuing to the garage court, thus changing the original circulation plan. The original circulation network of axial paths would be eliminated on the north side.

The proposed secondary fire access road to extend from Fairway Avenue to the Motor Court would cut through the garden area and pathways between a large oak and olive tree. The present pathway, which the road would cross, starts at one end from the front corner of the main house and extends all the way to the formal garden. On either side of the stone and brick path are

agapanthus, low shrubs and trees. These would have to be removed for the road, thereby interrupting the flow and vista of the path between the house and the formal garden. The cut and compaction activities for the road have the potential to damage the roots of the mature trees.

*Draft EIR Mitigation Two:* Plant trees in new courtyard to replace trees being removed. The alignments of the historic axial path system should be represented by embedding original materials (e.g., random cut stone and brick) within the hardscape materials in the new courtyard. The existing pathway should be retained across the new road (secondary access road) and the plants and shrubs should be retained on either side of the road. Since the road is for emergency traffic only, ground cover, such as the grass used in the formal garden, should be used for the road. Regarding the cut and compaction activities, the botanical specialist should monitor these activities in order to protect the tree roots.

Due to Montecito Fire Protection District (MFPD) requirements for roadway surfaces capable of accommodating fire apparatus, the only way to avoid tree impacts from the secondary access road is to develop a modified alignment that would avoid sensitive tree roots. However, following cut and compaction activities, a permeable surface, possibly with vegetation, could be incorporated, subject to MFPD approval.

***Revised Project Response to Impact and Mitigation Two*** (Central Courtyard). Impact Two is addressed on the plans (PL-2) where it states “During design development and preparation of construction documents, pavement, pathway and landscape design will adhere faithfully to the original intent and theme of the Thiene plan.” A letter from Suzanne Elledge, dated 30 September 2003, a summary of the Revised Master Plan Proposed Revisions to Site Improvements, includes the wording “revise hardscape and landscape design of the central courtyard to reflect Thiene’s design approach (geometric and axial alignment of features)”. There is still a concern over what materials will be used. If original materials are to be used (cut stone, brick, and cast concrete textured to give the impression that they are stone), then otherwise potentially significant impacts would be reduced to less than significant levels.

**Emergency Access:** The revised plans show a realigned emergency access route near Miraflores, which avoids the major oak tree (but would remove a melaleuca). A permeable surface which could still accommodate a fire truck is proposed for the surface of this emergency access, although initial grading and compaction would be required.

**Original Project Draft EIR Impact Three:** The spatial relationship between the original rear pool (fountain) terrace and the landscape would change and the view from the terrace would include the adjacent construction of a new terrace/dining commons and student services building. Views from the southeast to the upper portion of the site would greatly change.

*Draft EIR Mitigation Three:* Retain existing vegetation or plant new vegetation of a similar character screening the new construction from pool/terrace.

***Revised Project Response to Draft EIR Impact Three and Mitigation:*** The revised plans show a stand of bamboo to be planted in the area between the new construction and the fountain and terrace area to provide screening. If the existing landscape surrounding the terrace will remain, then potential impacts could be reduced to less than significant levels.

**Original Project Impact Four:** The spatial relationship around Anne’s Garden would change with the construction of a larger building proposed to replace the existing Abravanel Hall. A new parking garage is proposed to be constructed below the overlook pergola in Anne’s Garden, which has the potential to significantly alter the view from this feature to the northwest.

*Draft EIR Mitigation Four:* Introduce landscape screening between Anne’s Garden and the proposed parking garage and the proposed new Abravanel Hall, preferably using plant materials drawn from the original landscape plan. The rose garden should be restored to Thiene’s original design.

***Revised Project Response to Impact Four and Mitigation (Anne’s Garden).*** With the elimination of the replacement of Abravanel Hall, the impact to Anne’s Garden is no longer applicable. The relocation of the parking structure and the proposed screening will also reduce impacts to Anne’s Garden to less than significant levels. The reintroduction of a few rose bushes into the garden will help to partially restore the garden originally conceived by Thiene as a rose garden.

The applicant proposes to place commemorative plaques to Thiene and Yoch in Anne’s Garden. A plaque to both Reginald Johnson and Paul Thiene would be more appropriate on the original Miraflores building, and a plaque to Yoch would be more appropriate in the Don Quixote courtyard (with 1992 redesign noted). An alternative would be a plaque to all three on the entry gate walls on The Fairway.

**Original Project Impact Five:** The remodeled Don Quixote courtyard (Wood fountain), just west of Claeysens Practice Studio building, would be moved closer to Claeysens Hall, thus slightly altering the spatial relationship between the courtyard and the hall. It will retain the original relationship to the road.

*Draft EIR Mitigation Five:* The structure must be properly documented according to accepted practices by a qualified historic preservation professional prior to relocation. The documentation should include photographs and measured drawings. The original existing landscape material removed should be restored in-kind.

***Revised Project Response to Impact Five and Mitigation (Don Quixote Courtyard).*** The revised plans allow for the Don Quixote Courtyard to remain in its original location. Therefore this impact is no longer applicable.

**Draft EIR Impact Six:** Approximately 101 trees are proposed to be removed throughout the site with a minimum of 199 trees proposed to replace them. Of the 101 trees to be removed, 42 are eucalyptus trees. Only 15 eucalyptus, of a different variety, are planned as replacements. Skyline eucalyptus trees are an ubiquitous element in the landscape of Santa Barbara’s built environment at the turn of the last century, helping to create the feeling of an early 20<sup>th</sup> century Montecito estate. The removal of trees all at once would have a dramatic effect on the landscape.

Three specimen trees identified in previous tree surveys and referenced in the tree inventory in Section 2 of this (Phase III) report (*Araucaria cunninghamii*, *Brachychiton discolor* and

*Brachychiton Bidwillii*) may or may not currently exist on the site and have not been identified on the proposed landscape plan. The removal of these trees, if they exist, would constitute an impact.

*Draft EIR Mitigation Six:* The eucalyptus trees proposed to be removed should be replaced with suitable skyline eucalyptus trees. With the exception of trees which must be removed for purposes of building construction, no more than ten skyline eucalyptus trees should be removed and replaced in any three-year period.

A botanical specialist should be retained to determine whether the three specimen trees exist on the property. If found, they should be placed on the list of protected trees, and the feasibility of their preservation or relocation should be determined. If relocation is determined to be infeasible, the project should be designed around the specimen tree(s). If relocated, the specimen tree(s) should be moved as close to their existing locations(s) as feasible.

Page 12 of the Phase III report identifies several trees which may be missing or otherwise misidentified as to species, in the Arcadia Studio tree inventory. Pursuant to a fax memo from Arcadia Studio, project landscape architect (4/15/2003), several trees were incorrectly identified as follows: Tree #57 appears to be the missing *Araucaria cunninghamii* and trees #107 and 108 should be identified as *Araucaria heterophylla*. All of these trees are proposed to be removed. Tree #87 should be identified as the missing *Brachychiton discolor*, which is proposed for protection (however, the arborist report discusses its potential removal due to construction of the new recital hall). No examples of *Brachychiton bidwillii* are currently found on the site. Portions of the above mitigation may not be feasible. The majority of skyline trees would be removed to accommodate either structures or other development such as circulation and parking improvements. However, tree removal should be avoided wherever possible. Given the site and proposed development layout, it also may not be possible to phase tree removal as proposed, without extending the construction period excessively. Extending the construction period greatly would likely result in significant impacts to neighborhood compatibility (e.g., from construction noise, traffic, etc.). Hence, phasing tree removal would not be feasible, although the construction plan could try to minimize concurrent tree removal and expedite replanting of the largest feasible skyline trees for replacements. Additionally, in order to offset short-term biological impacts on avian species due to tree loss and to enhance a variety of avian habitat for breeding and nesting, some non-native trees may be replaced with natives, such as oaks.. Finally, two of the three specimen trees discussed above have been confirmed on-site and are expected to be lost as a result of project implementation.

***Revised Project Response to Draft EIR Impact Six and Mitigation*** (Skyline Eucalyptus Trees). Revisions to the landscape plan show that the number of eucalyptus trees to be removed has been reduced from 42 to 36. The eucalyptus that will be removed would be replaced with other skyline trees that were utilized in early twentieth century landscape design.

Only two of the proposed list of replacement trees appear to be suitable skyline trees. These are the two Melaleuca trees – Prickly-leaf Paperbark and Snowy Fleece Tree. None of the proposed trees reaches the height of the eucalyptus trees nor do they have the form of these trees. A tree with an appearance similar to a small eucalyptus is *Angophora costata*.

Two of the specimen trees (hoop pine and *brachychiton*) have been located and will be preserved. The caliper of the hoop pine, tree #57, *Araucaria cunninghamii*, is incorrectly noted; the plan should be revised to read “caliper = 37 inches”. The third *brachychiton* specimen tree is no longer extant.

In order to reduce impacts to less than significant levels a certain number of skyline trees of a similar character and height should be planted to replace the 36 eucalyptus trees planned for removal.

### **Potential New Impacts**

**Impact Seven.** The revised landscape plan (PL-2) calls for the development of a “Quiet Garden” south of the reflecting pool. This plan is not shown on the drawings, but is described as follows: narrow loop path connecting at both ends to the Reflecting Pool Garden, with a few benches set off the path. Existing vegetation in this area consists of Coast Live Oak and Victorian Box. In order to develop a proper aggregation site, most of the Victorian Box would be removed. This intrusion into the only, as yet, undisturbed garden designed by Thiene, would constitute an impact. This garden is not currently rendered the way it actually exists. If this represents a new design for the Reflecting Pool Garden (not just a conceptual schematic of the existing), it would constitute an impact.

The “Encore Society Garden” #12 should be screened from the allee and from the Reflecting Pool Garden and path leading to it, otherwise this new garden would be an impact on the historic landscape south of the allee.

Newly rendered topiary accents in Octagon Forecourt seem excessive and will thus have an impact.

Mitigation: The landscape plans should be revised to address the above potential impacts.

### **Cumulative Impacts:**

Loss of known historical resources within the Montecito Community Planning Area is considered to be cumulatively significant due to the information those structures may contribute to further understanding of the region’s history. Since this resource is non-renewable, the contribution to cumulative impacts would be potentially significant.

### **Mitigation:**

1. The following recommendations in the Final Phase 1-2 Historic Resources Study submitted by Lex Palmer (January 7, 2000; Update Letter April 6, 2000) shall be incorporated into the project design:
  - a) Completion of the appropriate California Department of Parks and Recreations Forms 523 (Primary, Location, and Building, Structure, and Object) for submission to the UCSB Department of Anthropology’s Central Coast Information Center for all historic structures;
  - b) Historic American Building Survey (HABS) documentation consisting of HABS

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

**Plan Requirements and Timing:** All construction techniques and other recommended measures related to historic resources (e.g., landscape plan) shall be incorporated into design of the project and detailed on building plans. The final grading, landscape, and building plans shall be reviewed and approved by P&D, a P&D approved architectural historian, and the MBAR prior to approval of CDPs for grading or construction. The Historic Resources Reports and Addenda shall be made available to each of the aforementioned parties prior to their review of the final plans. The final plans shall also be brought to the County Landmarks Committee for their comments prior to approval of CDPs. Prior to approval of CDPs, the applicant shall submit to P&D written confirmation that all applicable forms and documentation of historic structures have been prepared and submitted consistent with these measures. Special emphasis, including photo-documentation of all elevations, shall be given to Miraflores, as this historic structure would be physically altered as a result of project implementation.

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

2. The applicant shall contract with an architectural historian (with input, as necessary from an expert in historic landscape design) to ensure that project plans are appropriately revised pursuant to project conditions that address historic resources. The architectural historian (and historic landscape expert) shall be consulted and shall review plan revisions, including but not limited to structural, landscape and commemorative plaque features. The contracted specialists shall also be required to attend at all MBAR, and Historical Landmark Committee meetings. **Plan Requirements and Timing:** The applicant shall submit the proposed contract to P&D for review and approval prior to approval of CDPs. The architectural historian shall be available to answer questions raised by P&D, MBAR, and the Landmark Committee and shall sign-off on all final plans prior to approval of CDPs.

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

3. The new courtyard shall be modified to include replacement trees for those removed. In addition, the alignments of the historic axial path system should be represented by embedding original materials (e.g., random cut stone, cast concrete textured to give the impression that they are stone, brick). New hardscape materials shall follow the historic design wherever possible, with the exception that the spaces between concrete pavers may be a gravel-textured concrete instead of the original gravel matrix (to better conform to ADA standards). **Plan Requirements and Timing:** The applicant shall submit a revised landscape for P&D and BAR review and approval, prior to approval of CDPs. The revised plan shall include the above changes.

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

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

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

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

- a) Existing vegetation shall be retained or, if replacement plantings are necessary, new vegetation of a similar character shall be planted that would screen the new construction from the pool/terrace area.
- b) The Reflecting Pool Garden shall retain its original design.
- d) More sky-line eucalyptus trees shall be included in the landscape plan.
- e) The pittosporum hedge along the allee shall be revised to be continuous, (e.g., not open for views into the new “Encore Society Garden.”)
- f) Perennial flowers #5 should not be planted as a linear feature along the (allee) hedge.
- g) The hardscape and landscape design of the central courtyard shall reflect Thiene’s design approach (geometric and axial alignment of features).
- h) A few rose bushes typical of the period, shall be reintroduced into the garden to partially restore the garden originally conceived by Thiene as a rose garden.
- i) A plaque to both Reginald Johnson and Paul Thiene shall be located on the original Miraflores building and a plaque to Yoch shall be placed in the Don Quixote courtyard (with 1992 redesign noted). An alternative would be a plaque to all three on the entry gate walls on The Fairway. The language and design of the plaques shall be reviewed and approved by an architectural historian acceptable to P&D.
- j) Skyline trees of a similar character and height should be planted to replace the 36 eucalyptus trees planned for removal (maximum number feasible).
- k) The Encore Society Garden #12, shall be screened from the allee and the Reflecting Pool Garden and path leading to it.
- l) The newly rendered topiary accents in the Octagon Forecourt shall be removed.
- m) A qualified historic landscape architect shall review the final plans for the landscape design and monitor the work as it proceeds in order to assure that Thiene’s original landscape design is adhered to as closely as possible.

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

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

### **Residual Impacts:**

The Draft EIR recommendation to eliminate parking along the allee was identified to address overall impacts to the site’s historic designed landscape. The focus on the allee was recommended due to the importance of this entrance feature with regard to the historic designed landscape of the estate as whole. The overall changes included in the revised project in response to the Draft EIR reduce project impacts on historic impacts. Overall, these revisions include the reduction in increased the square footage of the project, renovation rather than replacement of Abravanel Hall and retention of the surrounding specimen trees, retention of the Don Quixote Fountain in place, elimination of the proposal to raise Treasure House and The Rack, and the reduction in tree removal. Project revisions negate the need to eliminate all parking from the allee. It is felt that the proponent has made a good faith effort to address the overall impacts.

With incorporation of mitigation measures identified above, project specific and cumulative impacts to historic resources would be reduced to less than significant levels (Class II).

## **5.8 Land Use Compatibility**

### **Setting:**

The Music Academy of the West (MAW) property has been used and permitted as a music conservatory since 1951. The nine acre project site has a coastal land use designation of Educational Facility and is zoned Single Family Residential, with a 1.0 acre minimum parcel size (1-E-1). The site is located within a predominantly residential area and is surrounded by existing residences to the east, south and west. The Montecito Sanitary District (MSD) facility is located adjacent to the northwest corner of the property and the railroad tracks and Highway 101 are located to the north. The main sewer line for the MSD is located in an easement south of the railroad tracks across the entire northerly 30 feet of the MAW property.

Although the site is located within a residential neighborhood, there are several other non-residential uses that have been located in the neighborhood for many decades. These include the Santa Barbara Cemetery to the west and the Biltmore Hotel, ARCO Conference Center and Coral Casino to the east. In addition, nearby Butterfly Beach and scenic Channel Drive regularly draw considerable numbers of walkers, joggers, cyclists, and additional vehicular traffic to the area.

During processing of the existing CUP (90-CP-111cz approved in 1992), some of the Academy's neighbors raised concerns regarding the compatibility of a music academy, with associated rental activities, within the residential neighborhood. Neighborhood complaints included the impacts of noise, traffic, and parking demand from existing and proposed activities onsite. One of the most controversial aspects of the previous permit was legitimizing use of the Academy grounds for weddings.

### **Impact Discussion:**

Conditional Use Permits by their very nature are bound to raise issues of compatibility with the surrounding neighborhood, particularly in neighborhoods which are zoned and composed of residential uses. Conditional Use Permits apply to uses that would not normally be allowed within a specific zone district, but which may be approved if specific findings can be made pursuant to §35-172.8 of Article II. One of these findings requires "that the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area."

Implementation of the proposed Master Plan would result in both physical and operational changes at the Music Academy of the West campus. Physical changes would include a net increase in structural development, from new and remodeled buildings, with 65,230 SF of additional floor area and an increased building footprint of 18,450 SF. A two-level, 229 space parking structure is also proposed. The parking structure would have an area of 74,896 SF and a building footprint of 39,844 SF. In addition to the actual construction of new structures, these physical changes would result in substantial grading and tree removal on-site.

No change is proposed or anticipated to the maximum number of students permitted under the existing CUP (up to 150 students). Currently approximately one-third (50) of the students are vocal and vocal accompanying students, who take their primary instruction at Cate School, due to facility limitations at the MAW. This sometimes results in vocal students being shuttled back and

forth between the Cate and MAW campus (e.g., for rehearsals with the instrumental students, etc.). Implementation of the proposed Master Plan greatly expands the number, quality and types of practice space available on-site, in a manner that would allow vocal students to practice with the instrumental students exclusively at the MAW campus.

The addition of expanded kitchen and dining facilities on-site would allow all students and faculty to receive lunch and dinner at the Music Academy campus. Some of these meals currently take place at Cate School or elsewhere off-site.

The most significant operational changes in the current request are the Academy's proposal for specific attendance limitations on-site and the elimination of weddings as an allowed use. The current CUP includes limits on specific types of rental activities, but does not address any-given-time, daily or seasonal attendance limitations to the site. In addition, activities that are considered conservatory-related are essentially unrestricted under the existing CUP, except that events with 100 or more participants must utilize a parking attendant and events with 300 or more participants must have off-site parking and, if necessary, shuttle service. The proposed attendance limitations address 1) any-given-time, 2) daily and 3) seasonal limits for nearly all activities/events on-site<sup>39</sup>. The seasons in this context are the "summer" (eight weeks from the end of June to mid-August) and "non-summer" (the balance of the year or 44 weeks).

### **Proposed Attendance Limitations**

The physical expansion and upgrading of facilities on-site allows for considerably greater attendance year-round than is proposed by the Music Academy in their project request. The on-site facilities would be substantially expanded and improved and indoor venue seating capacity would increase by 538 new seats<sup>40</sup>. This improves the attraction of the on-site facilities for seminars and other events as well as for musical practice, performances, and recordings. Without strict adherence to the proposed attendance limitations, land use impacts would be potentially much greater than indicated below. Therefore, mitigation is identified later in this section to address monitoring and enforcement of the proposed attendance limits as well as other aspects of the project description.

The applicant proposes to increase historic attendance levels during the eight-week Summer Music Program season, but reduce total historic annual attendance overall by substantially reducing the permitted attendance levels during the remaining 44-week non-summer period. Neither the historic attendance figures nor the proposed attendance limitations include the fairly substantial level of administrative activities that also occur throughout the year, such as board and committee meetings, Women's Auxiliary functions, activities associated with Treasure House and The Rack, etc. The Music Academy has proposed that administrative activities and employee levels would not change as a result of the Master Plan. However, given that structural development would more than double on-site (excluding the parking structure), it is reasonable to assume that personnel/employees involved in catering, maintenance, scheduling and organizing events, and other administrative tasks would potentially increase as a result of Master Plan implementation.

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<sup>39</sup> The proposed attendance limitations apply only to audience members or event participants. The limits would not apply to faculty, staff, other employees, summer music program students, other performers or administrative activities as the MAW proposes that the number of faculty, students, and staff remain the same.

<sup>40</sup> Assuming the standard capacity of Abravanel Hall is currently 300 seats as identified in the 1992 and 1971 CUPs.

*The baseline attendance for the summer season is 17,681 public guests (391/day), based on actual attendance for the 8-week Summer Music Program concerts, masters' classes and related events in 2001.*

A determination of baseline attendance for the non-summer period is somewhat more complicated. Non-summer attendance includes participants at both conservatory activities and rental activities/special events. The Music Academy provided historical<sup>41</sup> attendance figures for both types of activities during this 44-week period. Based on their data, actual attendance at unrestricted conservatory activities totaled 18,166 attendees and the actual attendance for rental activities/special events totaled 14,618. This results in actual historic non-summer attendance of 34,784 attendees (approximately 113/day). However, actual participants at Music Academy rental activities and special events have been substantially lower (14,618) than the *maximum allowed under the existing CUP* (35,600 permitted). The permitted levels of rental activities and special events were established as part of the existing CUP approval in 1992 and were based on actual levels for rental activities and special events achieved at that time. Because the maximum rental activity/special event allowance was previously reviewed in 91-ND-54, the California Environmental Quality Act (CEQA) document for the existing CUP, this larger attendance figure (35,600) must be utilized in this EIR, when evaluating the net impact of the proposed project. Therefore, *the non-summer baseline is assumed to be 53,766* (18,166 + 35,600) or approximately 175/day.<sup>42</sup> The *annual baseline* is assumed to be 71,447 attendees (17,681 summer + 53,766 non-summer).

As stated above, the CEQA baseline for comparing the net change between the existing setting and the proposed project assumes a baseline annual attendance of 71,447 (17,681 summer attendance plus 53,766 permitted non-summer attendance). Currently the maximum number of staff/faculty on-site during the busiest time of year (summer) is 75. The Music Academy has proposed that under the Master Plan this number could increase to up to 89 staff and faculty. Volunteers and box office patrons are expected to increase consistent with the percentage increase in summer attendance (66%). The number of students could not be increased, beyond the current/proposed 150 maximum, without a modification to the CUP. The Music Academy is also proposing “any-given-time” and daily attendance maximums, neither of which is currently required in their existing Conditional Use Permit. These maximums would apply throughout both the summer and non-summer seasons. The Music Academy has historically instituted an any-given-time maximum attendance of 382. This has been applied to either maximum seating capacity of Abravanel Hall (under the Uniform Building Code) or the combined attendance at concurrent events on-site. The table below provides a summary of the existing baseline and proposed attendance limits.

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<sup>41</sup> 1997-2001 non-summer periods

<sup>42</sup> Non-summer baseline is based on actual historic conservatory related attendance (18,166), plus maximum total participants for special events allowed under the existing CUP (35,600).

**Table 7 Music Academy Attendance Figures(a)**

Maximum Attendance	Existing Baseline	Proposed Project	Net Change
Any-given-time	382	480	+98 <sup>(b)</sup>
Daily	None	1,170	N/A <sup>(c)</sup>
Summer (8-weeks)	17,681	29,425	+11,744
Non-Summer (44 weeks) <sup>(d)</sup>	53,766	27,866 <sup>(e)</sup>	-25,900
Annual	71,447	57,291	-14,156

(a)Figures do not include faculty, staff, students, other performers or employees or people attending administrative functions. If these individuals are seated at a performance they would however be counted toward the attendance caps.

(b)To avoid parking and other conflicts, the Music academy has proposed that special administrative functions (board meetings, dinners, etc.) would not occur concurrently with high attendance events. Therefore, administrative activities are not expected to increase the proposed any-one time attendance maximum. However, special administrative functions would be in addition to the daily, seasonal and annual attendance limits for both the baseline and proposed project scenarios.

(c)The current permit has no limitation on daily attendance. The applicant proposes a daily attendance cap of 1,170 attendees with the proposed project. The expanded facilities on-site, (e.g., larger halls and parking) would facilitate accommodation of sequential events on-site as well as increased attendance at each event. However, the seasonal attendance caps would also limit the number of days where the daily maximum could be reached.

(d) Existing baseline utilizes the maximum permit attendance levels for the rental activities/special events portion of non-summer attendance (35,600). This is higher than the actual historic attendance for these activities/events (14,618).

(e)The MAW proposes that if more than 80 staff/faculty/performers are present in the non-summer, they shall be bused to the campus or off-site parking shall be provided.

The increase in summer attendance is proposed in order to accommodate all 150 summer students on-site for Masters' classes etc., as well as the anticipated, continued increases in attendance at summer music program events<sup>43</sup>.

The any-given-time, daily and seasonal attendance limits would apply to audience members or other event attendees. These figures would not include faculty, staff, other employees, students, or performers,. During the summer, up to 89 faculty and staff (including all conservatory, administrative, maintenance, service and other staff) and up to 150 students would continue to be present on-site and would not be counted toward the attendance maximums. During the rest of the year, the limits would not apply to up to 89 staff or performers at concerts/events<sup>44</sup>. Music Academy administrative activities would also *not* be included within the attendance limitations. These administrative activities include, but are not limited to, Board of Directors meetings, staff meetings, Music Academy Council activities (meetings, dinners, etc.), neighborhood open

<sup>43</sup> The Academy experienced an approximately 10% increase in attendance at the summer music program concerts and master classes for 1999-2001, with attendance dropping back in 2002 and 2003.

<sup>44</sup> The MAW proposes that when there will be more than 80 performers and staff are present for a maximum capacity on-summer event, staff or performers above this number should carpool and/or be bused to the MAW campus.

houses, operation of The Rack and Treasure House, etc. As is the current practice, the Academy proposes to limit its administrative activities at times when there are conservatory or special events scheduled on campus. Any increase in the number of students would be subject to a permit modification, as the Music Academy is not proposing to change the current restriction for up to 150 summer students, although the Master Plan would allow the approximately 50 vocal and vocal accompanying students who take primary instruction at Cate School to join the 100 instrumental students at the Music Academy Campus. The vocal students are already permitted to rehearse, perform and attend performances at the Music Academy campus.

The Music Academy is proposing to reduce the *annual* baseline attendance by over 14,000 attendees, resulting in a reduction in annual project-related traffic. This results from the large reduction proposed in non-summer season attendance and would necessitate a mandatory reduction in activity levels on-site during 44 weeks of the year.<sup>45</sup> The Music Academy proposes to increase attendance during the summer from 17,681 to 29,425 attendees. The increase in attendance during the Academy's already busiest time of the year has the potential to significantly affect the neighborhood, if increased attendance generates noticeable increases in traffic, noise or other factors which may be considered a nuisance. (However, it is important to acknowledge that this level of increased attendance would also be *allowed* under the existing permit, given its lack of restrictions on any-given-time, daily or seasonal attendance).

### Traffic

As discussed above, overall attendance and related traffic would be reduced on both an annual basis and during the majority of the year (the 44-week, non-summer season). Because the Music Academy currently self-imposes a 382 attendance limit on-site and the proposed project would allow up to 480 attendees, the periodic peak traffic associated with the event start and end times would increase. However, the total attendance during the non-summer would decrease, which would place a cap on the total number of large events that could take place on-site, in addition to the elimination of weddings as an allowed use on-site.

During the eight-week summer season, attendance could increase approximately 66% over current levels. Traffic in the neighborhood is often worst during summer months due to Butterfly Beach generated traffic as well as visitors to the Coral Casino, the Biltmore, the ARCO Conference Center as well as bicyclists, joggers, and other pedestrians recreating along Channel Drive. The afternoon Master classes (which could accommodate greater numbers of guests) would continue to coincide with the period of greatest traffic volumes on neighborhood streets, 2:00-6:00 p.m., as the first afternoon Master class begins at 1:00 and ends at 3:00 and the second Master class begins at 3:10 and ends at 5:00 or later. Some of the guests attend both classes, which reduces the traffic effects during the peak period of vehicle traffic in the neighborhood. For those who do not attend both classes, some would depart after the first Master Class just prior to 3:00 p.m. and others would arrive at approximately 3:00 and leave between 5:00-6:00 p.m. (standard evening peak hour).

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<sup>45</sup>As stated earlier, actual, recent attendance at rental activities/special events has been lower than allowed by the current permit (14,618 vs. 35,600), although the higher levels have been achieved in the past. Compared to the actual recent attendance data, the proposed project would result in a 12% increase in annual attendance and a 15% decrease in non-summer attendance. Because the 35,600 rental/special event participants figure has been achieved historically and was already analyzed in a previous negative declaration for the project, that larger figure must be used for impact assessment purposes in this EIR.

During the non-summer period, the project also has the potential to periodically increase in-coming and out-going traffic at individual or concurrent events by having up to 480 participants at any give time (versus the current 382). The 382 attendee maximum is not required by the existing permit, but has been implemented historically by the Music Academy to address neighborhood concerns and to facilitate site operations. Therefore, the 382 figure is used as the effective baseline for assessing project impacts. In addition to the 480 attendee cap applying to conservatory events, this increase in the baseline any-given-time attendance would also be allowed for educational programs in the arts, meetings, seminars, and non-profit events, which previously had lower event attendance maximums. (Weddings would no longer be permitted under the Master Plan).

Based on summer 2003 traffic surveys, over 30% of existing traffic driving through the Music Academy is unrelated to Academy activities. The 221 cut-through vehicles driving through the site each day equate to 442 average daily trips (ADT). For comparison, the project related increases in traffic (during the summer season<sup>46</sup>) are estimated at 380 ADT. *Therefore, if an effective and enforceable cut-through traffic reduction program is implemented, this would help to offset increased project from the proposed project.* .

The County's traffic thresholds focus on the operation of area intersections and the overall design capacity of roadway segments, which considers daily traffic volumes. The thresholds also address basic safety considerations, such as specific roadway characteristics, line of sight for ingress and egress, and whether a project would significantly affect pedestrian and bicycle traffic in the area. The traffic section of this EIR identifies mitigation measures to reduce the effects of periodic increases in traffic as well as to ensure adequate parking demand. Because the project would not trigger County traffic thresholds with incorporation of the identified mitigation measures, residual traffic impacts are found to be adverse, but less than significant. The assessment of project traffic impacts assumes adherence to the applicant's project description, with regard to attendance limitations during the life of the requested CUP. Therefore, the physical expansion and upgrading of facilities on-site allow for considerably greater attendance year-round than is proposed by the Music Academy in their project description. Without strict adherence to the proposed attendance limitations, impacts to area streets, intersections, traffic safety, and parking could be considered substantially greater. The transportation section identifies mitigation measures designed to ensure enforcement of the proposed attendance and operational limitations.

Although the project would not trigger adopted, specific, traffic thresholds, there would still be periods, particularly during the summer months when project traffic could be considered a nuisance to neighbors. As evidenced by the comments received in response to the NOP/Initial Study and the Draft EIR, some of the neighbors are already frustrated by the level of existing traffic, safety concerns regarding Fairway Road and Butterfly Lane, and lack of adequate parking on their streets.

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<sup>46</sup> During the non-summer season, traffic is expected to be reduced overall, due to the proposed reduction in attendance (from historic levels). The exception to this is that peak traffic at begin and end times for maximum attendance events would increase from the current maximum of 382 attendees to 480 attendees for individual events.

## Neighborhood Concerns

In response to the project's EIR Scoping Document, the Montecito Association and a number of neighbors expressed concern with limited circulation options, pedestrian safety, the combined effects of cumulative traffic increases (e.g., resulting from proposed changes to the Biltmore, Coral Casino, and the Music Academy), and congestion issues, and a lack of available on-street parking, particularly during the summer.

In response to the Draft EIR, neighbors also called and submitted letters expressing concern over the following:

- Existing traffic levels on neighborhood streets, especially Fairway Road;
- The amount of trolley and tour bus traffic (with the Ty Warner residence and the Music Academy as points of interest);
- Daily occurrences involving wrong way drivers on the one-way section of Fairway Road (both accidental and intentional as a short-cut to the eastern segment of Channel Drive) and near accidents (pedestrian/vehicle and vehicle/vehicle) as a result of wrong-way drivers;
- Potential accidents on Fairway Road near the Music Academy entrance when vehicles turn-around here due to the end of the two-way section of Fairway;
- Any increase in Music Academy related traffic, given their concern over existing traffic safety and volumes in the neighborhood;
- The potential for cars to back-up on the one-way section of Fairway when cars are waiting to get in to the Music Academy entrance.

(Also refer to the comments received and responses to these comments in Appendix DD of this document).

Butterfly Beach appears to be the primary destination for most vehicles parked on the neighborhood streets and a significant portion of the traffic using the Music Academy drive as a direct route to Butterfly Beach from the west. Neighbors have also expressed concern with the combined effects of other proposed projects in the neighborhood and the cumulative impacts of the various projects' traffic increases.

Based on the applicant proposed changes to site operations, primarily the proposed attendance caps, the project would have the following general effects on traffic:

- Annual Traffic: Reduce attendance and related traffic on an annual basis when compared to the historic baseline;
- Non-Summer Traffic: Reduce attendance and related traffic during 44 weeks of the year (84% of the year) when compared to the historic baseline;
- Summer Traffic: Increase attendance and related traffic during the 8-week summer season from 17,681 to 29,425 attendees, including adding vehicle trips to neighborhood streets during the peak period for adjacent street traffic, 2:00-6:00 p.m., based on the Master classes schedule (1<sup>st</sup> class 1:00-3:00, 2<sup>nd</sup> class 3:10-5:00<sup>+</sup>);

- Peak Traffic Contribution: Potentially increase periodic peak traffic periods, due to the proposal to allow up to 480 attendees at any-given-time on-site, compared to the Academy's existing 382 maximum any-given-time attendance (self-imposed, not required by existing CUP conditions). For example, this would occur when a large event ends and vehicles are exiting the site concurrently;
- Comparison to Potential Traffic Under Existing Permit (No Project): Reduce *potential* annual, seasonal and any-given-time traffic as discussed in the No Project Alternative, as the existing CUP has no existing limitations on conservatory related activities;

If an effective and enforceable cut-through traffic reduction program were implemented, the resulting reduction in traffic could help offset project related increases in summer season traffic as a result of Master Plan implementation (see Transportation section for greater detail). The applicant has proposed two alternatives for a cut-through traffic reduction program, which are detailed in the Transportation section. Without modifications to the proposed programs, land use impacts from increased traffic would be considered potentially significant.

As stated above, during the non-summer months, the majority of the year, traffic in the neighborhood would be expected to decrease, with periodic increases in peak traffic. These peak traffic periods would be limited to the beginning and conclusion of large events on-site. However, during the summer months there would be a potentially noticeable increase in traffic during the 8-week summer program, particularly during the afternoon, when neighborhood traffic is at its peak. County Public Works and the Montecito Fire Protection District have determined that even with these peak periods of increased traffic, the area street network would be able to accommodate these traffic levels and that emergency vehicles would continue to maintain adequate access to the neighborhood during an emergency situation (Will Robertson, Public Works and Jim Langhorne, MFPD, personal communications). However, because neighbors have already identified existing traffic levels as an issue of concern, it is likely that an increase in traffic, especially during the peak afternoon traffic period in the neighborhood, would be considered a nuisance and hence, a potentially significant land use impact. Implementation of a cut-through traffic reduction program could address this impact, however without modifications to the proposed cut-through traffic reduction program options, it cannot be assumed that project related increases in traffic would be offset.

Short-term Construction Traffic: The length of the construction period would be largely dependent on whether or how the project is ultimately phased; the fewer the number of phases, the shorter the duration of the overall construction period. In addition to vehicle trips associated with construction workers and delivery of supplies and equipment, a substantial number of trips would be associated with vehicles exporting excess fill soil from the site. The preliminary grading plan identifies approximately 9,000 cubic yards of excess fill from grading activities. This figure does not take into account allowances for bulking, clearing and grubbing, subsidence, shrinkage, over excavation and recompaction, underground utility and substructure spoils and construction methods. These activities, along with specific characteristics of on-site soils, could greatly increase the actual volume of excess fill that would need to be exported from the site (e.g., other grading projects in the County have involved in the range of 30% more volume than was projected in project grading plans). If the 30% increase proves to be reasonable, as anticipated by staff, this would increase the excess fill figure to 12,000 cubic yards. Vehicles and trailers used to transport this material accommodate a range of 7-17 cubic yards of material. Therefore,

depending on the type of vehicle and/or trailer used for transport, this would involve approximately 700-1700 truck trips.

The applicant is proposing to utilize the UPRR right-of-way between the site and Channel Drive just beyond the western end of the Montecito Sanitary District property for these hauling trips. This would substantially reduce traffic through the neighborhood, although this short-term traffic would still send vehicle trips to Cabrillo Boulevard and its intersections near Highway 101. Although it is not guaranteed that UPRR would grant the Music Academy this access, the UPRR website indicates that this would be a common temporary use of the railroad's right-of-way. If this access is not granted, construction traffic would be considered a significant short-term land use impact to the neighborhood.

Cumulative Traffic: With regard to cumulative projects in the area, the Biltmore and ARCO projects have been withdrawn. The Biltmore changes are now limited primarily to renovations and are being processed under a Coastal Development Permit. The Coral Casino renovation project is still under review. The applicant submitted traffic study for that project concludes that there would be no increase in traffic associated with the changes to the site. At this time, there is no County document available which either confirms or conflicts with the conclusion of the applicant submitted traffic study. However, it can be reasonably assumed that additional traffic may be associated with the Coral Casino project. This additional traffic could further increase demand for limited on-street parking and add to periodic congestion on neighborhood streets. Regardless, each project would be subject to additional, separate environmental review at the appropriate stage in the development review process. These reviews would each include a quantitative analysis of project traffic impacts.

At this time, while improvements are reasonably foreseeable, specific changes to Highway 101 and the Cabrillo interchange have not been totally finalized and improvements to Cabrillo Boulevard have not been fully funded. However, recommendations currently under serious consideration for roadway changes in this area include:

- Closing of the southbound on-ramp at Hot Springs;
- Reducing Cabrillo Boulevard to one lane in each direction between Hot Springs and Milpas;
- Including signage directing motorists traveling eastward on Cabrillo Boulevard to freeway access at Milpas Street;
- Installing a round-about, signal or stop sign at the Los Patos/Cabrillo/Channel intersection;
- Installing a signal or other intersection improvements at the Hot Springs/Highway 101 intersection;

These improvements are being designed to keep traffic flowing on Highway 101 and to discourage vehicles from leaving the freeway and using local streets, as many vehicles currently do to avoid the congestion on this portion of Highway 101.

Closing the south-bound ramps and reducing the capacity of Cabrillo Boulevard east of Milpas may result in additional vehicles unrelated to the Music Academy driving through the Academy site. For example, if the south-bound on-ramp were eliminated, vehicles traveling east on Cabrillo en route to Butterfly Beach, The Biltmore, Coral Casino, Bonnie Meade, etc., would have two choices as

they reach the eastern end of Cabrillo (and likely congestion at this point). The first option would be to drive under Highway 101 and continue along Coast Village Road (through the various stop signs) to get to Olive Mill Road, and then to continue south and/or west to their destination. The second option would be to turn onto Channel Drive, then onto Fairway. Given existing use of the Music Academy access road for through circulation between Fairway and Butterfly Lane, it is reasonable to assume increased use of this route by vehicles unrelated to the Music Academy. This route would be accessible, more direct, and would avoid traffic congestion and stop signs along Coast Village Road. This additional traffic on neighborhood streets would be unaffected by changes included in the proposed Master Plan, unless the entrance gate were controlled to a greater degree in the future or a kiosk and turn-around for non-Academy vehicles were implemented to discourage non-project traffic from accessing the Butterfly Beach area from Cabrillo Boulevard via the Music Academy property. Music Academy implementation of a successful cut-through traffic reduction program either unrelated to the Master Plan or as part of the Master Plan (to offset less than significant, but increased, project generated traffic) could greatly reduce this anticipated increase in future traffic on neighborhood streets if the south-bound ramp is closed and/or east-bound Cabrillo Boulevard is reduced to one lane. While possible increases in cut-through traffic resulting from area roadway improvements is not a function of the Music Academy Master Plan, it is appropriate to consider these roadway changes, when evaluating the cumulative traffic setting and long-term traffic circulation patterns in the neighborhood. The applicant has proposed two alternatives for a cut-through traffic reduction program, which are detailed in the Transportation section. If successful, the Music Academy's program to reduce cut-through traffic could result in a lessening of cumulative traffic impacts to the neighborhood.

### Parking

The MAW proposes to address neighborhood complaints regarding parking with a proposal to construct a 2-level parking structure, which would accommodate more vehicles on the project site (versus on neighborhood streets).

As discussed in the traffic section, although the applicant submitted ATE traffic and parking study concludes that there would be adequate parking provided on-site, the Transportation section concludes that the current proposal may result in an inadequate parking supply to accommodate the largest day-time events, Mitigation is included to limit maximum attendance events to 450 attendees during specified times, unless or until future monitoring indicates that there is consistently excess parking available to accommodate maximum attendance for all day-time events. Without this mitigation, the project would potentially result in additional demand for on-street parking in the neighborhood, which would be considered a potentially significant land use impact. With incorporation of the identified mitigation measures in the transportation section, impacts related to parking would be reduced to less than significant levels, as project parking demand should be sufficiently accommodated, without generating demand for sometimes limited on-street parking. Also see mitigation regarding return to Planning Commission at the end of this section and the transportation section.

## Modify Existing Conditions of Approval

As part of the revised Conditional Use Permit (CUP), the Music Academy is proposing to modify existing conditions of approval as follows:

1. *Revise Condition #1, the project description condition, to reflect the current project description request. The revised condition shall break out proposed physical changes to the site as well as operational restrictions that would place limitations on the maximum number of audience members on-site at any-given-time, daily, and seasonally (summer/non-summer seasons).*

The impacts of the proposed physical improvements as well as the proposed attendance limits are discussed separately in this section.

2. *Specifically revise Condition #1c. to eliminate weddings as a permitted use onsite.*

One of the most controversial activities historically has been the renting of the MAW site for weddings. During the previous Planning Commission hearings, neighbors expressed concern over the traffic and parking associated with weddings. The approved (existing) CUP allows up to 45 weddings per year, with up to 150 people per wedding. In response to continued neighbor concerns, the MAW proposes to completely eliminate weddings as a permitted use onsite as part of the revised Conditional Use Permit request. The proposal to eliminate weddings as an allowed use on-site would serve to reduce land use compatibility impacts.

3. *Specifically revise Condition #s 1a. and 1b to allow conferences/seminars and non-profit events, taken together, to 41 events. Further amend this condition with regard to attendance restrictions for these activities, such that attendance be restricted to the campus-wide proposal for the any-given-time (480), daily (1,170) and non-summer season (27,866) limitations.*

Conferences and seminars are currently limited to up to 26 per year and up to 175 participants. Non-profit events by non-profit community groups are currently limited to 15 per year with up to 300 participants per event. The combined total of 41 conferences, seminars, and non-profit events would not change as a result of this modification.

The change to conferences, seminars and non-profit events would increase individual event attendance from 175 (conferences/seminars) or 300 (non-profit events) to the any-given-time attendance cap of 480 audience members or participants. Therefore, the maximum number of people attending these types of events would be greater on a per event and seasonal basis.

### Maximum Attendance for Conferences, Seminars, and Non-Profit Events

Rental Activity	Current Frequency	Current Attendance Maximum	Current Total Annual Attendance Maximum	Proposed Frequency	Proposed Attendance Maximum	Proposed Total Annual Attendance Maximum
Conferences /Seminars	26	175	<b>4,550</b>	Combined 41	480	<b>19,680<sup>47</sup></b>
Non-Profit Events	15	300	<b>4,500</b>		480	

However, the existing CUP does not restrict the total number of attendees that could be on-site for concurrent activities. While the ability to handle more than one high attendance event simultaneously on-site would be challenging with existing facilities (including parking), there is currently indoor venue capacity as well as additional capacity in outdoor garden and patio areas that could accommodate 480+ attendees at concurrent events on-site today (e.g., 300 attendees at a non-profit concert event in Abravanel Hall, 110 attendees at a conference in Lehmann Hall, and 70 attendees at a seminar in Singher Studio for a total of 480 attendees on-site). Therefore, the combined number of participants that could potentially attend various, concurrent conferences, seminars, or non-profit events on-site would not increase.

Some of the conferences, seminars and non-profit events are related to music. As a result, even if the existing limitations on these specific events are exceeded, some of the events would potentially qualify as music related activities, which are not restricted under the existing CUP. Attendance at all seminars, conferences, and non-profit events, including those related to music would be included within the any-given-time, non-summer (seminars, conferences, and non-profit events do not take place during the eight-week summer music program), and annual attendance caps. Attendance at these activities could potentially increase over historic levels (due to improvements to on-site facilities). However, because the attendance caps proposed in the Master Plan would reduce and limit overall attendance during the non-summer season, any increase in attendance associated with seminars, conferences, and non-profit events could only occur, if it were offset by even greater reductions in attendance associated with conservatory activities.

This change to the project would simplify the project description and would not result in significant land use impacts.

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<sup>47</sup> Because the proposed non-summer season attendance cap (27,866) would reduce overall attendance during the non-summer season (from existing 53,766), any increase in attendance associated with seminars, conferences, and non-profit events could only occur, if it were offset by even greater reductions in attendance associated with conservatory activities.

4. *Specifically revise Condition #1d to eliminate specific restrictions for educational programs in the arts and have these activities comply with (and be included within) the proposal for campus-wide any-given-time, daily, and non-summer season limitations.*

Educational programs in the Arts are currently limited as follows: no more than five programs would be held in any given week. The average number of participants for each program would not exceed 15.

The change would eliminate criteria for the number of such programs as well as the number of participants. The frequency and attendance for educational programs in the arts (e.g., dance classes) would be incorporated into the overall any-given-time, daily, and non-summer attendance caps.

**Educational Programs in the Arts**

<b>Rental Activity</b>	<b>Current Frequency</b>	<b>Current Attendance Maximum</b>	<b>Current Total Annual Attendance Maximum</b>	<b>Proposed Frequency</b>	<b>Proposed Attendance Maximum</b>
<b>Educational Programs in the Arts</b>	Five programs/week (each program = 6 times/week)	Average of 15 participants	19,800	No Limit	Included within any time, daily and non-summer caps

While attendance associated with educational programs in the arts could potentially increase over historic levels, the traffic and other impacts associated with this use would not be significantly different than attendance associated with the other allowable uses on-site that would be subject to the same any time, daily and seasonal attendance maximums..

*Revise Condition #12 to allow MAW to use a portable hand held microphone outdoors for the spoken voice. Use would only be allowed for Music Academy events, not for others renting or otherwise using MAW facilities. Proposed limits for amplification would require that amplification be at a decibel level not to exceed 65 dB(A) CNEL at the Academy's property line. Amplification of music would continue to be restricted to indoor areas (specifically the new Instructional Building, Miraflores, and the new recital hall).*

The proposed allowance for use of amplification would result in the potential for increased nuisance noise to a few of the surrounding neighbors. As identified in artNTEK acoustical study submitted by the applicant, the CNEL averaging methodology does not account for substantial increases in periodic, shorter term, ambient noise levels, to which adjacent neighbors may be exposed. The artNTEK report addresses this issue with regard to the Music Academy's proposal to allow outdoor amplification of the spoken voice in the area north of the student services building:

Indeed, if PA use was limited to 20 minutes within any 24-hour period, levels of up to 75 dBA would be allowable at the property line without causing a significant increase in the existing ambient CNEL value. However, levels as high as this would probably be annoying to neighbors, even though they would not exceed County Thresholds.

Mitigation identified in the artNTEK study involves specifying the volume allowed on the amplification equipment used for outdoor events in the cloistered courtyard area. A peer review of this study by Rincon Consultants concludes that this mitigation may be too complex for effective enforcement. Rincon Consultants concludes that limiting ambient noise levels to a maximum of 65 decibels at the property line, without averaging, would be a preferable method for enforcing limits on outdoor amplification, at least to the 65 dBA level.

Staff has continuing concerns that this may still result in a noticeable change in ambient noise levels for the project's residential neighbors. The only measurements done along Fairway Road identify an existing CNEL of only 55 dBA (artNTEK). As little as 3 dBA is accepted as being the smallest noise level change that could be noticeable in the field. However, even limiting noise levels to 65 dBA (without any averaging of noise levels) would result in periodic increases in noise levels of up to 10 dBA. Both the County's Noise thresholds and the Quality of Life threshold identify the potential for significant impact if a project would result in a substantial increase in ambient noise levels, even if noise levels would not exceed 65 dB(A) CNEL. Periodic, 65-decibel noise from a microphone could be considered a nuisance to surrounding residential neighbors, particularly if such noise events were to occur on a regular basis or for long periods of time. Therefore, the proposal for use of outdoor amplification of the spoken voice would be considered a potentially significant impact.

The proposed allowance for amplification of the human voice in the interior patio area would contribute to the potential for nuisance complaints/land use conflicts because this facility is located within an existing residential neighborhood. Proposed outdoor amplification has the potential to draw more attention to the Academy's non-residential activities by further reminding nearby residents of its presence. Therefore the proposed allowance for amplification of the spoken voice would be considered a potentially significant land use impact.

5. *Revise Condition #10 to require two parking attendants (rather than the currently required one attendant) for all events involving 100 or more participants. In addition, revise this condition to eliminate the requirements for overflow parking and shuttle service upon completion of the proposed parking structure.*

Traffic issues are described in greater detail in the traffic section as well as elsewhere in this land use section. However, conclusions of the traffic section are summarized here for the purposes of addressing proposed changes to condition of approval #10. Parking attendants would be required to manage the parking resources on-site during large events to achieve maximum on-site parking occupancy. Therefore, it is critical that an adequate number of trained parking attendants be available during larger events to ensure that attendees are appropriately directed to maximize the on-site parking supply (and avoid spillover onto

neighborhood streets). It is not known at this time whether two parking attendants would be adequate. Therefore, while this change would improve upon the existing requirement for only one attendant, the proposed project's substantial increase in periodic attendance on-site may necessitate more than two parking attendants (as well as other measures) to avoid parking impacts. This would be considered a potentially significant impact.

#### Fundraising Events Open to the General Public (no attendance cap)

The MAW proposes a limit of two, one-day events open to the general public, provided that, under such circumstances, the May Madness event would be limited to a single day event, rather than its historic two-day duration. Currently, the CUP allows one such weekend fundraising event. Impacts may be greater than with the current allowance for one (two-day) weekend event, given that on-site activities would increase in advance of each fundraiser in preparation for each event (e.g., a second rummage sale each year, along with all necessary preparatory activities and drop-off traffic). Depending on what the second fundraiser involves, this would be considered a nuisance to area neighbors and would contribute to potentially significant land use impacts.

#### Resale Shops:

The Rack and Treasure House have been used as resale shops on-site for many years and the existing CUP allows this use within specified hours. In response to the Draft EIR, the revised Master Plan no longer includes raising of these structures to provide additional basement storage space for these stores.

#### *Extension of Resale Shop Hours*

The hours of operation of the resale shops, Treasure House and The Rack, are proposed to be extended from a closing time of 4:00 p.m. to 5:30 PM to allow persons attending public Master Classes to patronize the shops for a limited period of time following conclusion of the 3:00 PM Master Class, although the time extension is proposed year-round. It is possible that extending the hours may reduce peak out-going traffic, as some vehicle departures would be delayed. Conversely, negative comments expressed by neighbors regarding extending the resale shop hours included concerns due to 1) increased traffic (even minor) associated with resale shoppers, 2) the secondary, non-musical nature of the resale shops, 3) the commercial nature of the resale shops in a residential neighborhood, 4) the increase in car headlights shining into nearby homes as additional vehicles may leave the site after dark, and 5) the resale shops are sometimes used as reason to gain entry for access through the site, making implementation of a cut-through traffic reduction program more challenging to enforce and adding vehicle trips to Fairway, Butterfly and other neighborhood streets during the pm peak commute period. Extension of the resale shop hours would contribute to potentially significant project land use compatibility impacts.

### *Storage of Rummage/Resale Items*

The Music Academy proposes additional storage areas on-site as follows:

- New Storage/Maintenance Building: 1400 SF general storage, 960 SF garden and maintenance activities and storage, and approximately 1,620 SF props and sets storage.
- New Practice Studio Building: 2,770 SF general storage;

Additional storage areas are also provided in the proposed, new instructional and student services buildings.

In addition to regular storage needs, the Academy also needs extra storage in preparation for May Madness (during the non-summer months). The Academy proposes to use other general storage areas, unoccupied practice rooms or a portion of the lower parking structure to store these items, to the extent that the MFPD agrees that this rummage would be an “ordinary hazard class, group 1.”<sup>48</sup> The Music Academy has historically stored much of the collected May Madness rummage on-site and has utilized the existing storage building, Harger Studio as well as various other areas on-site for rummage storage.

Use of these other structures for storage of resale items is not identified in the existing CUP permit, as these structures are identified as a maintenance building, practice studio, etc. The Montecito Fire Protection District has historically had concerns regarding the ability to suppress a fire involving this stored rummage, but is now comfortable with the proposal for future rummage storage subject to further review as to whether it qualifies as “ordinary hazard class, group 1.” Therefore, the storage of rummage is not considered a fire safety concern.

It is assumed that items donated throughout the year could be available for sale at The Rack and Treasure House, including the larger quantities and variety of rummage collected in anticipation of May Madness. The applicant has indicated that the level of retail activity is constrained by the amount of retail space and that goods would be sold only at The Rack and Treasure House locations. However, resale furniture stored in Harger Studio includes price tags. It is assumed, therefore, that although the furniture was not located within one of the resale shops, the subject furniture was, in effect, “for sale”. In addition, there is limited area within the existing resale shops to store the furniture.

The proposal to expand the areas on-site where rummage can be stored has the potential to expand retail activity (another non-residential use) on the property as part of a Master Plan.

The property has an Educational Facility coastal land use designation, is zoned for residential use and is located in a residential neighborhood. Many neighbors have historically commented on activity levels on-site, but have expressed the most concern with activities not associated with a music conservatory, such as weddings and other commercial rental endeavors. In response to neighborhood comments, the Music Academy has proposed that expanded activities on-site would be focused on activities associated with its mission as a music conservatory. Other commercial aspects of its operations are proposed to be reduced as part of the Master Plan (rentals for

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<sup>48</sup> "Ordinary Hazard - Group 1" is defined as: "Ordinary Hazard - Group 1 occupancies shall be defined as occupancies or portions of other occupancies where combustibility is low, quantity of combustibles is moderate, stockpiles do not exceed 8 feet in height, and fires with moderate rates of heat release are expected."

weddings). However, the potential for significant expansion of area available for storage of resale/rummage items could result in a commensurate expansion of retail commercial use on-site.

There are a number of non-profit groups in Santa Barbara, which similarly use resale shops to partially fund their operations. The Music Academy has been fortunate to have its resale shop on the premises, unlike many groups who must rent space in commercial zones for this purpose. Allowing for an increase in some storage space on-site is reasonable to facilitate daily operations of the existing resale shops. However, the proposal to allow additional buildings and areas to be used for warehousing of resale items on-site has the potential to increase retail commercial activities on-site as well as related traffic (truck trips delivering rummage, etc.), parking demand and other land use conflicts. This is especially true because the site is a residentially zoned property in a residential neighborhood. The resale shops are allowed under the CUP as a secondary or accessory use to the music conservatory, which is already a conditionally permitted non-residential use in a residential zone and neighborhood. The proposal to expand on-site storage of rummage expands the extent of this accessory use. The proposal to specifically allow for and expand on-site storage of rummage and resale items beyond The Rack and Treasure House is considered a potentially significant impact as it could greatly expand this secondary commercial use and related impacts.

#### Proposed New Outdoor Dining Patio

The Master Plan includes a new outdoor dining patio on the slope above Butterfly Lane. This area is designed to accommodate an eating area for lunch and dinner for the 150 summer students. The patio would also be used by faculty or other employees who might prefer this to the new indoor dining area in the student services building, as well as employees and others attending events (e.g., conferences, non-profit events, etc.) throughout the year. (Including an optional eating area for the up to 480-attendee summer concerts or other events year-round. This area is partially screened from Butterfly Lane by existing (and proposed) trees. However, this area would still be partially visible from the public roadway below, including to the public walking along Butterfly Lane between the pedestrian coastal access tunnel, under Highway 101, to Butterfly Beach. The eating area is located at the perimeter of proposed development, placing it on the “edge” of the campus and its interface with the residential neighborhood. Given the large numbers of people that could be accommodated in this area at different times of the day, it would clearly appear as a non-residential use in this predominantly residential neighborhood.

If night-lighting were installed in this area, visibility would increase at night.

Ambient noise levels affecting the patio area are fairly loud (62.5 dBA CNEL current, 63.1 anticipated in the future), but are and would remain slightly under the 65 dBA CNEL outdoor living area threshold. Existing ambient noise levels in the outdoor dining area may make it challenging for diners to carry on conversations in this area in a normal speaking voice, although the revised plans now include provision of a five foot high wall around the patio, which would attenuate some of noise for people who are seated. Depending on how this area is used over the long-term, (e.g., for gatherings where people are standing versus seated), it is reasonable to assume that a higher wall or other feature might be considered necessary in order to reduce noise to a level more acceptable for having a normal conversation. Based on existing and anticipated ambient noise levels, it is reasonable to assume that in the future, the MAW may request installation of some sort of noise attenuating structure to reduce noise levels in the patio area for the comfort of diners or other event attendees. Approval of such improvements could further exacerbate the visibility of this outdoor

eating area, resulting in land use compatibility issues depending on the aesthetics of such a structure.

Regardless of whether additional noise attenuating features would be added to this area in the future, the proposed outdoor patio dining area would locate development and more noise generating activity further down the slope, closer to Butterfly Lane than any existing development. The revised, walled patio area is smaller than originally proposed, however, the retaining wall steps downslope would still be accessible from the patio and usable for gathering and eating. Existing outdoor dining is primarily limited to the upper patio behind Miraflores. The lower patio at Miraflores includes a pool and fountain, which effectively limits the number of people and related dining activities that can be accommodated in this area. The proposed new outdoor dining area extends further down the slope than the Miraflores upper patio and there would be some limited views of the new patio area from Butterfly Lane. The proposed use of the new dining area for lunch and dinner for 150 students as well as staff/faculty (up to 89) may also affect how noticeable this somewhat limited structural intrusion is to neighbors and to the public using Butterfly Lane. Given this intensity of use, the patio may appear as a commercial restaurant type use from the residential street below, drawing more attention to the structural development in this area than if there were no additional outdoor patio dining area here. In addition, neighbors have indicated that activities (including weddings) in the existing outdoor dining patio behind Miraflores have intermittently generated noise levels which were annoying to neighbors. The proposed new outdoor dining patio would effectively accommodate greater numbers of people, given the capacity limitations

Neighbors have expressed concern over this aspect of the project with regard to potential nuisance noise, odors, possible visibility, the potential intensity of use that could occur here, the potential for this to be used as a restaurant, and concern that nuisance historically generated from activities in the existing outdoor dining area (noise) may expand to the new outdoor dining area, causing new sources of complaint.

The location and proposed use of the proposed outdoor dining patio would generate potentially significant land use impacts.

Visual Compatibility with the Surrounding Neighborhood (Also refer to the Aesthetics section):

The “Montecito Architectural Guidelines and Development Standards” include a definition for Neighborhood Compatibility, which focuses on the aesthetic aspect of compatibility:

“Neighborhood compatibility” is the relationship between surrounding structures and their settings so that the effect of all structures taken together is aesthetically pleasing, keeping the neighborhood in harmony and balance.

The Music Academy of the West is located in a predominantly residential neighborhood. The Guidelines discuss the need to consider the overall relationship of the following elements in residential areas:

- a. parcel size;
- b. topography of the neighborhood and how structures are sited on the topography;
- c. the size, mass, bulk and scale of existing and proposed structures in relation to parcel size and development on adjacent properties;
- d. setbacks and location of buildings in relation to parcel size and development on adjacent properties;
- e. height and visibility of buildings from roads;
- f. location of parking;
- g. relation of roofs to buildings;
- h. relation of architectural detail (color, texture, materials, etc.) to the building.

The Guidelines include the following additional statements with regard to Educational uses in the community:

All educational, institutional and other public and quasi-public uses in Montecito shall strive to respect the scale and character of existing surrounding residential neighborhoods.

All educational, institutional and other public and quasi-public uses should be developed in a manner compatible with the community's residential character.

The existing neighborhood is primarily residential. However, there is also a long history of non-residential uses in the area. The subject property has been used a music conservatory for over 50 years. Prior to this use, the property was part of a country club. Other long-time, non-residential uses in the neighborhood include the Biltmore Hotel and Coral Casino, ARCO Conference Center (The Breakers), the adjacent Montecito Sanitary District, and the Santa Barbara Cemetery. Residential development in the area includes substantial estate sized residences as well as multi-story condominiums (on the north side of Fairway).

Several components of the proposed project have the potential to result in potentially significant impacts to the visual character of the neighborhood. These changes to the site have the potential to alter existing public views of the site, from a predominantly screened, landscaped estate to a more institutional facility. These changes would result from extensive removal of mature trees throughout the site, construction of new buildings and a two-level parking structure and additional, more visible night-lighting on the project site.

The tree loss and trimming would increase visibility through the site from Highway 101 (and further north) and to a lesser extent from Butterfly Lane to the east. In the short and mid-term (until replacement trees reach mature heights), reduced screening from the northern eucalyptus windrow<sup>49</sup> and loss of additional trees throughout the site would increase visibility of construction activities, tree removal and views of existing and proposed buildings. Visibility into the site would increase substantially until replacement trees, especially the pittosporum trees paralleling the northern

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<sup>49</sup> According to the arborist report (in the appendices), regular limbing and pruning is recommended for the windrow in order to prolong its longevity. Currently, the integrity of some of these trees is compromised in their present condition. If these trees are lost due to construction impacts or lack of maintenance, visibility into the site would increase substantially.

property line reach mature heights (5-15 years), as many of the trees in the northern half of the site are proposed to be removed. This temporary impact would be considered potentially significant.

Over 85 specimen trees would be removed and approximately 200 new trees as well as other vegetation are proposed to be planted throughout the property (Master Landscape Plan Figure 5). A row of pittosporum is proposed to be planted between the railroad tracks and the new parking structure, surface parking and new maintenance/storage building in the north. These would be planted south of the Montecito Sanitary District and City of Santa Barbara sewer easement as the recent project revisions allow space for planting north of the new improvements and outside of the easement. (The sewer easement is currently vegetated with mature eucalyptus that form the northern windrow seen from Highway 101. Additional trees and shrubs cannot be planted in this 30 foot easement along the northern property line, because this part of the property includes the main inflow and outflow pipes for MSD and the City of Santa Barbara's sewage inflow line for the properties it serves along Coast Village Road (see Public Services section as well as letters from MSD and the City of Santa Barbara in response to the NOP and Draft EIR in the Appendices). If currently unanticipated facility maintenance activities were necessary within the easement, it is possible that these existing eucalyptus trees, currently proposed to remain, would require removal. However, this is considered unlikely according to the MSD (Jerry Smith, personal communication), given alternative methods for maintenance and repair that would not require digging up the existing lines.

The proposed new pittosporum trees would provide increasing levels of screening as they grow. The trees would be expected to reach a height of approximately 30 feet approximately 10-15 years after they are planted. (The trees would be planted following completion of the proposed parking structure and surface parking in the north). As shown in the visual simulation, activities and development would be substantially (but not totally) screened from public view once the trees reach a height of approximately 30 feet. Some trees along the northern windrow have been lost over the last 10 years either due to natural or project-related causes. If additional eucalyptus windrow trees were lost either as a result of required grading activities, natural causes, or removal for real or perceived safety reasons, and/or if long-term maintenance of these trees greatly reduces their screening ability, aesthetic impacts would be considered potentially significant in the short to mid-term.

Views from Butterfly Lane south of Highway 101 may be similarly affected by additional development, but to a lesser degree. Small portions of existing structures are currently visible from Butterfly Lane. However, the proposed student services building, the proposed instructional building and the proposed outdoor dining area (see separate discussion of outdoor dining area earlier in this section) and associated retaining walls would increase the amount of structural development visible from Butterfly Lane. Outdoor night-lighting of these areas as well as indoor lighting in these buildings would increase the visibility of the new structures. Depending on the type, location and intensity of night-lighting proposed in these areas, impacts would be considered potentially significant.

With the possible exception of the proposed new parking garage, the proposed architecture would be compatible with the existing architecture on-site and the surrounding area. The MBAR reviewed the project following the September revisions and had generally favorable comments about the current project layout and concluded that comments regarding details of individual structures would

be more appropriate once the Montecito Planning Commission makes a determination on the level of additional development that is approvable on the site as well as the appropriate location for the outdoor dining area. The MBAR did recommend that additional screening be provided between the new storage/maintenance structure and related service yard in the northeast and along the western property line. See attached MBAR minutes for specific concerns and comments. The MBAR also commented on the need to have adequate perimeter landscaping to screen structures and to maintain the existing estate/garden setting onsite.

### **Cumulative Impacts:**

Cumulative development in the area includes the Miramar renovation (also visible from Highway 101), already permitted and proposed changes to the Biltmore Hotel facilities, proposed renovation of the Coral Casino, modification of large single family residences in the neighborhood, and potential widening of Highway 101 through Montecito. The MAW project would contribute incrementally to potentially significant aesthetic impacts from reasonably foreseeable cumulative development (especially Hwy 101 widening). Of particular concern would be development that would be visible from Highway 101.

Refer to the Biological Resources, Air Quality, Aesthetics, Noise, Traffic and Historic Resources sections of this EIR for additional discussion of these issues.

### **Mitigation:**

Mitigation measures identified in several other EIR sections would also be required to address land use impacts. These include the mitigation measures in the Biological Resources, Aesthetics, Traffic, Historic Resources, Noise, and Air Quality sections.

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

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

2. The proposed outdoor terrace dining area shall be eliminated. All applicable project plans shall be revised to eliminate this feature. A new outdoor dining area could be permitted in the “cloistered” courtyard. **Plan Requirements and Timing:** The applicant shall submit revised plans to the County and MBAR for review and approval prior to approval of a CDP for grading or construction related to the Master Plan CUP.

**MONITORING:** Permit Compliance, Grading and Building Inspectors shall perform periodic site inspections to verify compliance with plans.

3. On-site storage of resale items and rummage shall be limited to The Rack, Treasure House, and 1,400 square feet of the nearby new Storage/Maintenance building. The exceptions to this shall be as follows, (consistent with Montecito Fire Protection District requirements/approvals):

- a) In preparation for May Madness, rummage may be stored on-site one month prior to the sale day;

- b) Drop-off items may be stored on-site for up to 5 days in the additional area of the new maintenance/storage building (year-round), awaiting transport to off-site storage location(s).

**Plan Requirements and Timing:** The applicant shall identify possible location(s) for their off-site storage of rummage and resale items that exceed the storage capacity of The Rack and Treasure House. Project plans shall specify the restrictions and exceptions for storage of rummage and resale as indicated above. The plans shall be reviewed and approved by P&D prior to approval of CDPs.

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

4. All construction related vehicles (including construction worker vehicles), equipment, and supplies shall be located within the project site. In addition, waiting trucks (supply delivery trucks, vehicles transporting fill, etc.) shall wait on-site, rather than on neighborhood streets.

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

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

5. Annual, unrestricted attendance fundraisers for the Music Academy shall be restricted to once per year, whether the event is for one or two days. **Plan Requirements and Timing:** This requirement shall be identified on the project plans and shall be posted in a prominent location on-site during the fundraiser.

**MONITORING:** Permit Compliance shall review monitoring reports for compliance.

6. Indoor amplification shall be located where doors and windows can (and shall) be closed to reduce spill-over of noise onto adjacent properties. **Plan Requirements and Timing:** This requirement shall be identified on the project plans, shall be included in informational brochures and contracts for rental use and shall be posted in a prominent location on-site during functions.

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

7. The applicant shall implement a Cut-through Traffic Reduction Program to minimize land use compatibility impacts associated with any increased traffic in the surrounding residential neighborhood. The plan shall be based on the plan option which includes a separate return lane onto Fairway Road. The return lane shall be controlled in a manner which ensures that it cannot be used as an alternate exit for Music Academy related vehicles (metal arm controlled by kiosk personnel). A kiosk near the fork in the driveway shall be manned when the entrance gate is opened and when the resale shops are open. Protocol shall be proposed for operation of the entrance gate, when it is not open and kiosk personnel are not present to minimize access through the site by vehicles not associated with Music Academy activities or operations (e.g., a scan card system that is checked frequently to ensure cards are not being inappropriately reproduced).

**Plan Requirements and Timing:** The Program shall be submitted to Public Works and

P&D for review and approval prior to approval of CDPs for grading (as kiosk and return lane location/design may affect driveway details)

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

8. The hours of operation of Treasure House and The Rack shall be extended from the existing 4:00 p.m. closing time to 5:30 for guests already attending performances or other events at the Music Academy. However, normal hours of operation shall be reduced (for those not already attending activities) to 1:00-3:30. This would allow those attending Master Classes etc additional time to support the resale shops, and would facilitate cut-through traffic reduction during the peak period for cut-through traffic, 3:30-6:00 pm.

**Plan Requirements and Timing:** The revised hours shall be noted on relevant Music Academy hard copy and website informational materials and at the entrance to the resale shops. Examples of the changed hours on materials shall be submitted to P&D prior to issuance of CDPs for structures.

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

9. Once Master Plan operations have been operational, the project shall return to the Montecito Planning Commission for a report on compliance with, and effectiveness of, project conditions. This hearing shall take place sooner if a sufficient number of complaints received prior to this time period necessitates an earlier hearing (at the discretion of the Director of P&D). If the Master Plan is implemented over a number of years, more than one hearing may be appropriate as determined by P&D (e.g., per phase). The Planning Commission shall specifically consider compliance with proposed attendance limitations along with consideration of the effectiveness of and compliance with all other project conditions. Project conditions may be modified or new conditions added to ensure or improve upon effectiveness and/or compliance.

10. The MAW shall be required to provide monitoring reports twice annually.

- a) Monitoring shall cover individual event attendance (any-given-time), daily attendance, and seasonal attendance. Attendees shall include all regular guests as well as any students, faculty, staff, or other employees who are not performing or working at the event.
- b) The monitoring shall include a specific break down of seminars, conferences, non-profit events, educational programs in the arts and conservatory activities.
- c) The monitoring shall include the results of the periodic monitoring of parking required to determine adequacy of on-site parking in meeting project demand.

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

**MONITORING:** Permit Compliance shall collect and review monitoring data for compliance. The applicant shall be responsible for all associated costs.

11. Subject to the discretion of the Director of P&D, if P&D receives serious land use compatibility or compliance with conditions complaints (e.g., substantially greater attendance on-site, substantial overflow parking onto neighborhood streets, substantial increases in activities not subject to attendance caps that generate significant land use impacts, etc.), the project may be returned to the Planning Commission to determine whether the project is in compliance with project conditions of approval and/or whether project conditions should be modified to address substantial neighborhood compatibility issues. The applicant shall be required to fund staff time and any specific evaluations necessary to bring the project forward for the Planning Commission (or Director of P&D) consideration. Refusal to fund work necessary to return to the Planning Commission would be considered a violation of the CUP.

**Residual Impacts:**

Temporary significant and unavoidable impacts (Class I) would be associated with short-term construction traffic and with the change in views of the property from off-site, until replacement landscaping grows to heights and sizes that would provide substantial (not necessarily total) screening.

With incorporation of the mitigation measures identified above (including measures discussed in other sections of this EIR), other residual land use impacts would be reduced to adverse, but less than significant levels (Class II).

## 5.9 Noise

### Background:

The discussion of existing and anticipated noise levels in this section is based on information provided in two acoustical reports. The first was submitted by the applicant in January 2000 (artNTEK, 1/19/00). That study was used to prepare the CEQA Initial Study/EIR Scoping Document. During preparation of this EIR, the artNTEK assessment was peer-reviewed by Rincon Consultants (9/30/02) under contract with the County of Santa Barbara. The Rincon Consultants report includes additional on-site acoustical measurements, specifically in the area of the proposed outdoor terrace dining area, above Butterfly Lane. It also provides an estimate for future noise levels on-site based on future traffic volume increases on Highway 101. The Rincon Consultants report generally concurs with the findings of the artNTEK report. The two exceptions were with regard to the method used to establish the Community Noise Equivalent Level and the feasibility of mitigation proposed to address the proposal for outdoor amplification. These issues are discussed further, later in this section. The noise analysis in this section includes excerpts from both the artNTEK and Rincon Consultants reports. Both studies are included in the EIR Appendix section.

### Noise Characteristics, Measurements, Terminology:

Noise levels are typically measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighted sound pressure scale adjusts actual sound power levels to be consistent with frequencies that are most audible to the human ear. The duration of a noise event and the time of day in which noise occurs both affect our perception and sensitivity to noise levels. The equivalent noise level ( $L_{eq}$ ) is used to sum up noise levels over a period of time, typically over one-hour, expressed as  $L_{eq}1H$ . The Community Noise Equivalent (CNEL) is further used by many jurisdictions, including Santa Barbara County, to weight the hourly  $L_{eqs}$  in a manner which acknowledges that noise is typically most noticeable in the evening and nighttime hours. CNEL measurement weighting includes the addition of 5 dBA to evening noise levels and 10 dBA to nighttime noise levels.

### County Thresholds:

The County's Environmental Thresholds and Guidelines Manual includes thresholds of significance to assist in determining whether a project would result in significant noise impacts. The County's Thresholds use the Community Noise Equivalent Level (the 24-hour weighted average index), which best addresses constant background noise, such as freeway traffic. As a result, intermittent noise events could significantly exceed existing ambient noise levels without exceeding the CNEL threshold. In addition, noise from outdoor events can be more noticeable to neighbors than the constant of background freeway traffic noise. In addition to specific numeric thresholds for noise levels, the County's Noise Thresholds address the issue of project-generated increases in noise that falls below the numeric thresholds, but which may still be considered a substantial or significant increase in ambient noise levels. (Also see discussion of the Quality of Life threshold in the Land Use section of this EIR). The following would typically result in a determination of significant impact:

1. Project Generated Noise: Sensitive receptors, including residents or students, would be exposed to project-generated noise levels in excess of 65 dBA CNEL;
2. On-Site Noise Sensitive Uses: For noise sensitive uses (e.g., educational facilities), outdoor areas of the site would be subject to ambient noise levels in excess of 65 dBA CNEL and indoor areas would be subject to noise levels in excess of 45 dBA CNEL;
3. Substantial Increase in Noise: A project would generally have a significant effect on noise sensitive receptors in adjoining areas (e.g., residential neighbors) if ambient noise levels increase to 65 dBA CNEL or over. However a significant effect may also occur when ambient noise levels increase “substantially” for adjoining noise sensitive receptors, even if they remain less than 65 dBA CNEL. This is to be determined on a case-by-case basis.
4. Short-Term Grading and Construction Noise: Temporary exposure of sensitive receptors to excessive noise (65 dBA CNEL) during the construction period.

### **Setting:**

The Union Pacific Railroad (UPRR) tracks and State Highway 101 are located immediately north of the subject property. The highest elevations on the property are in the southern and central portions of the site. The topography generally descends from these areas toward the north (toward Highway 101 and the railroad tracks) and east (toward Butterfly Lane).

The primary noise source affecting the Music Academy of the West property and its nearest neighbors is vehicular traffic on Highway 101. Secondary noise sources include the railroad, vehicular traffic on Butterfly Lane and Fairway Road, and small aircraft over-flights.

The artNTEK study measured ambient noise conditions at four locations on the property on December 9, 1999 (Thursday evening), December 18, 1999 (Saturday afternoon) and December 22, 1999 (Wednesday evening). This monitoring identified ambient noise levels of 54-64 dBA. The artNTEK study identifies CNEL values of 55-56 dBA. These CNEL levels were extrapolated from previously gathered 24-hour noise data, taken at the San Ysidro exit on Highway 101. The measurements for ambient noise levels are generally consistent with the noise levels found on-site by Rincon Consultants.

Rincon Consultants performed 24-hour noise monitoring on-site from 11:00 a.m., Wednesday, September 19, 2002 to 11:00 a.m., Thursday, September 20, 2002. This monitoring was performed in the area of the proposed outdoor terrace dining area, above Butterfly Lane. This location is uphill from Location #4 of the artNTEK study. The sound of power tools, associated with construction on the adjacent property to the north, could be heard at the site during the monitoring period. The monitoring data includes this noise source. Rincon Consultants identified an existing CNEL of 62.5 dBA for the proposed terrace dining area, using the 24-hour monitoring data. Rincon Consultants results using the FHA noise prediction model resulted in a nearly identical CNEL of 62.4 dBA. The noise levels found at the artNTEK study’s Location #4 monitoring site<sup>50</sup>, were similar to those found by Rincon Consultants in 2002 (55-56 dBA and 54-57.9 dBA respectively). However, the artNTEK study extrapolated the CNEL values from previously gathered data, and the calculated CNEL was 55-56 dBA, substantially lower than the Rincon Consultants CNEL of 62.5 dBA. The

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<sup>50</sup> This was the closest artNTEK monitoring location to the Rincon Consultants outdoor dining terrace monitoring site.

Rincon Consultants report suggests that their measured/calculated estimates of CNEL are more reflective of actual onsite conditions. In addition, because the Rincon Consultants data is more specific for the outdoor dining terrace, 62.5 dBA CNEL will be utilized as the assumed CNEL for this area.

## **Impact Discussion:**

### Interior Noise Levels

Interior noise levels are not expected to exceed the 45 CNEL threshold, as most standard construction design would typically attenuate exterior noise to less than 45 CNEL inside of the buildings. However, in the event that alternative construction design is proposed, the potential exists for impacts to students, faculty, the public or others inside the various structures on-site.

### Exposure to Noise in the Outdoor Terrace Dining Area

The initial study identified potentially significant impacts from exposure of students to excessive outdoor noise levels in the proposed new terrace dining area above Butterfly Lane<sup>51</sup>. Noise measurements performed by Rincon Consultants in the proposed outdoor terrace dining area identified existing noise levels of 62.5 dBA CNEL and cumulative noise levels of 63.1 dBA CNEL, which are both below the County's outdoor threshold of 65 dBA CNEL. Therefore, noise impacts to sensitive receptors in the outdoor terrace area would be less than significant.

Although outdoor noise levels in this area would not exceed the threshold, this level of noise may still be considered annoying, particularly in order for 150 students and 89 staff/faculty to have conversations in this planned outdoor eating area. In response to the Draft EIR, this outdoor patio was reduced in size (and closer to the student services building) and a five foot high wall was placed around it. There would still be direct access from the patio to the retaining wall. Popular use of the retaining wall areas for dining could trigger future requests from the Music Academy for installation of noise attenuating measures, such as a sound wall along the north and/or east sides. A sound wall or other such structure could result in aesthetic and land use impacts. Aesthetic and/or land use compatibility related impacts that could result from potential requests for installation of noise attenuating structures are addressed in the aesthetics and land use sections of this document.

The other outdoor area of the site which is proposed to be modified by the project is limited to the new courtyard, just west of the student services building. The new courtyard would be substantially shielded from noise sources by the new practice studio, recital hall and student services buildings, thereby reducing noise levels in this area. No other outdoor areas of the site are proposed to be modified for noise sensitive uses (e.g., instruction, concerts, presentations, other types of public assembly, etc.). Therefore, impacts associated with other noise sensitive uses, occurring in outdoor areas on-site, are expected to be less than significant. If elevated noise levels that are below the 65 dBA CNEL threshold are found to be annoying, it is expected that Music Academy participants will

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<sup>51</sup> The new patio between Treasure House and The Rack was not identified as an area where students could be exposed to excessive outdoor noise levels, as it is not proposed to be used for instructional, dining, or other school related purposes, nor would it be attractive for use as a location for luncheons, etc., (involving public assembly, another noise sensitive use).

choose to relocate to another, quieter, portion of the site, such as the new cloistered patio or existing terrace patio behind Miraflores.

### Off-site Impacts

Off-site noise impacts would potentially result from four aspects of the project:

1. *New Terrace Dining area and Balconies* and related increase in activity on the perimeter of the property, at the terrace above Butterfly Lane and balconies on the new student services and instructional/practice studio building;
2. *Allowance for Amplification* (hand-held microphone) in the proposed new courtyard between Mira Flores and the new recital hall;
3. *Increased vehicular traffic* on neighborhood streets;
4. *Short-term construction* related noise;

### *New Terrace Dining Area and Balconies*

The Music Academy proposes the construction of a new outdoor terrace, which would extend from the new student services building downslope toward Butterfly Lane. This area would be used for dining for the Academy's 150 Summer Music Program students and would also be accessible to attendees at other Music Academy events, employees, up to 89 summer faculty, etc. Specific activities in this area have not been identified and it is assumed that non-amplified music may also be allowed in this area. It is also assumed that summer picnic concert attendees (up to 480 attendees) and others using the Music Academy facilities would have access to this terrace dining area along with the new interior dining area in the proposed student services building. The revised plans have reduced the size of the patio area somewhat and added a five foot wall around this area. However, there is still access to the retaining walls' "seating" below the walled-in area. In addition, if gatherings in the outdoor patio include events where guests are not seated, the five foot wall would have less effect on attenuating noise levels.

Balconies are proposed along portions of the north and east sides of the new student services and instructional/practice studio buildings. Given existing noise levels in this area, increased activity in the terrace and balcony areas are not expected to result in noise levels that would exceed the 65 dBA CNEL outdoor threshold. However, noise from a large number of people in these areas (e.g., 150 students, 89 faculty/staff and/or event attendees dining and talking on the new terrace) may be noticeable to the pedestrians and neighbors along Butterfly Lane throughout the day, but particularly in the evening. Extension of such Academy activities toward the perimeter of the property would not exceed specific noise thresholds, but any increase in activities and related noise at the property perimeter would potentially contribute to neighborhood compatibility problems between this non-residential use and its adjacent residential neighborhood. Although this would not be considered a significant noise impact, the proposed new outdoor dining area is further discussed in the land use and aesthetic sections of this document.

### *Proposed Allowance for Amplification (Use of Hand Held Microphone)*

Both noise reports found that long-term noise levels on-site would not exceed the County's thresholds for noise sensitive land uses. However, as identified in artNTEK study, the CNEL averaging methodology does not account for substantial increases in periodic, shorter term, ambient

noise levels, which adjacent neighbors may be exposed to. The artNTEK report addresses this issue with regard to the Music Academy's proposal to allow outdoor amplification of the spoken voice in the area north of the student services building:

Indeed, if PA use was limited to 20 minutes within any 24-hour period, levels of up to 75 dBA would be allowable at the property line without causing a significant increase in the existing ambient CNEL value. However, levels as high as this would probably be annoying to neighbors, even though they would not exceed County Thresholds.

The artNTEK study proposed mitigation involves specifying the volume allowed on the amplification equipment used for outdoor events in the cloistered courtyard area. The Rincon Consultants study recommended that the artNTEK proposed mitigation may be too complex for effective enforcement. Rincon Consultants concluded that limiting ambient noise levels to a maximum of 65 decibels at the property line, without any averaging, would be a preferable method for enforcing limits on outdoor amplification. However, staff has continuing concerns that allowing a change of up to 10 dB in peak noise levels would potentially result in a noticeable change in ambient noise levels for the project's residential neighbors, especially given that the only measurements done along Fairway Road identify an existing CNEL of only 55 dBA (artNTEK). This level may under-estimate existing noise levels (as indicated by the differences in CNEL reported in the two different studies for the Butterfly Lane area). However, it is reasonably foreseeable, based on available information, that allowance for outdoor amplification of the spoken voice could result in a change in ambient noise levels of somewhere between 2.5 and 10 dBA. As little as 3 dBA is accepted as being the smallest noise level change that could be noticeable in the field. Both the County's Noise thresholds and the Quality of Life threshold identify the potential for significant impact if a project would result in a substantial increase in ambient noise levels, even if noise levels would not exceed 65 dB(A) CNEL. A 10 dB increase would be considered substantial. Periodic, 65-decibel noise from a microphone could be considered a nuisance to surrounding residential neighbors, particularly if it occurs on a regular basis or for long periods of time. Therefore the proposed allowance for amplification of the spoken voice would be considered a potentially significant impact

#### *Increased Vehicular Traffic*

Attendance and related traffic is proposed to decrease during the 44-week "non-summer" season. As a result, impacts from increased vehicular traffic during the majority of the year would be less than significant.

Increased attendance and related project-generated traffic noise would occur for an eight-week period between mid-June and mid-August, during the Summer Music Festival program. Traffic in the neighborhood is already greatest at this time of the year due to increased vehicle trips associated with the Biltmore Hotel, the Coral Casino, and the popularity of Butterfly Beach. It is already the Music Academy's busiest season as well.

Although the Music Academy is proposing to reduce annual attendance and related activities on-site, they are proposing an approximate 60% increase in attendance during their eight-week summer season, from 17,681 to 29,425 attendees. Existing traffic volumes on Butterfly Lane are approximately 1,000 ADT. Therefore, project generated traffic would increase existing traffic levels

on Butterfly Lane by less than 20%, resulting in an increase in ambient noise levels on Butterfly (including vehicle noise from Highway 101), 700 feet south of Highway 101 of less than .3 dBA CNEL (Joanne Dramko, Rincon Consultants, personal communication 2/19/03). This would not be considered a significant impact. Incremental increases in summer noise levels from project generated traffic on neighborhood streets may, however, still be considered a nuisance by neighboring residents and is expected to contribute to compatibility impacts identified in the land use section.

*Short-Term Construction Impacts:*

Site grading and construction activities are expected to involve three separate phases. However, if funding is available, one or more phases may be combined resulting in an overall shorter period of grading and construction on-site. Short-term noise impacts associated with the grading and construction period(s) (e.g., grading, import/export of fill material, other truck traffic, installation of pilings for the parking structure, etc.) would be considered potentially significant, due to the project's proximity to a number of single family homes, which are considered noise sensitive uses. Short-term construction noise would also impact any on-going noise sensitive activities at the site, such as educational activities or events involving public assembly. Therefore, short-term construction-related noise would be considered a significant, short-term impact.

**Cumulative Impacts:**

Increased noise levels on-site would contribute incrementally to other increased noise levels in the area from potentially increased activities and related vehicle traffic at Butterfly Beach, the Biltmore, Coral Casino, construction of Highway 101 improvements, and expected increases in traffic volumes on Highway 101. The greatest change to overall noise levels in the area is expected to result from anticipated increases in traffic volumes on Highway 101.

With regard to traffic noise in the neighborhood, expected traffic volume increases on Highway 101 would have a greater impact on area noise levels than comparably smaller increases in traffic from the Music Academy on local streets. (J. Dramko, Rincon Consultants, 2/7/03 comments). In addition, noise generated by traffic on neighborhood streets would drop off with distance from the street itself and would be further attenuated by existing structures, walls, etc. If additional cumulative traffic from future projects in the area and/or increased beach traffic were factored in, the Music Academy's proportion of traffic on Butterfly and other neighborhood streets would be less. Given existing and projected ambient noise levels in the area, this level of traffic increase would contribute cumulatively to increased noise levels in the area, but would be considered an adverse, but less than significant impact.

Future traffic volumes were considered in evaluating reasonably foreseeable noise levels in the proposed outdoor terrace dining area. However, cumulative outdoor noise levels in that area (63.1 dBA CNEL) are expected to remain below the County's outdoor threshold of 65 dBA CNEL.

## Mitigation:

1. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:30 p.m., Monday through Friday. In addition, no construction shall occur on State holidays (e.g. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** Signs stating these restrictions shall be provided by the applicant and posted on site at both the Fairway and Butterfly Lane driveways, in a location visible from the street. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.

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

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

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

3. Construction routes shall be limited to those shown on the proposed construction route plan. The Music Academy shall make a best effort to receive approval for use of the railroad right-of-way for construction related vehicle traffic. If this approval is granted, trucks used to export excess fill material shall be routed along the railroad right-of-way to Channel Drive and Highway 101 and this same route shall be used when entering the site. The applicant shall provide all adjacent property owners with a construction activity schedule and construction routes 10 days in advance of construction activities. Any alterations or additions shall require a minimum one day advance notification. **Plan Requirements and Timing:** The applicant shall submit a copy of the schedule and mailing list to Permit Compliance 14 days prior to initiation of any earth movement.

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

4. Use of amplified sound on-site shall be limited as follows:
  - a) Location: the "cloistered" outdoor courtyard;
  - b) Frequency: four times per year;
  - c) Duration: not more than four hours per event;
  - d) Level: not to exceed 65 dBA at the Music Academy property line;
  - e) Time of Day: Beginning no earlier than 9:00 a.m. and ending no later than 9:00 p.m..

The project description shall be revised per the above requirements. In addition, a separate condition of approval shall be included stating this condition. In order to facilitate enforcement of this condition, the Music Academy shall purchase a device

which can accurately measure ambient noise levels. This device shall be available on-site and shall be used at each event to ensure maximum noise levels are not exceeded at the property line. The Music Academy shall designate one or more employees to train in the use of the device. At least one noise measurement shall be taken and recorded at the beginning of each event involving outdoor amplification and amplification volume(s) shall be reduced if necessary. **Plan Requirements and Timing:** Notes stating these requirements shall be included on the project plans. The plans shall be submitted to the County for review and approval prior to approval of CDPs for construction. The notes shall specifically be applied to the plans in the area of the cloistered courtyard. The Music Academy shall keep records on activities involving outdoor amplification, including the dates, durations and noise levels measured at each event. This information shall be submitted to the County as part of the twice annual record of site attendance/activities report.

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

5. If P&D receives complaints from neighbors regarding compliance with the measure addressing outdoor amplification or complaints regarding the allowable noise levels, the project shall be returned to the Planning Commission to determine whether the allowance for limited outdoor amplification shall be continued, modified, or eliminated. The decision to return to the Planning Commission for consideration of this issue shall be at the discretion of the Director of P&D. The applicant shall be required to fund staff time (and any acoustical evaluation) necessary to address complaints regarding amplification as well as the costs associated with a return to the Planning Commission. Refusal to fund work necessary to return to the Planning Commission would be considered a violation of the CUP.
6. All proposed structures shall be designed to reduce interior noise levels to 45 dBA CNEL with doors and windows closed. **Plan Requirements and Timing:** An acoustical engineer shall sign-off project building plans confirming that the proposed construction design will attenuate noise levels inside the structure accordingly. All construction techniques and recommendations of the acoustical engineer shall be incorporated into design of the project and detailed on building plans. Prior to occupancy clearance, indoor noise levels shall be measured by an acoustical engineer to confirm adequacy of construction design (or additional measures shall be incorporated to reduce indoor noise levels to 45 dBA).

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

### **Residual Impacts:**

With incorporation of identified mitigation measures, on-site and off-site noise impacts would be considered less than significant. However, please refer to the land use section of this EIR for additional discussion of nuisance noise and compatibility with the surrounding neighborhood.

## 5.10 Public Facilities (Solid Waste, Water Supply and Sewer Service)

### **SOLID WASTE**

#### **Setting:**

Solid waste generated from the project site contributes to the waste stream processed at the Tajiguas landfill located approximately 26 miles west of the City of Santa Barbara. Solid waste currently delivered to the Tajiguas Landfill is generated by the Cities of Santa Barbara and Goleta, the unincorporated areas of southern Santa Barbara County, the Santa Ynez Valley, including the Cities of Buellton and Solvang, and the Cuyama Valley. The Tajiguas Landfill currently accepts an average of 738 tons per day (tpd) of solid waste for disposal and green waste for processing. Due to the expectation that the remaining permitted capacity of the landfill will be exhausted by 2005, on August 13, 2002 the Santa Barbara County Board of Supervisors certified the Tajiguas Landfill Expansion Project EIR and approved a project description providing for additional capacity of 8.2 million cubic yards (15 years), subject to Local, State, and Federal permit requirements. The expansion project will allow the Tajiguas Landfill to remain open while the County Public Works Department prepares to site and develop a new in-County regional landfill and/or other waste processing technologies.

The County requires a reduction in solid waste generation for all new development projects in order to comply with the California Integrated Waste Management Act of 1989, which required all cities and counties to develop a Source Reduction and Recycling Element for diverting 50% of their solid waste from landfills by the year 2000. To facilitate this diversion, collection of curbside recycling is available in most areas every week. Construction and demolition debris processing and recycling is also available to reduce landfill disposal of these materials and to facilitate their potential re-use.

#### **Impact Discussion:**

Santa Barbara County has developed rates for estimating the solid waste generation of various types of land uses. The estimated annual commercial waste generation in tons is calculated for the Music Academy of the West by using the rate for an educational institution as shown in the table below.

**Table 8 Solid Waste Generation**

<b>Land Use</b>	<b>Area (Square Feet)</b>	<b>Generation Rate (Tons Annually/Square Foot or Unit)</b>	<b>Generation Amount (Tons/Year)</b>
Educational Institution	53,010 <sup>a</sup>	0.0010	53.01
<b>Total</b>			<b>53.01</b>

a. The floor area net change for the Campus.

Santa Barbara County has also established a threshold of significance for project solid waste generation based on available landfill capacity. According to the County's Thresholds Manual, a project is considered to result in significant impacts if it would generate 196 tons per year or more after reduction and recycling efforts, thereby using a significant portion of the remaining

capacity. Projects with a project specific impact would also be considered cumulatively significant as the project specific threshold of significance is based on a cumulative growth scenario. The total additional 53 tons of solid waste generated by the proposed project would be below the project specific and cumulative threshold for solid waste of 196 tons per year. However according to the Thresholds Manual, because landfill space is limited, any increase in solid waste of 40 tons or more per year would be considered an adverse contribution to regional cumulative solid waste impacts. The additional 53 tons of solid waste generated by the proposed project would therefore be considered an adverse, but not considerable, contribution to regional cumulative solid waste impacts (Class III).

### **Mitigation and Residual Impact:**

The following mitigation measures would not be required to reduce impacts to less than significant levels, but are recommended to minimize adverse impacts and to ensure compliance with the County policies in the Source Reduction and Recycling Element and the Montecito Community Plan:

1. The applicant shall refine their existing Solid Waste Management Plan (SWMP) for the expanded facilities on-site. The SWMP shall be implemented during the life of the CUP, unless a modification to the plan is approved by County P&D, in consultation with Public Works, Solid Waste Division. **Plan Requirements:** The program shall include, but not be limited to, the following:
  - a) On-site provision of adequate space and/or covered bins for storage of recyclable materials generated throughout the site;
  - b) Designation and/or expansion of a central recyclable material pickup area on-site;
  - c) Continued and expanded participation in the County's recyclables and greenwaste collection programs;
  - d) Development of a plan for accessible collection of increased volumes of recycle materials, particularly during peak use periods;
  - e) Implementation of a monitoring program (quarterly, bi-annually) to ensure participation in recycling efforts and requiring written documentation in the form of receipts;
  - f) Encourage the use of reusable cups and place settings at special events held onsite to minimize solid waste generation;
  - g) Development of a plan for recycling/reuse of yard waste on-site. This shall include on-site mulching and use of the mulch on-site as well as location of adequate green waste pick-up containers acceptable to area collection service.

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

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

2. Demolition and/or excess construction material shall be separated for reuse/recycling or proper disposal (e.g., concrete and asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. **Plan Requirements:** This requirement shall be printed on the grading and construction plans. Permittee shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to occupancy clearance.

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

## WATER RESOURCES/FLOODING

### **Setting:**

**Drainage:** The Music Academy property is within a watershed that encompasses approximately 124 acres and drains to the ocean. The subject property consists of three distinct drainage areas. The majority of the site (approximately 76%) drains north to a swale along the northern property boundary (on the south side of railroad tracks). Approximately 20% of the property drains east to a drainage inlet along Butterfly Lane, and the remaining 4% drains east to a storm drain head wall next to Butterfly Lane (Preliminary Drainage Analysis, Penfield and Smith Engineers, October 12, 1999). All of the site runoff drains ultimately toward Butterfly Lane and then through storm drains to the ocean. The site is located in an area of minimal flooding, designated Flood Zone C on the Federal Emergency Management Maps (Panel 765).

**Supply:** The Montecito Water District currently serves the property through 2 meters. The 10-year historic water use for the property is approximately 9.5 acre feet per year (AFY).

### **Impact Discussion:**

**Drainage:** Site drainage would continue to be directed to the existing swale just north of the northern property boundary and into a culvert northeast of the site, which drains into a drop inlet on Butterfly Lane. Drainage from the southwest portion of the property would sheet flow to the northwest. New drainage features would provide drainage around the new student services, instructional, and new practice studio buildings connecting north to the existing swale near the northern property line.

The proposed project, including the footprint addition of 18,450 square feet of structural development, 44,850 square feet of paving, and 5,000 square feet of walkways would increase impervious surfaces onsite by slightly more than one and one-half acres. This increase in impervious surfaces would also increase runoff from the site, although the recent project revisions slightly reduce runoff compared to the original project proposal. The Preliminary Drainage Analysis evaluated the impact of proposed development on the storm drain facilities and estimated the increase in peak 25-year storm flows to be 0.8 cubic feet per second (cfs). This increase is not considered significant, being approximately one-half of one percent of the total discharge to the ocean. However, the analysis also indicated that some affected storm drain facilities are inadequate to convey the estimated 25-year peak flow. Impacts would be considered potentially significant.

The increase in impervious surfaces not only increases the quantity of runoff, but also has the potential to increase the amount of unfiltered<sup>52</sup> water leaving the site, adversely affecting water quality (including both storm water and water from activities such as washing down construction related equipment and supplies). Specifically, the expansion of paved parking areas may increase grease, brake fluids and oil in site runoff making its way to the ocean south of the site. Maintenance and operation of construction vehicles and related equipment (e.g., washing down, fueling, etc.) during the construction phase of the project also has the potential to increase the amount of degraded runoff water leaving the site and entering the ocean. Currently no filters are used to separate oil, grease, or other contaminants from runoff. Filters would be incorporated as part of the site drainage plan to improve the quality of the runoff water (from surface parking areas) before it leaves the site. The filters would be designed to remove grease, oil and debris from runoff water.

Potentially significant flooding impacts would be limited to the potential for inadequate existing drainage infrastructure as identified in the Penfield & Smith report. Pending County Flood Control District approval of the final design of the drainage improvements (Flood Control may request additional drainage improvements), runoff impacts associated with the proposed project would be considered potentially significant.

**Supply:** Due to availability of State water, the Montecito groundwater basin is considered to be in surplus. The MWD has indicated its ability to provide water service to all parcels within its boundaries including the proposed additional development. However, the project's water demand would contribute incrementally to cumulative water resource impacts. The project would generate additional water demand from increased attendance, increased presence of voice students on-site, increased demands for onsite food service (for more student meals as well as general facilitated food service and dining for patrons at on-site events), and increased landscape irrigation. The proposed project would result in an additional 53,010 square feet of new structural development (excluding the parking structure) and a net decrease in landscaping on-site of 52,200 square feet. The parking structure would only be associated with water demand if water is used to clean the parking surfaces.

Using the water duty factor for professional/institutional land uses (Goleta)<sup>53</sup> contained in the County's Environmental Thresholds Manual, (0.14 acre feet per year per 1000 square feet (AFY/1000 SF), new water demand for new structural development would be approximately 7.42 AFY. Using an on-site based water duty factor of .22 (based on average water use of 9.6 AFY for the existing 44,370 square feet of structural development) water demand for increased structural development would be approximately 11.67 AFY. The proposed reduction in landscaping would be expected to result in a reduction in water demand for long-term<sup>54</sup> landscape maintenance of approximately 1.8 AFY. Therefore, the proposed remodel and expansion, with the addition of 53,010 square feet would result in estimated additional water use of approximately 6-9 AFY. Because the Montecito Groundwater Basin is considered to be in a

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<sup>52</sup> Pervious surfaces allow some filtering of water through the soil. Impervious surfaces do not provide an opportunity for percolation.

<sup>53</sup> Although the project is not located in Goleta, this water demand factor is more specific to the use than the more general Montecito water duty factors in the Thresholds Manual.

<sup>54</sup> In the short-term, water demand would be higher to accommodate establishment of replacement planting identified in the landscape plan.

state of surplus (less is extracted than is naturally recharged annually), there is no project-specific threshold of significance for increased demand on available water supplies. Therefore, impacts would be considered less than significant.

The Montecito Fire Protection District no longer has concerns with the adequacy of area water infrastructure (including available water pressure) to suppress a potential fire on-site associated with stored rummage. (Please refer to the Fire Safety section, including required mitigation with regard to storage of rummage/resale items for further information on this issue).

### **Cumulative Impacts:**

Cumulative impacts associated with water resources/flooding are discussed in the MCP EIR. The proposed project's contribution to these impacts resulting from the addition of new impervious surfaces and increased water demand is considered less than significant with incorporation of the appropriate mitigation and adherence to UBC standard water conservation measures.

### **Mitigation and Residual Impact:**

In concert with the drainage and water quality control measures identified in the Geologic Processes section, the following mitigation measures would adequately mitigate potentially significant drainage impacts and cumulative water supply impacts:

1. During construction, washing of concrete, trucks, paint, equipment or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs.  
**Plan Requirements:** The applicant shall designate a wash off area, acceptable to P&D, and this area shall be shown on the construction plans and/or grading and building plans.  
**Timing:** The wash off area shall be designated on all plans prior to approval of Coastal Development Permits. The wash off area shall be in place and maintained throughout construction.

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

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

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

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

**Timing:** The applicant shall implement all aspects of the landscape and irrigation plan prior to occupancy clearance.

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

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

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

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

With implementation of the mitigation measures in Geology section, as well as those listed above, residual project specific and cumulative impacts to water resources/flooding would be less than significant.

## **SEWER**

### **Setting:**

The Music Academy of the West receives sewer service from the adjacent Montecito Sanitary District (MSD). In addition to sewer lines which serve the project's sewage disposal needs, there are additional sewer lines that cross the subject property. Information regarding these sewer lines is provided in two letters submitted by the MSD and City of Santa Barbara, in response to the Initial Study/EIR Scoping Document for the Music Academy project in September 2002. These letters are included in the EIR Appendices and are summarized below.

There is an existing 30-foot wide easement to the MSD, adjacent to the Music Academy's entire northern property line. MSD's main inflow and outflow pipelines are located within the easement. The main trunk line, which carries untreated sewage for the entire district, is a 21-inch clay pipe located within five feet of the southerly edge of the easement. It is approximately 18 feet deep. The outfall pipeline for treated effluent is an 18-inch pipeline located approximately 7.5 feet from the southerly edge of the easement (2.5 feet north of the inflow line). This outfall pipeline is at least six feet deep. There are manhole structures on each of these pipelines, however, they have both been buried as a result of previous grading activities on the Music Academy site. MSD has notified the Music Academy that these manholes must be raised to grade regardless of the Master Plan project, as required by the conditions of their easement and in order to provide access to their underlying facilities. There is also an eight-inch MSD sewer main located five feet west of the Music Academy's western property line (inside the MSD property).

The City of Santa Barbara has an eight-inch trunk sewer main within the same easement identified above. The City's sewer main transports sewage from the Coast Village Road area to the City's treatment plant.

### **Impacts:**

#### **Easement Encroachment**

Based on project plans, the existing maintenance building near the Harger Studio is encroaching on the sewer easement. The MSD has requested that the Music Academy move this building outside of the easement immediately, unrelated to the current request for a revised CUP for the Master Plan, as it has the potential to interfere with required MSD maintenance and repairs of the sewer lines. The Music Academy has acknowledged the location of this structure and has agreed to remove the portion of this structure which lies over the easement as part of the first phase of their project implementation.

#### **Construction and Structural Impacts to Pipelines**

MSD and the City of Santa Barbara have identified potential impacts from structures proposed near the edge of the sewer easement. These potential impacts are associated with:

- Damage and liability to existing infrastructure from increased soil pressure from new structural footings;

- Footing design: Footings must be located to accommodate possible future excavation activities for maintenance and repair activities. Adequate footing design would be critical to avoid damage to the MSD and City of Santa Barbara pipelines as well as the Music Academy structures, in the event significant trenching (including heavy equipment activity) is needed to maintain or repair the adjacent pipelines;
- Activities such as excavation and compaction may cause damage to the pipelines.

The location of larger structures in close proximity to the actual sewer lines, potentially inadequate footing design, and continued inaccessibility of manholes would be considered potentially significant impacts, as any damage to the MSD and City sewer pipelines “would cause a major raw sewage spill resulting in beach closures, possible evacuation of homes, schools, and businesses, significant environmental damage, costly emergency repairs and perhaps hundreds of thousands of dollars in fines.” (Montecito Sanitary District letter on the Draft EIR, dated August 22, 2003). In response to comments received from MSD on the Draft EIR, the applicant revised the project plans by moving the parking structure south, creating a larger setback from the sewer lines and redesigned/relocated the new storage/maintenance structure to the northeast corner. The existing structures near the northwest corner would also be removed. The parking structure is approximately 20 feet from the western property line, but the driveway between the parking levels is as close as two to three feet from the western property line (see modification to side setback in project description).

### Vegetation

Both the City of Santa Barbara and MSD have requested that no trees or deep rooted shrubs be planted in or near the sewer easement. Trees and deep-rooted shrubs have the potential to interfere with maintenance or replacement of the pipes and could may also damage the pipelines with their root systems. The MSD letter states that, “Tree roots cause serious damage and maintenance problems for underground pipelines creating potential public health problems, unnecessary expense and liability.” The Music Academy modified the proposed landscape plan in response to these concerns. Because the new parking structure was moved further to the south, pittosporum are now proposed on the north side of the parking structure, continuing east in a hedgerow to the eastern property line. The MSD and City of Santa Barbara have not commented on the proposed changes to the landscape plan. Unless or until it is determined that the proposed plantings would not interfere with MSD sewer pipelines, impacts from vegetation would be considered potentially significant.

MSD also recommended that no trees would be feasible between the parking structure and their common property line due to potential damage to an additional MSD 8-inch sewer main located five feet west of the common property line. In response, the Music Academy has already modified their landscape plan to include only vine plantings along this western side of the proposed parking structure and property line fence. Until the Montecito Sanitary District confirms that the specific plantings and structural design of the parking structure and driveway are acceptable, impacts to the public sewer line near the Academy’s western property line would remain potentially significant.

## **Mitigation and Residual Impact:**

1. The applicant shall remove all portions of the existing maintenance building which are currently located within the MSD sewer easement. **Plan Requirements and Timing:** At the earliest possible date, but in no case later than prior to issuance of CDPs for the first phase of development, project plans shall identify this change to the maintenance building as well as the location of the sewer easement and existing sewer lines. Prior to submitting applicable plans to P&D for review, the applicant shall receive confirmation (sign-off on plans) from MSD regarding agreement on plans to demolish the existing storage building and to address the covered manholes. This shall be implemented prior to occupancy clearance for the first phase of the Master Plan.

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

2. The applicant shall coordinate with MSD and the City of Santa Barbara regarding the specific location and design of the parking structure, the new maintenance/storage building and the proposed landscape plan (as it relates to plantings proposed in the vicinity of the sewer easement). **Plan Requirements and Timing:** Prior to submitting applicable plans to P&D for review, the applicant shall receive confirmation from MSD and the City of Santa Barbara (sign-off on plans) that the proposed location and design of these structures and plantings is acceptable, to avoid impacts to their respective pipelines. In addition to design specification requirements, this may include other measures such as in-pipeline video documentation before and following completion of construction to ensure that no unanticipated damage occurred to the pipelines as a result of construction activities. Structural engineering shall also ensure that future maintenance or repair activities on the pipelines would not impact the integrity of the new structures (e.g., such activities may involve a deep, wide trench in proximity to the edge of these structures). P&D shall confirm sign-offs prior to issuance of applicable CDPs. Plans shall identify the location of the sewer easement and existing sewer lines.

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

## **Residual Impacts**

With incorporation of the mitigation measures identified above, residual impacts to project-specific and community-wide sewer impacts would be considered less than significant.

## 5.11 Transportation/Circulation

Prior to release of the Draft EIR, the applicant submitted several traffic studies prepared by ATE for the Master Plan (dated January 2000, February 2001, March 2002, and March 2003) and for the Off-Site Parking Lot at 900 Channel Drive, concurrently under review with the City of Santa Barbara (dated April and May 2003). Subsequently, in response to the Draft EIR, the applicant revised the project. ATE updated their traffic analyses (Supplemental Traffic and Parking Analysis letters dated September 17, 2003 and October 16, 2003) to reflect the revised project as well as information gathered in traffic surveys performed this last summer (2003). Although the project traffic studies were prepared under contract to the applicant, much of the data collection and study analysis performed by the ATE traffic engineers has been performed in response to questions, comments, and specific requests of County staff. Public Works and Planning & Development staff have also reviewed the studies in detail. The traffic section is based in large part on the information provided in these studies and the transportation section includes numerous excerpts from the ATE reports. The 2003 ATE reports and letters are included in the EIR appendices. The older reports are available and can be viewed in their entirety at Planning & Development offices<sup>55</sup>.

### Setting:

The Music Academy of the West (MAW) can be directly accessed via two public roads, Fairway Road and Butterfly Lane. The existing Conditional Use Permit for the property (90-CP-111cz) requires Fairway Road to be used as the primary entrance to the site and Butterfly Lane to be used as the exit for all vehicles. Deliveries and buses utilize the Butterfly Lane driveway for both ingress and egress. Additional emergency access would continue to be provided approximately midway along the western property line, via existing Monte Cristo Lane (a private road). Monte Cristo currently dead-ends at the Music Academy property line<sup>56</sup>. A new emergency access is proposed off of Fairway Road, near Miraflores.

Primary public transportation routes in the project area include Fairway Road, Butterfly Lane, Channel Drive, Hill Road, Olive Mill Road, Cabrillo Boulevard, Highway 101, Coast Village Road, South Jameson, and San Ysidro Road. Circulation patterns in the project area were modified in the early 1990's, following erosion of the cliffs adjacent to portions of Channel Drive. The affected segment of Channel Drive is located between the western terminus of Fairway Road and the southern terminus of Butterfly Lane. Use of this section of Channel Drive is now limited to pedestrian and bicycle access. It is closed to all motor vehicle traffic, reducing the routes available for vehicles traveling eastbound from the Cabrillo Boulevard. Fairway Road is the only remaining (vehicular) roadway that extends between the Santa Barbara Cemetery and the Butterfly Beach area. However, Fairway Road is limited to one-way (westbound) traffic, east of Butterfly Lane. Therefore, all automobile traffic traveling eastbound from Cabrillo Boulevard, along the coast, must use either Highway 101 or Coast Village Road (e.g., all vehicles traveling from Cabrillo Boulevard to Butterfly Beach, the Biltmore or Coral Casino must use Olive Mill Road via Highway 101 or Coast Village Road). Vehicles traveling westward from the Butterfly Beach area are still able to travel via the one-way segment of Fairway Road to Channel Drive, a more direct route.

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<sup>55</sup> An appointment to review the studies is recommended to ensure that the studies will be available for review.

<sup>56</sup> Monte Cristo historically extended from Channel Drive to Butterfly Lane, generally along the alignment of the existing east/west internal roadway that exits the property at Butterfly Lane. In 1919, the County of Santa Barbara abandoned the section of this road which bisects the Music Academy property.

INSERT ROADWAY VICINITY MAP HERE

There is considerable pedestrian and bicycle traffic in the project area. The scenic and recreational aspects of Channel Drive and Butterfly Beach attract the general public and guests of the Biltmore Hotel to the area. They access Butterfly Beach via all modes of transportation both as a destination and as part of longer walks, runs, and bike rides along the coast. The section of Channel Drive that is closed to vehicles facilitates such non-motor vehicle access as well as the pedestrian tunnel under Highway 101, which provides coastal access from the Coast Village Road area. The pedestrian tunnel empties onto Butterfly Lane, just north of the Music Academy's exit driveway.

Cut-Through Traffic Estimates - Summer Season

ATE conducted surveys at the Music Academy on three days during the 2003 Summer Season (Friday - July 25th, Monday - July 28, and Tuesday - August 12<sup>th</sup>) to determine the level of cut-through traffic occurring at the site. The survey data showed that the MAW currently experiences an average of 221 vehicles per day cutting through the campus (and unrelated to Music Academy activities) during the Summer Season, which equates to 442 average daily trips (ADT = 1 trip in/1 trip out). Applied over the entire 45-day Summer Season, this would equate to 9,945 vehicles and 19,890 trips.

**MAW Cut-Through Traffic Volume Estimates - Summer Season**

<b>Cut-Through Vehicles Per Day</b>	<b>Cut-Through ADT Per Day</b>	<b>Summer Event Days</b>	<b>Cut-Through Vehicles Per Summer</b>	<b>Cut-Through Trips Per Summer</b>
221 Vehicles	442 ADT	45 Days	9,945 Vehicles	19,890 Trips

**Cut-Through Traffic Estimates - Non-Summer Season**

ATE also conducted a survey at the Music Academy during the non-summer period when the Youth Symphony event was held (June 1, 2003). The Music Academy gate was open during this period. During the 2.5-hour survey period, a total of 21 cut-through vehicles were observed. It is noted that this cut-through traffic occurred on a Sunday when the Music Academy gate is not normally open.

The Music Academy front gate is open from 12:30 P.M. to 4:00 P.M. Tuesday through Saturday during the non-summer period to accommodate patrons of the Rack and Treasure House. The gate is therefore open 220 days per year during the non-summer period (44 weeks X 5 days = 220 days). Assuming a conservative estimate of 30 cut-through vehicles per day based on the cut-through traffic observed during the non-summer survey, the non-summer period would have a total of 6,600 cut-through vehicles per year and 13,200 ADT per year.

### MAW Cut-Through Traffic Volume Estimates - Non-Summer Period

Cut-Through Vehicles Per Day	Cut-Through ADT Per Day	Non-Summer Days	Cut-Through Vehicles Non-Summer	Cut-Through Trips Non-Summer
30 Vehicles	60 ADT	220 Days	6,600 Vehicles	13,200 Trips

The tables below provide information on existing roadway volumes and the levels of service (LOS) for area intersections. The “level of service” generally equates to how an intersection or roadway operates with specified vehicle volumes. Levels of service (LOS) A-C are typically considered to be acceptable levels of service (minimal congestion) with levels of service, with LOS A considered optimal, free flow conditions. Levels of service D-F represent increasing levels of congestion and operational difficulties to the point of gridlock. Most of the information in the tables is taken directly from the ATE reports, however some additional data provided by Public Works is also incorporated into the tables.

Roadways: The tables which follow provide information on existing roadway volumes for project area roadway segments. As indicated below, all of the study area roadways currently operate at Level of Service (LOS) A, with the exception of Olive Mill Road. Olive Mill Road currently operates at LOS B. The standard weekday a.m. and p.m. peak hours for vehicle traffic are normally assumed to be 7:00-9:00 a.m. and 4:00-6:00 p.m., corresponding to typical rush-hour commute traffic. Hourly count data used in the Draft EIR for Fairway Road, Hill Road and Butterfly Lane indicated that the peak traffic hour on these roadway segments was 3:00-4:00 pm for weekdays and Saturdays, with no consistent peak traffic hour for these roadways on Sundays. The most recent roadway volume data, collected during the 2003 summer, reflect more variable hours for peak traffic on neighborhood streets. The peak periods differ based on both the days of the week as well as individual streets. However, the 2003 summer traffic data indicate that even though the hour with the peak number of vehicle trips varies, the roadway volumes throughout the neighborhood are consistently highest in the period between 2:00-6:00 p.m.

**Table 9 Existing Average Daily and Peak Hour Traffic Volumes**

Roadway Segment	Source	Date	Average Daily Traffic (ADT)					
			Weekday		Saturday		Sunday	
			ADT	Actual Peak Hour	ADT	Actual Peak Hour	ADT	Actual Peak Hour
<b>Fairway Road</b> w/o Site Driveway e/o Site Driveway	ATE	July	2,100	236 trips (5-6:00 pm)	2,100	205 trips (2-3:00 pm)	2,100	234 trips (3-4:00 pm)
	ATE	'03 <sup>57</sup> July '03	1,450	163 trips (3-4:00 pm)	1,550	168 trips (5-6:00 pm)	1,450	155 trips (3-4:00 pm)
<b>Olive Mill Road</b> s/o Spring Rd	ATE	July '03	6,464	606 trips (5-6:00 pm)	7,257	670 trips (3-4:00 pm )	7,253	682 trips (12-1:00pm)
<b>Channel Drive</b> n/o Fairway w/o Olive Mill	ATE	July '03	2,300	263 trips (3-4:00 pm)	2,300	224 trips (2-3:00 pm)	2,300	258 trips (5-6:00 pm)
	ATE	July '03	3,000	313 trips (3-4:00 pm)	3,500	358 trips (3-4:00 pm)	3,800	428 trips (1-2:00 pm)
<b>Butterfly Road</b> s/o Exit Gate	ATE	July '03	1,200	171 trips (5-6:00 pm)	1,100	142 trips (5-6:00 pm)	1,200	216 trips (3-4:00 pm)
<b>Hill Road</b> w/o Olive Mill	ATE	July '03	2,400	218 trips (3-4:00 pm)	2,700	302 trips (4-5:00 pm)	2,800	312 trips (2-3:00 pm)
<b>Cabrillo Blvd</b> s/o Channel Dr	City	8/21- 27/00	12,700	N/A	14,300	N/A	14,000	N/A

Average Daily Trip (ADT) volumes are normally based on the average weekday volumes. The average weekday volumes are also used for application of the County's thresholds of significance. Saturday and Sunday volumes are provided in the above table for informational purposes, pursuant to comments received regarding weekend traffic volumes in the area.

<sup>57</sup> The counts were performed July 7-13, 2003.

**Table 10 Existing Roadway Volumes and Levels of Service**

<b>Roadway Segment</b>	<b>Roadway Classification</b>	<b>Design Capacity</b>	<b>Acceptable Capacity</b>	<b>ADT (a), (b) Volume</b>	<b>LOS</b>
<b>Fairway Road</b> w/o Site Driveway e/o Site Driveway	Local Road Local Road	5,000 5,000	NA (c) NA	2,100 1,450	LOS A LOS A
<b>Olive Mill Road</b> s/o Spring Road	S-2 Collector	9,100	7,280	6,500	LOS C
<b>Channel Drive</b> n/o Fairway Road w/o Olive Mill	Local Road S-2 Collector	5,000 9,100	NA 7,280	2,300 3,000	LOS A LOS A
<b>Butterfly Lane</b> s/o Exit Gate	Local Road	5,000	NA	1,200	LOS A
<b>Hill Road</b> w/o Olive Mill Rd	Local Road	5,000	NA	2,400	LOS A
<b>Cabrillo Boulevard</b> s/o Channel Drive	Arterial	40,000	32,000	14,200	LOS A

(a) ADT shown is average weekday volume (Saturday and/or Sunday volumes may be higher)

(b) Existing volumes collected in July 2003 except for Cabrillo Blvd (August 2000)

(c) N/A = Acceptable capacity not designated in the Circulation Element for Local Roads.

Intersections: The October 16, 2003 supplemental traffic letter identifies the following existing Levels of Service for project area intersections, all of which are un-signalized. The Hot Springs/Cabrillo/U.S. 101 intersections regularly experiences unacceptable levels of service during the P.M. peak hour with existing traffic levels. The calculations for the Cabrillo Blvd/Los Patos Way-Channel Drive intersection are based on the 2003 traffic count data.

**Table 11 Existing P.M. Peak Hour Intersection Levels of Service**

<b>Intersection</b>	<b>Control</b>	<b>Jurisdiction</b>	<b>Delay/LOS</b>
Olive Mill/Coast Village/U.S. 101 Ramps sec/LOS C	All-Way Stop	City/County	16.3
Cabrillo/Los Patos/Channel	Two-Way Stop	City	19.0/LOS C
Hot Springs/Cabrillo/U.S. 101	All-Way Stop	City	>50.0/LOS F

The project area includes a variety of land uses. In addition to residential traffic, a substantial portion of the traffic in the area is generated from the non-residential uses in the area. Butterfly Beach is a popular beach, year-round, for walking, jogging, watching the sunset, and as a location where dogs are not cited for being off-leash. These aesthetic and recreational aspects of Butterfly Beach generate the greatest number of vehicle trips and related parking demand during the summer and on sunny weekends throughout the year. Additional non-residential traffic in the project area is generated by the Biltmore, the Coral Casino, and the Arco Conference Center (The Breakers). The Santa Barbara Cemetery, located just west of Channel Drive, generates additional traffic. However, traffic associated with the cemetery does not significantly affect the Butterfly Beach area. Traffic to and from Santa Barbara Cemetery has a greater effect on Cabrillo Boulevard and its intersections at Los Patos/Channel Drive and the Highway 101 ramps.

The search for limited available parking in the Butterfly Beach area often contributes to periodic congestion. In addition, the preferred lack of sidewalks in the Montecito area<sup>58</sup> results in pedestrians walking along the street edge at the same level as, and in close proximity to, either parked cars or vehicles traveling along the neighborhood streets.

### Neighborhood Concerns

In response to the project's EIR Scoping Document, the Montecito Association and a number of neighbors expressed concern with limited circulation options, pedestrian safety, the combined effects of cumulative traffic increases (e.g., resulting from proposed changes to the Biltmore, Coral Casino, and the Music Academy), and congestion issues, and a lack of available on-street parking, particularly during the summer.

In response to the Draft EIR, neighbors also called and submitted letters (refer to the comments received and response to comments in Appendix DD of this document) expressing concern over the following:

- Existing traffic levels on neighborhood streets, especially Fairway Road;
- The amount of trolley and tour bus traffic (with the nearby Ty Warner residence and the Music Academy as points of interest);
- Daily occurrences involving wrong way drivers on the one-way section of Fairway Road (both accidental and intentional as a short-cut to the eastern segment of Channel Drive) and near accidents (pedestrian/vehicle and vehicle/vehicle) as a result of wrong-way drivers;
- Potential accidents on Fairway Road near the Music Academy entrance when vehicles turn-around here due to the end of the two-way section of Fairway;
- Any increase in Music Academy related traffic, given their concern over existing traffic safety and volumes in the neighborhood;
- The potential for cars to back-up on the one-way section of Fairway when cars are waiting to get in to the Music Academy entrance.

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<sup>58</sup> In response to public comment during the adoption process, the Montecito Community Plan prohibits installation of sidewalks in order to help maintain a "semi-rural" character for the area.

Additional, more recent, neighbor comments have included interest in an alternate access to the site (primarily to reduce existing traffic volumes on Fairway Road) via: 1) The Montecito Sanitary District property, 2) private Monte Cristo Lane, 3) reversing the circulation on-site such that vehicles would enter using the Butterfly Lane driveway and exit using the Fairway driveway, and 4) maintain access as current, with the exception that customers of the resale shops would enter and exit off of Butterfly Lane, to avoid the need to keep the Fairway entrance gate open in the afternoons (and thereby reduce cut-through traffic without the need for a manned kiosk).

### Existing On-Site Parking

There are currently 214 parking spaces on-site, 31 of which are temporarily permitted spaces in the area of the proposed parking structure. The Music Academy proposes to maintain these “temporary” spaces until such time as the proposed permanent parking structure is constructed and operational. There is currently additional area on-site available for bus parking. The active conditional use permit conditions of approval require provision of an off-site parking lot and, if necessary, shuttle service for events with over 300 attendees and two parking attendants for events with over 100 participants.

### Existing Music Academy Traffic

The Music Academy’s existing Conditional Use Permit, 90-CP-111cz includes specific attendance limitations for rental activities/special events, but no attendance limitations for activities that are considered conservatory related. Conservatory related activities can include, but are not limited to, concerts, rehearsals, instruction, practice studio use, recording, auditions, or other activities related to a music conservatory. Conservatory activities occur throughout the year. However, because the Music Academy maximizes use of their facilities during their eight-week (mid-June to mid-August) summer music program, the Music Academy has historically limited rental activities/special events to the remaining 44-week, non-summer period. The Music Academy would continue to limit rental activities/special events to the non-summer period under the proposed Master Plan.

The Music Academy has provided historic attendance data for both the summer and non-summer period for use in establishing a baseline from which to assess the proposed project.

*The baseline for the summer season is 17,681 public guests (392/day), based on actual attendance for the 8-week Summer Music Program concerts, masters' classes and related events in 2001.*

A determination of baseline attendance for the non-summer period is somewhat more complicated. Non-summer attendance includes participants at both conservatory activities and rental activities/special events. The Music Academy provided historical<sup>59</sup> attendance figures for both types of activities during this 44-week period. Based on their data, actual attendance at unrestricted conservatory activities totaled 18,166 attendees and the actual attendance for rental activities/special events totaled 14,618. This results in actual historic non-summer attendance of 34,784 attendees (approximately 113/day). However, actual participants at Music Academy rental activities and special events have been substantially lower (14,618) than the *maximum allowed*

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<sup>59</sup> 1997-2001 non-summer periods

*under the existing CUP* (35,600 permitted). The permitted levels of rental activities and special events were established as part of the existing CUP approval in 1992 and were based on actual levels for rental activities and special events achieved at that time. The existing permitted levels of rental activities and special events are identified below:

Seminars/Meetings	26 @ 175	=	4,550
Non-Profit Benefits	15 @ 300	=	4,500
Weddings	45 @ 150	=	6,750
Educational Programs in the Arts (5 classes @ 15 persons X 6 days X 44 weeks)=			19,800
TOTAL:			35,600

Because the maximum rental activity/special event allowance was previously reviewed in 91-ND-54, the California Environmental Quality Act (CEQA) document for the existing CUP, this larger attendance figure (35,600) must be utilized in this EIR, when evaluating the net impact of the proposed project. Therefore, *the non-summer baseline is assumed to be 53,766* (18,166 + 35,600) or approximately 175/day.<sup>60</sup>

The *annual baseline* is assumed to be 71,447 attendees (17,681 summer + 53,766 non-summer).

In addition to vehicle trips associated with faculty, staff, students, and general audience members, traffic and parking demand is also generated by:

- Administrative personnel;
- Alumni;
- VIP guests (artists/professional administration);
- Parents of students;
- Directors;
- Volunteers;
  - Curriculum and administration related committees (1,900 hours/year)
  - Event and service related committees and volunteers (8,200 hours/year)
- Maintenance crew golf carts;
- Rack and Treasure House customers; and
- Merit program students and families.

Based on recent traffic surveys of incoming vehicles at the Music Academy, it was recently determined that over 30% of total project vehicle trips through the site are associated with cut-through traffic. These vehicle trips are unrelated to activities at the Music Academy and instead are using the site drive as a cut-through route to Butterfly Lane. These cut-through trips are associated with neighbors, commuters, freeway diversion trips, beach users, Biltmore Hotel guests and employees, and tourists (as the Academy is listed in sight-seeing maps and brochures).

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<sup>60</sup> Non-summer baseline is based on actual historic conservatory related attendance (18,166), plus maximum total participants for special events allowed under the existing CUP (35,600).

The greatest volumes of cut-through traffic were found to occur between 3:30 and 6:00 pm on the three survey days.

ATE conducted surveys at the Music Academy on three days during the 2003 Summer Season Friday - July 25th, Monday - July 28, and Tuesday - August 12<sup>th</sup>) to determine the level of cut-through traffic occurring at the site. The survey data showed that the MAW currently experiences an average of 221 vehicles per day cutting through the campus during the Summer Season, which equates to 442 average daily trips (ADT = 1 trip in/1 trip out). Applied over the entire 45-day Summer Season, this would equate to 9,945 vehicles and 19,890 trips. The table below summarizes this information.

**Cut-Through Traffic Volume Estimates - Summer Season**

<b>Cut-Through Vehicles Per Day</b>	<b>Cut-Through ADT Per Day</b>	<b>Summer Event Days</b>	<b>Cut-Through Vehicles Per Summer</b>	<b>Cut-Through Trips Per Summer</b>
221 Vehicles	442 ADT	45 Days	9,945 Vehicles	19,890 Trips

ATE also conducted a survey at the Music Academy during the non-summer period when the Youth Symphony event was held (June 1, 2003). The Music Academy gate was open during this period. During the 2.5-hour survey period, a total of 21 cut-through vehicles were observed. It is noted that this cut-through traffic occurred on a Sunday when the Music Academy gate is not normally open.

The Music Academy front gate is open from 12:30 P.M. to 4:00 P.M. Tuesday through Saturday during the non-summer period to accommodate patrons of the Rack and Treasure House. The gate is therefore open 220 days per year during the non-summer period (44 weeks \* 5 days = 220 days). Assuming a conservative estimate of 30 cut-through vehicles per day based on the cut-through traffic observed during the non-summer survey, the non-summer period would have a total of 6,600 cut-through vehicles per year and 13,200 ADT per year.

**Cut-Through Traffic Volume Estimates - Non-Summer Period**

<b>Cut-Through Vehicles Per Day</b>	<b>Cut-Through ADT Per Day</b>	<b>Non-Summer Days</b>	<b>Cut-Through Vehicles Non-Summer</b>	<b>Cut-Through Trips Non-Summer</b>
30 Vehicles	60 ADT	220 Days	6,600 Vehicles	13,200 Trips

Any trip reductions achieved as a result of implementing a cut-through traffic reduction program would be in addition to the traffic reductions which would result from the decreased attendance proposed for the 44-week, non-summer period.

The Music Academy is proposing to control cut-through traffic on its campus by implementing a Cut-Through Reduction Program (CTRP). The main goals of the CTRP are to:

1. Decrease traffic (below historic levels) going through the MAW campus by:
  - A. Discouraging use of the MAW campus as an avenue to get from Channel Drive and Fairway Road to other parts of Montecito; and
  - B. Discouraging on-campus traffic that is not affiliated with MAW program.
2. Increase on-campus and neighborhood safety by decreasing traffic.

### **CTRP Alternatives**

The applicant has proposed two alternative plans to control cut-through traffic at the project site.

Alternative 1: Cut-Through Kiosk and Return Lane.

This alternative would involve installing a kiosk and a gate with an arm inside the entrance to the Music Academy. The kiosk would be staffed when the main gate is open. Cut-through traffic would be intercepted at the kiosk and would be asked to turn around in the allee parking area. The vehicles would then be directed back out of the Music Academy via a new one-way exit lane (located west of the existing entrance) to Fairway Drive. This program would also use a more consistent main gate closure schedule to prohibit cut-through traffic during the peak hour periods.

The kiosk is also designed to deter cut-through traffic given the need to pass an official presence to gain access through the site.

Alternative 2: Payment Required.

This alternative would require cut-through traffic to pay a substantial parking fee (\$5.00 to \$10.00) to exit the campus. The program would require vehicles entering the MAW to obtain a parking ticket from a ticket spitter located inside the campus. The ticket would be validated by MAW staff after the person completed their business on campus. Validation would be available at the MAW offices, at the Rack and Treasure House, and at the maintenance area. The validated ticket would be presented to personnel stationed in a small kiosk adjacent to the exit in order to leave without a fee. When vehicles attempted to exit the site without a validated ticket, a fee of \$5 to \$10 would be charged. The kiosk attendant would have a computer available and would track the license plates of cut-through vehicles so that a warning could be given for the first time and fees would be charged thereafter. The entrance to the campus would be signed to inform motorists about the CTRP. The entrance would also be staffed during larger event periods.

### **Impact Discussion:**

**The physical expansion and upgrading of facilities on-site allows for considerably greater attendance year-round than is proposed by the Music Academy in their project description. Without strict adherence to their proposed attendance limitations, impacts to area streets, intersections, traffic safety, and parking would be considered potentially significant.**

**The assessment of project traffic impacts below assumes adherence to the applicant’s project description, with regard to attendance limitations during the life of the requested CUP.** As identified in the prior paragraph, the impacts discussed below could be substantially greater if the proposed attendance limits were not enforced.

As stated earlier, the CEQA baseline for comparing the net change between the existing setting and the proposed project assumes a baseline annual attendance of 71,447 (17,681 summer attendance plus 53,766 permitted non-summer attendance). The Music Academy has proposed an increase of up to 14 new faculty, staff, or other employees as part of the Master Plan (over the existing maximum of 75). An increase in volunteers and box office patrons is assumed based on the same percentage increase in attendance that would occur during the summer (66%). The number of students could not be increased, beyond the current/proposed 150, without a modification to the CUP, although all 150 students would receive all of their instruction at the Music Academy under the Master Plan. Currently, currently approximately 50 of these students (vocal and vocal accompanying) receive primary instruction at Cate School (where all 150 students reside), although they are permitted to rehearse, perform and attend performances at the Music Academy already.

The Music Academy is also proposing “any-given-time” and daily attendance maximums, neither of which is currently required in their existing Conditional Use Permit. These maximums would apply throughout both the summer and non-summer seasons. The Music Academy has historically instituted a self-imposed (not required) any-given-time maximum attendance of 382. This has been applied to either maximum seating capacity of Abravanel Hall (under the Uniform Building Code) or the combined attendance at concurrent events on-site.. The table below provides a summary of the existing baseline and proposed attendance limits.

**Table 12 Music Academy Audience Attendance Figures**

Maximum Attendance	Existing Baseline	Proposed Project	Net Change
Any-given-time	382	480	+98
Daily	None	1,170	N/A <sup>61</sup>
Summer (8-weeks)	17,681	29,425	+11,744
Non-Summer (44 weeks) <sup>62</sup>	53,766	27,866	-25,900
Annual	71,447	57,291	-14,156

\*Figures do not include faculty, staff, students, other performers or employees or people attending administrative functions.

The increase in summer attendance levels is proposed in order to accommodate more of the 150 summer students on-site for Masters' classes etc., as well as accommodating the anticipated, continued, increases in public attendance at summer music program events<sup>63</sup>.

The any-given-time, daily and seasonal attendance limits would apply to audience members or other event attendees. As stated earlier, these figures would not apply to faculty, staff, students, other employees or performers. During the summer, up to 89 faculty and staff and up to 150 students would continue to be present<sup>64</sup> on-site and would not be counted toward the attendance maximums. During the rest of the year, the limits would not apply to up to 80 staff or performers at concerts/events<sup>65</sup>. Music Academy administrative activities would also *not* be included within the attendance limitations. These administrative activities include, but are not limited to Board of Directors meetings, staff meetings, Music Academy Council activities (meetings, dinners, etc.), neighborhood open houses, operation of The Rack and Treasure House, etc. As is the current

<sup>61</sup> Daily attendance would not be able to exceed 1,170 as it could under baseline. However, due to expanded facilities on-site, (e.g., larger halls and parking) it may be easier to accommodate sequential events and related attendance compared to the existing setting.

<sup>62</sup> Existing baseline utilizes the maximum permit attendance levels for the rental activities/special events portion of non-summer attendance (35,600). This is higher than the actual historic attendance for these activities/events (14,618).

<sup>63</sup> The Academy experienced an approximately 10% increase in attendance at the summer music program concerts and master classes for 1999-2001, with attendance dropping back in 2002 and 2003.

<sup>64</sup> Up to 50 vocal and vocal accompanying students currently have their primary instruction at Cate School, but are permitted to rehearse, perform, and attend performances at the Music Academy. One of the goals of the Master Plan is to have all 150 students receive all of their instruction at the Music Academy.

<sup>65</sup> The MAW proposes that when there will be more than 80 performers and staff are present for a maximum capacity non-summer event, staff or performers above this number should carpool and/or be bused to the MAW campus.

practice, the Academy proposes to limit its administrative activities at times when there are conservatory or special events scheduled on campus. Any increase in the number of students would be subject to a permit modification, as the Music Academy is not proposing to change the current restriction for up to 150 summer students.

Overall, the Music Academy is proposing to reduce the *annual* baseline attendance by over 14,000 attendees (and related vehicle trips). Although attendance would increase during the summer season, activity levels during the majority of the year (the 44-week, non-summer period) are proposed to be reduced.<sup>66</sup> The ATE traffic studies analyze project impacts during the 8-week summer season, as this is when the Music Academy specifically proposes to increase attendance above historic levels. There may still be individual days or peak hours throughout the year when traffic could be heavier than described below (e.g., a sunny Saturday afternoon in August). However, the following impact discussion is considered a reasonable worst case analysis of potential project traffic impacts for the following reasons:

1. The analysis considers the Music Academy's busiest (and peak traffic generating) eight-week period of the year, rather than averaging traffic throughout the year;
2. There are already peak traffic periods in the project area during the summer, partly in response to traffic associated with the neighboring Butterfly Beach, Biltmore Hotel, Arco Conference Center, and Coral Casino as well as start and end times for existing Music Academy Master classes;
3. The Music Academy operates primarily on weekdays during the summer, with occasional events on Saturdays and minimal activity on Sundays (ATE, 3/13/02);
4. The analysis of parking demand is based on peak parking demand which could occur under the 480 attendee, any-given-time, maximum attendance limit as well as the effects of events that are scheduled sequentially. The parking demand has been analyzed for both the summer and non-summer seasons to address the differences in operations for the Music Academy's summer and non-summer seasons (e.g., some audience members in the summer are the music program students, most of whom arrive by bus).

The Academy's Summer Music Program (Summer Festival) takes place for eight weeks during the summer and currently includes five Saturday events, for a total of 45 event days.

The proposed increase in audience attendance, of 11,744 guests during the summer season, was averaged over the 45-day summer season, equating to an average increase in attendance of approximately 261 guests/day. Based on site surveys performed by ATE and Santa Barbara Parking

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<sup>66</sup>As stated earlier, attendance for the 44-week non-summer period is comprised of conservatory related attendance (18,166) and rentals/special event attendance. Recent attendance at rental activities/special events has been lower than allowed by the current permit (14,618 vs. 35,600 permitted), although the higher levels have been achieved in the past. Because the 35,600 participant figure has been achieved historically and was already analyzed in a previous negative declaration for the project, that larger figure must be used for impact assessment purposes in this EIR. Regardless of whether actual or maximum permitted attendance figures are used for historic rentals/special events attendance, the proposed non-summer attendance cap of 27,866, would result in a net reduction in non-summer season attendance levels.

Company in the 2001 summer, the average guest vehicle occupancy rate (AVO) during the summer concerts at the Academy was determined to be 1.5 people/vehicle in the early afternoon (12:30-3:30), 1.58 people/vehicle for all day-time periods, and 1.85 for the evening. Taking into account all survey time periods (day and evening) resulted in an average daily AVO rate of 1.63 people/vehicle. The AVO addressed guest vehicles only.

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**Table 13 Summer 2001 Afternoon and Evening AVO Rates**

<b>Count Date</b>	<b>Time</b>	<b>Total # of People (in Cars)</b>	<b>Total # of Cars</b>	<b>Average Vehicle Occupancy (AVO) Rate</b>
<b>Afternoon</b>				
<b>7/26/01*</b>	12:30-3:30 PM	228	155	<b>1.47</b>
<b>7/24/01*</b>	12:30-3:30 PM	396	263	<b>1.51</b>
<b>7/27/01</b>	12:30-3:30 PM	502	330	<b>1.52</b>
<b>Early Afternoon Average</b>				<b>1.5</b>
<b>7/24/01</b>	12:30-5:00 PM	418	272	<b>1.54</b>
<b>8/14/01</b>	2:00-5:00 PM	415	268	<b>1.55</b>
<b>7/31/01</b>	2:00-5:00 PM	409	257	<b>1.59</b>
<b>8/17/01</b>	2:00-5:00 PM	518	324	<b>1.60</b>
<b>7/13/01</b>	2:00-5:00 PM	329	185	<b>1.78</b>
<b>Afternoon Average</b>				<b>1.58<sup>67</sup></b>
<b>Evening</b>				
<b>7/06/01</b>	2:00-8:00 PM	396	216	<b>1.83</b>
<b>7/20/01</b>	2:00-8:00 PM	623	333	<b>1.87</b>
<b>Evening Average</b>				<b>1.85</b>
<b>Daily Average</b>				<b>1.63</b>

\*Counts conducted by ATE. All other counts conducted by Santa Barbara Parking Co.

This AVO rate does not include or account for summer music students who are bussed to the site. Therefore, ATE has suggested it could be considered a conservative estimate of vehicle occupancy as some of the existing and future summer audience members will be students bussed to and from the site.

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<sup>67</sup> Summer 2003 survey data showed an average afternoon vehicle occupancy rate of 1.59 people per car for guests, nearly identical to the afternoon AVO experienced in 2001.

Additional AVO data was gathered as part of the summer 2003 traffic surveys and is included by sub-group below:

**Table**

<b>SUMMER 2003 MUSIC ACADEMY ENTRANCE GATE SURVEY RESULTS BY CATEGORY</b>						
<b>Trip Purpose</b>	<b>FRIDAY 7/25/03 OCCUPANTS/ VEHICLES</b>	<b>MONDAY 7/28/03 OCCUPS/ VEHICLES</b>	<b>TUESDAY 8/12/03 OCCUPS/ VEHICLES</b>	<b>3-DAY TOTAL OCCUPS/ VEHICLES</b>	<b>3-DAY AVG OCC/VEH (AVO)</b>	<b>% OF TOTAL VEHICLES</b>
Staff	84/71	79/67	59/54	222/192	1.16	13%
Faculty	42/34	28/22	32/26	102/82	1.24	6%
Students	114/43	41/19	65/30	220/92	2.39	6%
Volunteers	34/30	28/27	23/20	85/77	1.1	5%
Master Class Guests Park (a)	535/313	232/145	290/190	1057/ 648	1.63	44%
Master Class Guests Drop-off	34/11	2/2	12/4	48/17	2.82	1%
Resale Shops	72/45	21/15	52/40	145/100	1.45	7%
Box Office Patrons	13/9	15/10	10/6	38/25	1.52	2%
Deliveries/ Drop-Offs <sup>a)</sup>	60/32	27/15	26/16	113/63	1.79	4%
Merit Program	48/19	0/0	0/0	48/19	2.52	1%
Other	/52	/26	/67	/145		10%
<b>Totals</b>				<b>2030/1460</b>		<b>100%</b>
Cut- Through <sup>b</sup> Trips	247	142	274	663		31% 663/2123

An updated trip generation and traffic impact analysis was completed for the Master Plan. The original traffic analysis presented in the Draft EIR assumed the same attendance increase for the Summer Program, from the existing level of 17,681 guests (2001) to a future level of 29,425 guests (net increase of 11,744 guests), but that there would be no increases in non-guest traffic (faculty, staff, volunteers, etc.).

This updated analysis assumes that the number of faculty and staff at the campus could increase from the current level of 75 to a future level of 89. The analysis also assumes that trips made by volunteers and box office patrons would increase in the future as attendance increases. The analysis assumes that the increases related to these components would be proportional to the attendance increases allowed under the Master Plan (29,425/17,681 = 66% increase).

Trip generation estimates were developed for the various components of the Master Plan based on traffic survey data collected at the MAW campus in 2001 and 2003. Table 1 summarizes the daily and peak hour trip generation estimates calculated for the various components of the Master Plan, as described above

### Updated MAW Summer Program Trip Generation Analysis

Project Component	Existing Level	Future Level	Net Increase	Increase Per Day <sup>(a)</sup>	AVO or Trip Rate <sup>(b)</sup>	ADT	P.M. Peak Trips <sup>(b)</sup>
Public Guests	17,681	29,425	11,744	261	1.63/Veh	320	40
Faculty/Staff	75	89	14	14	2.4/Staff	34	4
Volunteers/ Box Office	34 Cars/Day	57 Cars/Day	13 Cars/Day	13	2.0/Car	26	3
Totals						380	47

- (a) Daily increase assumes 11,744 new guests over 45-day period.
- (b) AVO and trip rate data derived from 2001/2003 traffic surveys.
- (c) Peak hour trips based on peak hour factor of 12.44% of daily trips from counts at project driveways.

**Project area roadways would continue to operate acceptably in the LOS A-B range with the net increase in project-generated traffic compared to the existing baseline,** as indicated in the table below. During the 44-week, non-summer period, the project would decrease the number of trips added to area roadways, although peak project traffic could be higher given the increase in maximum any-given-time attendance from 382 to 480 attendees.

**Table 14 Existing Plus Project Impacts to Area Roadways (check numbers in table)**

Roadway Segment	Design Capacity	Acceptable Capacity	Existing ADT(a)	Project-Added ADT	Existing + Project ADT	LOS
<b>Fairway Road</b>						
w/o Site Driveway	5,000	NA	2,100	248	2,348	LOS A
e/o Site Driveway	5,000	NA	1,450	190	1,640	LOS A
<b>Olive Mill Road</b>						
s/o Spring Road	9,100	7,300	5,150	132	5,282	LOS B
<b>Channel Drive</b>						
n/o Fairway Road	5,000	NA	2,600	248	2,848	LOS A
<b>Butterfly Road</b>						
s/o Exit Gate	5,000	NA	1,200	190	1,390	LOS A
<b>Hill Road</b>						
w/o Olive Mill Rd	5,000	NA	2,400	66	2,466	LOS A
<b>Cabrillo Boulevard</b>						
s/o Channel Dr.	40,000	32,000	14,200	74	14,274	LOS A
NA = Acceptable capacity not designated in the Circulation Element for Local Roads.						
(a) Existing volumes collected in summer of 2003 except for Olive Mill Road and Cabrillo Blvd.						

Project added traffic during the summer would be most noticeable if it is added during the peak period for neighborhood street traffic (2:00-6:00 pm)<sup>68</sup>. Much of the afternoon traffic during the summer (and on weekends throughout the year) is attributable to Butterfly Beach. However, this time slot also coincides with the end of the 1:00 Master class and the beginning of the 3:10 Master class.

The County's adopted thresholds address project impacts to intersections during the standard (usually p.m.), peak, week-day traffic hours (4:00-6:00 p.m.). The 4:00-6:00 p.m. peak hour period would include the (2:00-6:00 p.m.) peak period for traffic in the neighborhood as well. Although the project's additional summer season traffic (not accounting for a reduction in traffic from implementation of a cut-through traffic reduction program) would contribute adversely to more traffic on neighborhood streets, project related traffic is not expected to significantly degrade roadway operations based on application of the County's thresholds. (This issue is also discussed in the land use section of the EIR).

<sup>68</sup> Hourly count data used in the Draft EIR for Fairway Road, Hill Road and Butterfly Lane indicated that the peak traffic hour on these roadway segments was 3:00-4:00 pm for weekdays and Saturdays, with no consistent peak traffic hour for these roadways on Sundays. The most recent roadway volume data, collected during the 2003 summer, have more variable hours for peak traffic on neighborhood streets. The peak periods differ based on both the days of the week as well as individual streets. However, the 2003 summer traffic data indicate that even though the hour with the peak number of vehicle trips varies, the roadway volumes throughout the neighborhood are consistently highest in the period between 2:00-6:00 p.m.

The table below shows the effects of project traffic on study area intersections during the standard p.m. peak hour period. The calculations for the Cabrillo Blvd/Los Patos Way-Channel Drive intersection are based on the 2003 traffic count data.

**Updated Existing + Project P.M. Peak Hour Levels of Service**

Intersection	Existing Delay/LOS	Existing + Project	Project-Added PHT	Impact?
Olive Mill/ Coast Village/U.S. 101	16.3 sec./LOS C	17.2 sec./LOS C	17 PHT	NO
Hot Springs/ Cabrillo/U.S. 101	>50.0 sec./LOS F	>50.0 sec./LOS F	21 PHT	YES
Cabrillo Blvd. Los Patos Way-Channel	18.2 sec./LOS C	19.0 sec./LOS C	30 PHT	NO

**Project traffic would not exceed specific City or County intersection thresholds at the Olive Mill/Coast Village/U.S. 101 Ramps or the Cabrillo/Los Patos-Channel Drive intersections. Both the City and County thresholds would be exceeded at the Hot Springs/Cabrillo/U.S. 101 intersection resulting in a potentially significant adverse effect.**

Although the project would not exceed the project specific intersection thresholds at the Cabrillo/Los Patos-Channel Drive intersection, the City has expressed concern with adverse impacts of adding new trips to this intersection, due to site distance challenges. In response, County staff requested that ATE conduct a traffic signal warrant analysis and an accident analysis for the Cabrillo/Los Patos-Channel intersection. The conclusion of the Caltrans 8-hour warrants analysis showed that the Minimum Vehicle and Interruption Warrants would not be satisfied. Based on three years of data provided by the City of Santa Barbara (12/31/96-12/31/99), the rate of accidents at this intersection equates to 0.35 accidents per million entering vehicles. This intersection is located within an area defined by Caltrans as the urban/suburban limit line. This accident rate is slightly higher than the statewide averages for both urban and suburban facilities (0.22 accidents per million entering vehicles for urban facilities and 0.34 accidents per million entering vehicles). The ATE study found that the project's traffic additions (320 ADT, 40 PHT) would not significantly change the accident rate experienced at this location. The ATE study notes that analysis of possible corrective measures to reduce accidents at this intersection will be completed as part of the improvements project being designed by the City of Santa Barbara for the Cabrillo Boulevard/U.S. 101 interchange improvement project. (See discussion of these interchange improvements under cumulative traffic impact discussion later in this section).

The only intersection where project specific intersection significance thresholds are triggered is at the Cabrillo/Highway 101 intersection. Although the project's additional summer season traffic does not trigger roadway and intersection thresholds on the neighborhood streets (just Cabrillo

Boulevard), the project's traffic would contribute adversely to greater congestion at neighborhood intersections, particularly in the afternoon, when traffic volumes are already greatest in the neighborhood as well as at other intermittent peak periods that result from starting and ending times for events at the Coral Casino, Biltmore and ARCO Conference Center.

### Cumulative Traffic

In response to the EIR scoping document, neighbors and the Montecito Association expressed the greatest concern over the effects of cumulative increases in traffic in the project area from expansion of existing commercial, educational and residential projects and the associated increase in congestion, on-street parking availability and hazards to pedestrians. They cited a number of factors which contribute to existing and anticipated traffic impacts, including:

- The loss of Channel Drive as a through street for vehicles, given that much area traffic is either going to or coming from the west (Santa Barbara);
- The combined increase in traffic from other development proposals in the area:
  - a. Biltmore modifications;
  - b. Coral Casino modifications;
- Construction traffic associated with the above projects, single family homes, and the Music Academy would compound existing traffic issues;
- The nature of the roadways in this area (e.g., no existing sidewalks for pedestrians and none desired or allowed per Montecito Community Plan) and high pedestrian and bicycle usage;
- Peak traffic periods which are not always the standard peak times (e.g., traffic congestion peaks, in part, according to beach-goers arrival and departure times as well as from activity associated with the Coral Casino, Arco Conference Center, and Biltmore guests, and Music Academy Summer Festival start and end times);
- There is often a lack of adequate on-street parking, particularly on sunny days, to address even the beach demand, much less other demand. Some neighbors also expressed the opinion that parking demand and beach use have increased since the City instituted paid parking at East Beach.

The cumulative traffic analysis utilized traffic volume data from the Waterfront Area Transportation Study II (City of Santa Barbara and ATE 2002 and ATE 2002 study for the Susnar Properties Project. With regard to cumulative projects in the area: 1) The Biltmore project has been withdrawn and only a ministerial CDP is in process. It is focused on upgrades and room renovations; 2) ARCO Conference Center (also known as the Breakers) project has also been formally withdrawn; 3) The Coral Casino project is primarily associated with renovations. The traffic study prepared for the Coral Casino project shows no increase in traffic and there is no County document, or other indication at this point, that there is disagreement at the County

regarding this conclusion... Therefore potentially increased traffic from these projects is not included in the cumulative traffic table below. If these projects are re-submitted or are determined to result in a net increase in project related traffic and they are approved and implemented, the levels of service identified below would degrade further.

**Table 15 Cumulative and Cumulative Plus Project Levels of Service**

Intersection	Cumulative Delay/LOS	Cumulative + Project	Project-Added	
			PHT	Impact
Olive Mill/Coast Village/U.S. 101	16.6 sec./LOS C	17.4 sec./LOS C	17 PHT	NO
Hot Springs/Cabrillo/U.S. 101	> 50.0 sec./LOS F	> 50.0 sec./LOS F	21 PHT	YES
Cabrillo Blvd./Los Patos Way-Channel	22.4 sec./LOS C <sup>(a)</sup>	23.8 sec/LOS D <sup>(a)</sup>	30 PHT	YES
<sup>(a)</sup> Intersection operations exceed City of Santa Barbara's standard of 22.0 seconds delay.				

**The project would contribute significantly to cumulative impacts at the Cabrillo/Los Patos-Channel and Hot Springs/Cabrillo/U.S. 101 intersections under both the City and County thresholds.**

The City is reviewing alternatives for the Cabrillo Boulevard/U.S. 101 interchange with respect to meeting Caltrans' design standards, providing accessibility to the adjacent land uses and traffic sheds, and providing acceptable operating conditions (LOS C) with future traffic. The Project Study Report and EIR for the preferred alternative for the interchange are scheduled to be completed within the next two years, with construction proceeding shortly thereafter. The physical improvements, which could address the MAW project impacts, are not fully funded (still short by \$15-20,000,000.00) and are not likely to be completed by 2010 (City of Santa Barbara).

Currently, the City of Santa Barbara (the permitting agency for the Cabrillo interchange improvements) is strongly recommending that the improvements to the above interchange include closing of the south-bound on-ramp at the Cabrillo interchange, along with directions (clear signage) for motorists to access Highway 101 southbound at Garden or Milpas Streets. The closing of the southbound on-ramp at the Cabrillo interchange would mean that vehicles traveling eastbound on Cabrillo Boulevard (between Milpas and Channel Drive) wishing to go to the Biltmore, Coral Casino, Bonnie Meade, Butterfly Beach, or points further south, would need to take Coast Village Road and then Olive Mill Road south to get to their destination. Due to existing and projected traffic levels on Cabrillo Boulevard and Coast Village Road, the City's current proposal to reduce the number of lanes on Cabrillo between Milpas and the Cabrillo interchange, and the presence of a number of stop signs along Coast Village Road, it is likely that the number of non-Music Academy vehicles using the Academy's private road for eastbound travel between Cabrillo Boulevard and the Butterfly Beach area would increase. While this is not a function of the Music Academy Master Plan, it is a consideration when evaluating the cumulative traffic setting.

Proposed improvements to the Cabrillo/Los Patos-Channel Drive intersection are not currently funded at all. Identified improvements for this intersection include the design, funding and installation of a new traffic signal or roundabout. The City of Santa Barbara has indicated that the increased use of this intersection significantly impacts congestion and the safety of vehicles, pedestrians, and bicycles by increasing the conflicts and reducing the number of available gaps for turning during congested periods. (R. Dayton, City of Santa Barbara communication)

**Project specific and cumulative impacts to area intersections would be considered potentially significant.**

Short-Term Construction Impacts on Area Roads

Site grading would involve the export of approximately 10,000 cubic yards of fill from the site as well as the potential need to import clean fill material. In order to minimize impacts on neighbors (neighborhood streets), the applicant is proposing that the excess fill be exported off-site using the adjacent railroad right-of-way to access Channel Drive near Cabrillo Boulevard. Whether or not the railroad grants permission to use their right-of-way for construction traffic, there would still be a substantial increase in truck traffic on area roadways during the construction period. Increased construction vehicle traffic, especially dump trucks and trucks delivering large quantities of supplies may result in dirt on area roadways, increased truck noise, and safety concerns for pedestrians and cyclists. Temporary construction traffic would contribute to the project specific significant impact identified at the Cabrillo/Los Patos-Channel Drive intersection, regardless of whether the railroad right of way use is approved for construction traffic. (Also, please refer to the land use section of the EIR for additional discussion of this issue).

Parking

There are currently 214 parking spaces on-site, 31 of which are temporarily permitted spaces located in the area of the proposed parking structure. The temporary spaces are proposed to be maintained until construction of the parking structure. Additional area is currently available on-site for bus parking. The existing conditional use permit conditions of approval require provision of an off-site parking lot and, if necessary, shuttle service for events with over 300 attendees. The Music Academy has historically utilized parking lots at the former Miramar, Mt. Carmel, Biltmore, and Arco Conference Center (The Breakers) for their off-site parking lot requirement. However, due to possible limitations on those existing permits and related parking demand for these other facilities, particularly during the summer and on weekends, it is not known whether any of these off-site parking lots will be available in the future.

The parking plan for the project would include 332 spaces (plus an additional 7 spaces for stacked staff parking). The majority of these future parking spaces (229) would be located in the proposed two-level parking structure. Parking for up to two buses is proposed (and has been approved by Montecito Fire Protection District) just south of the parking structure and across the street from Anne's Garden. Shuttle buses (for satellite parking) would be parked in the cul-de-sac near the new recital hall during events and in other on-site parking when events are not taking place.

Until recently, the Music Academy was concurrently processing a permit request with the City of Santa Barbara for a permanent off-site parking lot on Channel Drive, located between Highway 101 and the Santa Barbara Cemetery. The proposal also included an accompanying shuttle program to transport guests, employees, performers, etc., between the parking lot and the Music Academy campus using two shuttle buses and a van to be owned by the Music Academy. This off-site parking lot was proposed to reduce the need to provide all parking on-site. Under this option, the Music Academy had proposed to construct only a one-level parking structure on-site if the off-site lot were approved. However, the parking lot application was recently withdrawn from further processing by the applicant. In addition, even if the application is approved, it is not known at this time whether the City would modify the proposed number of spaces or whether there may be specific conditions which restrict its use (e.g., to just Music Academy events, timing, etc.).

Therefore, for purposes of the evaluating the Master Plan CUP request, it is assumed that an off-site lot is not part of the proposed project. The alternatives section of this EIR includes analysis of this off-site parking lot as separate alternatives. One of these alternatives evaluates the off-site lot under the existing CUP (No Project plus Off-Site Lot) and the other evaluates the off-site lot under the proposed CUP assumptions (Master Plan plus Off-Site Lot). Pursuant to the applicant's previous proposal for the off-site parking lot, the latter alternative also assumes that the on-site parking structure would be modified to only surface parking if the off-site parking lot alternative is implemented. Please refer to the alternatives section of the EIR for more information regarding the off-site parking lot.

If the off-site parking lot is not approved, the Music Academy is requesting that existing condition of approval #10 be modified to eliminate the requirements for overflow, off-site parking and shuttle service upon completion of the proposed parking structure.

The Music Academy is also requesting a modification to the number of parking spaces required by the Coastal Zoning Ordinance. A break down of the standard parking requirements in the Zoning Ordinance is included in the table below. Parking required pursuant to the Parking Regulations section of the Zoning Ordinance (§35-109, §35-110) does *not* specifically take into account the Music Academy's proposed attendance limitations or the continuing arrangement to bus summer music students between the Music Academy and Cate School.

**Table 16 Zoning Ordinance Parking Requirements**

Land Use	Quantity	Parking Requirement	Spaces
New Recital Hall	480 seats	1 space/4 fixed seats	<b>120</b>
New Instructional Building Upper Level (venue area only)	1,800	1 space/30 feet of auditorium floor space	<b>60</b>
New Instructional Building Lower Level (venue area only)	1,200	1 space/30 feet of auditorium floor space	<b>40</b>
Stewart Hall	648 sf	1 space/30 feet of auditorium floor space	<b>22</b>
Lehmann Hall	1,365 sf	1 space/30 feet of auditorium floor space	<b>46</b>
Treasure House	1,880 sf	1 space/500 gross sf	<b>4</b>
The Rack	2,800 sf	1 space/500 gross sf	<b>6</b>
Proposed storage for resale items (May Madness or resale store overflow) within New Storage/Maintenance Bldg,	~1,400 sf	1 space/1000 gross floor area	<b>2</b>
Residential	1	2 spaces/unit	<b>2</b>
Employees*	89	1 space/3 employees	<b>30</b>
Students*	150	1 space/5 students	<b>30</b>
<b>Total</b>			<b>362</b>
*Employees and students are assumed to be those associated with the educational component of the project and the remaining building square footages not included above (e.g., the remaining square footage of Miraflores and new instructional building, the entire square footage of Harger Studio, Claeysens Studio, and the new practice studio, maintenance/storage and student services buildings.			

The above zoning ordinance requirements assume that the other structures and spaces on-site (e.g., maintenance and storage buildings, student services building with administrative offices, dining and kitchen area, storage, etc.) would be associated with the educational use of the site. If these facilities were to be used concurrently for uses other than educational/music conservatory, this would create greater parking demand than is identified above. For example, if the kitchen and indoor and outdoor dining areas were to be used for restaurant purposes, in addition to the uses currently proposed by the Music Academy, the ordinance requirements for parking would be greater. In the latter instance, the zoning ordinance parking requirements would be applied to the specific square footage of each structure. In addition, without the proposed any-given-time attendance limitations, once constructed, the proposed Master Plan could accommodate considerably greater audience numbers concurrently. Based on the square footage of indoor venues alone, the expanded seating capacity of on-site venues (indoor only) could accommodate 1,195 audience members at any-given-time. Thus, the assurance of adequate parking demand would be in large part a function of the accuracy of monitoring and enforcement of the proposed attendance limitations and restrictions on the use of

on-site facilities as proposed in the project description.

Parking studies were completed by the applicant in 1999, 2000, 2001 and this past summer. ATE conducted parking surveys of both on-site parking and parking along Fairway Road and Butterfly Lane closest to the Music Academy. Santa Barbara Parking Company conducted additional parking surveys throughout the summer season. Most of the of the survey information is included in the 3/14/03 ATE study appendices as well as the ATE clarification letter to Natasha Heifetz Campbell dated 10/31/02. The ATE study found that the additional "parking data matches and validates the parking data collected by ATE on the 3 study days in July." The most recent parking data is included in the September and October letters from ATE (included in the EIR appendices).

Based on data collected by ATE on their three survey days, ATE found that:

1. The peak daily parking demand experienced at the MAW was within the capacity of the available on-site parking supply, even though a small number of MAW related vehicles parked on neighborhood streets;
2. The Music Academy implemented an off-site parking and shuttle program, utilizing the Miramar Hotel and ARCO Conference Center sites in summer of 2000 and the Mt. Carmel and ARCO Conference Center parking areas in summer 2001. Approximately 15 to 18 vehicles utilized the off-site parking lots throughout the survey days. (During the 2003 summer season, the Music Academy used the following off-site parking: Mt. Carmel, ARCO Conference Center and Las Aves (near the Bird Refuge);
3. ATE observed that between three and seven vehicles related to MAW operations were parked on the adjacent streets.

The ATE study identifies a parking demand rate based on parking spaces per occupied seat, using data collected on parking demand (on-site, on-street and in satellite lots) and attendance at Master classes and picnic concerts exceeding 300 people. This rate is based on data collected for 16 events during the 2001 summer season. The rate includes the guests, students, and staff who were in attendance as well as some additional vehicles of others not attending the concerts (staff, faculty, students, residents, etc.)<sup>69</sup>. This rate is also dependent upon the summer music students continuing to take buses, rather than individual cars to the MAW campus. Parking demand was evaluated for both afternoon and evening classes and concerts. The parking demand rate for the afternoons surveyed averaged 0.68 spaces/occupied seat. The parking demand was lowest for the evening performances, with parking demand for evening performances averaging .54 spaces/occupied seat.

The table below identifies the actual attendance and parking demand for each of the study days. The rates include the guests, students and staff who were in attendance at the classes and concerts, the additional vehicles that may have been parked by others on-site who did not attend the concerts (faculty, staff, students, residents, etc.), and the vehicles which were parked off-site either on the adjacent street segments or in the satellite parking lot.

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<sup>69</sup> During the summer season, up to 75 faculty/staff and up to 150 students may be on-site, in addition to members of the public attending classes/concerts. The majority of summer students are bussed to the site from Cate School.

**Table 17 Summer 2001 Average Afternoon and Evening Parking Demands for Events with More than 300 Attendees<sup>70</sup>**

Survey Date	Time	Total On-Site and Off-Site* Demand	Attendance	Demand Rate (Spaces/seat)
6/26/01	4:00 P.M.	208	350	0.59
7/6/01	4:00 P.M.	220	351	0.63
7/13/01	4:00 P.M.	221	344	0.64
6/29/01	4:00 P.M.	206	312	0.66
7/20/01	4:00 P.M.	239	361	0.66
7/28/01	1:30 P.M.	241	352	0.68
7/17/01	4:00 P.M.	237	335	0.71
7/24/01	3:00 P.M.	230	301	0.76
8/14/01	4:00 P.M.	244	321	0.76
<b>Year 2001 Afternoon Peak Parking Demand Rate</b>				<b>0.68</b>
6/29/01	8:00 P.M.	147	363	0.40
7/19/01	8:00 P.M.	149	328	0.45
7/27/01	8:00 P.M.	179	343	0.52
8/9/01	8:00 P.M.	186	335	0.56
7/20/01	8:00 P.M.	193	337	0.57
7/13/01	8:00 P.M.	226	382	0.59
7/26/01	8:00 P.M.	198	300	0.66
<b>Year 2001 Evening Peak Parking Demand Rate</b>				<b>0.54</b>

\*Off-site demand, including off-site parking lots and parking on neighborhood streets averaged 23 cars/day.

The table below shows the afternoon and evening parking demands for the project using the rates recommended by ATE.

<sup>70</sup> Events with lower attendance levels (less than 300 attendees) typically experienced significantly higher parking demand rates.

Table 18 ATE Forecast Maximum Attendance Parking Demands-Summer Program

<b>Time Period</b>	<b>Size</b>	<b>Average Parking Demand Rate</b>	<b>Peak Parking Demand</b>	<b>Proposed Parking Supply</b>	<b>Surplus/ Shortfall</b>
Afternoon Concert	480 Seats	0.68	326 Spaces	339 Spaces	+13 Spaces
Evening Concert	480 Seats	0.54	259 Spaces	318 Spaces	+21 Spaces

The October 16, 2003 ATE Supplemental Report concludes that the rate of 0.76 parking spaces per seat provides a very conservative estimate of project parking demands for several reasons. First, this rate equates to an average vehicle occupancy (AVO) of 1.32 guests per car for all future guests using the expanded seating area ( $1 / 0.76 = 1.32$ ). This AVO level is much lower than the AVOs measured at the Music Academy for public guests. Studies conducted during the 2003 Summer Season showed that the AVO rate for afternoon event guests is 1.59 guests per car (which equates to .63 vehicles/guest). Studies conducted during the 2001 Summer Season showed that the AVO for 1:00 and 3:10 Master Classes was 1.58 guests per car. These AVO rates show that the 0.76 rate is very conservative.

It is also noted that the rate of 0.76 spaces per seat was observed on two of the lowest attendance days for events with over 300 people attending. There are generally a fixed number of cars that park at the MAW campus that are not related to the events (faculty, staff, students, volunteers, etc.). Thus the parking demand rate observed per occupied seat will go up as the attendance goes down, as the non-guest vehicles will comprise a higher percentage of the overall parking demand. Using the rates observed on two of the lowest attendance days (for the days with events with over 300 attendees) to predict future operations during maximum attendance days therefore overestimates parking needs on the campus according to ATE.

The table below shows the parking rates correlated to the size of the events that occurred on the 9 highest attendance days of the 2001 season.

**Table**  
**Music Academy of the West**  
**Summer 2001 Average Afternoon Parking Demands and Attendance**

Survey Date	Time	Total Demand (On-site + Off-site)	Attendance	Demand Rate (Spaces/seat)
<u>300 - 335 Attendees</u>				
6/29/01	4:00 P.M.	206	312	0.66
7/17/01	4:00 P.M.	237	335	0.71
7/24/01	3:00 P.M.	230	301	0.76
8/14/01	4:00 P.M.	244	321	0.76
<b>AVERAGE</b>			<b>317</b>	<b>0.72</b>
<u>340 - 365 Attendees</u>				
6/26/01	4:00 P.M.	208	350	0.59
7/06/01	4:00 P.M.	220	351	0.63
7/13/01	4:00 P.M.	221	344	0.64
7/20/01	4:00 P.M.	239	361	0.66
7/28/01	1:30 P.M.	241	352	0.68
<b>AVERAGE</b>			<b>352</b>	<b>0.64</b>

The October 16, 2003 letter report from ATE identifies a reduction in the parking demand rates when attendance is highest. The average parking rate per occupied seat observed for the larger events (in 2001) with attendance between 340 and 365 guests was 0.64 spaces per seat and the average rate for the events with 300 to 335 guests was 0.72 cars per seat. ATE concludes that this data clearly demonstrates that using a rate of 0.76 spaces per seat to determine parking requirements for events with 480 people in attendance is extremely conservative. The conservative parking rate of 0.76 spaces per seat would allow for an attendance of approximately 450 guests based on the proposed parking supply of 339 parking spaces.

Notwithstanding the conclusions reached by ATE above, the data is not always consistent with regard to the highest attendance events generating the lowest parking demand, as indicated in the table below. This table simply sorts the same attendance and parking demand rate information from the prior table by ascending attendance levels. As indicated below, there are exceptions to the assumption that the greater the attendance levels, the lower the parking demand rate.

Table Attendance and Parking Demand Rates for Events That Occurred on the 9 Highest Attendance Days of the 2001 Summer Season	
Attendance	Parking Demand Rate
301	.76
312	.66
321	.76
335	.71
344	.64
350	.59
351	.63
352	.68
361	.66

Because on-site parking must accommodate both afternoon and evening events through-out the year, it is appropriate to assume parking demand for the afternoon events when determining reasonable worst case parking needs. In addition, the higher afternoon rate is not theoretical, it is based on actual historic demand, during the time of day when on-street parking is in greatest demand in the neighborhood. The project would generate demand for 326 parking spaces, based on the *average* surveyed afternoon rate of 0.68 parking spaces/seat, compared to the 332 spaces proposed (+7 spaces for stacked parking = 339 spaces)

However, there are at least three other important considerations for determining future parking demand:

1. The average afternoon rate (0.68) is still lower than was actually experienced on three of the nine (300+ attendance) survey afternoons considered (33% of these afternoons), when rates of 0.71, 0.76 and 0.76 were observed<sup>71</sup>. Under the highest rate, 0.76 (experienced on two of the survey afternoons), a 480-seat event would generate demand for 365 parking spaces, 26 spaces short of the proposed on-site parking supply. Based on the actual surveys, using the lower average rate would result in inadequate on-site parking on approximately 1/3 of the afternoons when attendance is 450 or greater. If on-site parking

<sup>71</sup> There were many more than nine afternoons surveyed. However, the most of the other afternoons with less than 300 attendees had considerably higher AVOs.

is insufficient to meet project demand, this would also create on-street parking demand on summer afternoons, when there is often already substantial demand for available parking by beach-goers;

2. If more students drive passenger cars to the site, instead of taking the bus, this would affect overall parking demand. Currently, approximately two-thirds of the 150 students (~100 instrumental students) receive instruction at the Music Academy campus and approximately 50 vocal students receive most of their instruction at Cate School. Following Master Plan implementation all 150 students would receive all of their instruction at the Music Academy site. The students are supposed to arrive and leave the site by bus, although on average 10 student vehicles have been permitted. However, as indicated in the 2003 summer survey data for the entrance gate, it appears that more students are actually arriving by passenger car than was assumed:

	<b>Friday July 25th</b>	<b>Monday July 28<sup>th</sup></b>	<b>Tuesday August 12</b>
<b>Student Vehicles</b>	43	19	30
<b>Students in Vehicles</b>	114	41	65

3. The ATE study concludes that, "It is noted that parking attendants will be required to manage the parking resources on-site during the large events to efficiently achieve this level of parking occupancy." Therefore, it is critical that an adequate number of parking attendants is available during larger events to ensure that attendees are appropriately directed to maximize the on-site parking supply (and avoid spillover onto neighborhood streets).

Parking has been identified as a continuing issue of concern by area residents for many years. Comments regarding adequacy of on-street parking has not been limited to concern over Music Academy generated parking demand. Neighbors have complained that on-street parking demand is over-burdened by beach-goers as well as by guests of the Biltmore and Coral Casino. They want to ensure that the limited parking supply is not exacerbated by additional Music Academy related vehicles parking off-site. Given the intermittently limited on-street parking supply in the neighborhood, along with the Academy's location in a residential neighborhood, it is important that the project site accommodate reasonably foreseeable parking demand generated by its operations. Therefore, it is recommended that the more conservative (but previously generated by Music Academy events) parking demand rate of 0.76<sup>72</sup> spaces per occupied seat be used to estimate future parking demand for activities taking place on-site between 11:00 a.m. and 5:00 p.m. Future parking demand for maximum attendance events during the summer is therefore estimated to be 365 parking spaces, 26 spaces fewer than the proposed on-site parking supply. This, combined with the proposal to modify the parking requirements of the Coastal Zoning Ordinance (requires 362 spaces) and to eliminate the requirement for existing condition of approval #10 (off-site overflow parking and shuttle service for large events) upon completion of the new parking structure, would be considered a potentially significant impact.

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<sup>72</sup> This rate was experienced on two of the nine survey afternoons (22%).

## Non-Summer (Mid-August to Mid-June) Parking Demand

A parking survey was performed during the non-summer season at a Youth Symphony event held on June 1, 2003. The performers arrived at the site between 12:00 and 1:00 p.m. for rehearsal. The event guests arrived between 3:00 and 4:00 p.m. and the concert started at 4:00 p.m.

Table  
Non-Summer Event Parking and AVO Data

<b>Event Component</b>	<b>Average Vehicle Occupancy</b>	<b>Attendance</b>	<b>Total Parked Vehicles</b>
Performers	1.92/Car	75	
Guests	1.91/Car	267	
Total		342	176

The higher AVO of 1.91 is higher than the average AVO experienced on-site during the summer season. However, the summer season AVO doesn't take into account the students who arrive at the site by bus. During the non-summer season, buses are not consistently used to transport performers to the site and most performers and guests arrive by passenger car.

Based on the data in the above table, a lower parking demand rate can be concluded for the non-summer period. If parking demand is estimated on a per occupied seat basis, this data would generate a parking demand rate of .66 parking spaces per occupied seat (176 vehicles/267 guests). As with the summer parking demand rates, this takes into account parking demand for all vehicles on-site, not just guest vehicles, but the rate is based on parking spaces generated per occupied seat. Using this parking demand rate, a 480 attendee event in the non-summer period would generate demand for 317 parking spaces. The MAW has further proposed that if there were more than 80 staff and performers present, they would either be bused or would be required to carpool to the campus. Given that only one non-summer event was sampled, it is recommended that at least one other, different event (e.g., a conference, where more people may drive individually) be sampled to determine whether AVO and parking demand is consistent.

Although a 2 person/vehicle AVO may be typical for entertainment venues, the Music Academy site is a somewhat atypical location for a concert venue, outside of a downtown, commercial area, or large institutional setting (e.g., a university event center), where attendees may walk or use public transit to attend day-time functions. Given the lower parking demand experienced on-site for evening events (during the summer), parking is considered adequate for maximum attendance evening activities and events during the entire year.

Adequacy of on-site parking is also subject to enforcement of proposed attendance limitations, an adequate number of parking attendants for larger events, and a presumption that the great majority of summer students arrive and leave the site by bus from a central location (currently Cate School). If attendance limits are not enforced, traffic generation and parking demand could be substantially higher than assumed, based on the greatly increased capacity of the proposed new structures. If the number of parking attendants is inadequate to efficiently direct vehicles to

appropriate parking spaces, significant parking problems may arise creating pedestrian safety and/or neighborhood nuisance impacts on neighborhood streets. If greater numbers of students do not take the bus from Cate School (due to choice or to students not staying at Cate School), this would contribute to additional and un-accounted for parking demand. These situations would result in potentially significant parking impacts.

#### Other Traffic Related Issues

Public Works and ATE concur that the site driveways have adequate line of sight for ingress (Fairway and Butterfly Lane for deliveries and bus service only) and egress (Butterfly Lane only).

The overall change in project traffic, including the increase in summer traffic (320 ADT and 40 PHT) and overall decrease in annual traffic is not expected to result in a substantial change to area traffic patterns or to result in significant new safety concerns for pedestrians and cyclists in the area.

The project is also not expected to result in significant adverse impacts associated with circulation and access in the event of a fire or other emergency on-site. For more information regarding this issue, please refer to the Fire Safety section of the EIR.

## Mitigation and Residual Impact:

1. Based on a conservative parking demand rate for afternoon activities of 0.76 spaces/seat, the project would generate demand for 365 spaces, which is 26 spaces more than proposed in the current plan (332 + stacking area for 7 additional vehicles = 339 + 2 bus spaces). In order to accommodate maximum attendance day-time events/activities, maximum allowed attendance shall be reduced during peak parking periods. Therefore, the following shall be implemented to ensure that project-generated parking demand would not overflow onto neighborhood streets:
  - b) During the months of June, July and August and on weekends throughout the year, the maximum any-given-time attendance limitation shall be reduced to 450 attendees between the hours of 11:00 am and 5:00 pm;
  - c) If more than 450 attendees are proposed during the time periods identified in a) above, additional parking spaces for day-time activities/events shall be provided at an pre-approved off-site location, pursuant to the requirements of condition #2 below;

**Plan Requirements and Timing:** This requirement shall be depicted on the project building plans. The applicant shall maintain attendance records. The applicant shall also fund preparation of periodic surveys (once per month, although more often during the summer season and less often during the non-summer season would also be acceptable) of the total number of vehicles associated with large events on-site and where they park. The surveys shall be performed by professionals experienced in collection of traffic data. Project conditions, which affect parking, may be modified based on the results of these surveys. Given the potential ramifications of the survey results and to avoid any perception of conflict of interest, the survey personnel shall be funded by the applicant under contract to the County. The surveys shall account for all cars associated with Music Academy activities, including those associated with students, faculty, other employees, customers and sales people at the resale shops, and others attending administrative activities on-site. Once the Master Plan improvements have been operational for at least one year, the applicant may return to the Planning Commission to request that this requirement be terminated or modified. (Surveys required by this condition may be performed in conjunction with mitigation monitoring requirements identified in other traffic mitigation measures). If the survey data is proposed to be used to eliminate the attendance limitation during peak parking demand periods, survey data shall be available for a continuous daily basis for a period of at least consecutive 10 days during the summer season and for 10 consecutive weekdays during the non-summer period.

**MONITORING:** P&D shall ensure all relevant plans and other project materials are consistent with project revisions.

2. If an off-site parking lot is proposed as part of the final Master Plan, the applicant shall identify a location(s) for provision of off-site parking (in combination with a shuttle program) and shall submit an operations plan for the parking lot including shuttle service

between the lot and Music Academy campus. **Plan Requirements:**

- a. The applicant shall submit an easement or agreement with the owner of the off-site parking lot, stating the minimum number of parking space(s) provided. This parking shall be shown on an exhibit, attached to the easement/agreement. The easement or agreement shall identify the subject parking spaces for the exclusive use of the Music Academy of the West, in order to satisfy the zoning ordinance requirements regarding the provision of parking spaces. This statement may be customized to limit exclusive right to parking spaces to specific time periods (e.g., specific hours, days, months, etc.) consistent with the project description. This easement or agreement shall be subject to the review and approval of P&D and County Council, and once approved shall be recorded with the County Recorder's Office.
- b. The applicant shall submit an agreement with the County that stipulates that the approval and continued use of the development for which the CUP is issued is predicated upon the continued ability to have the exclusive use of parking spaces shown on the exhibit identified in a. above for this project. Should this ability cease, the use of the project shall be modified, subject to a public hearing, so that the project will be able to satisfy the parking requirements regarding the provision of parking spaces identified in the project conditions of approval. This agreement shall be subject to the review and approval of P&D and County Council, and once approved shall be recorded with the County Recorder's Office.
- c. The applicant shall submit an off-site parking lot/shuttle program plan to the County for approval to ensure use of an off-site lot would not conflict with existing permits covering the parking area in question, to minimize any nuisance effects on neighbors and to evaluate potential success rate (for use) of proposed shuttle plan.
- d. Proof of the continued existence of the above-referenced easement or agreement shall be submitted to P&D on a yearly basis no later than March of each year.

**Timing:** All above requirements must be satisfied prior to approval of Coastal Development Permits.

**MONITORING:** P&D shall confirm that the subject off-site parking lot can be used for this purpose, particularly depending on ordinance requirements and/or development permit conditions of approval as well as the feasibility of the proposed shuttle program. P&D shall ensure compliance with parking lot use agreement prior to Coastal Development Permit and annually after occupancy clearance. Permit Compliance shall periodically inspect for successful implementation of the off-site lot shuttle program.

3. Until such time as the improvements to the Cabrillo/Los Patos-Channel intersection and the Cabrillo/U.S. 101 interchange/ramps are completed (and found to achieve LOS C with future traffic assumptions), the following measure shall be implemented:

The MAW shall schedule all activities/events involving more than 370 attendees <sup>73</sup>outside of the peak hour period of 4:00-6:00 p.m. Attendees shall include all regular guests as well

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<sup>73</sup> The 370 attendee maximum is based on the existing baseline for maximum attendance of 382 attendees minus 7 trips to offset the traffic which could be generated by increased faculty, staff and volunteers at the site (12 guest reduction/1.59 AVO = 7 trip reduction).

as any students, faculty, staff, or other employees who are present in the capacity of audience members (e.g., seated, not performing or working at the event).

**Plan Requirements and Timing:** Music Academy staff shall be made aware of this requirement prior to scheduling events and other activities. This limitation shall also be noted on summer program schedules. The applicant shall maintain a copy of the CUP in a location where it is physically accessible to the public as well as on their web-site. At such time as the intersection improvements are completed, the applicant shall submit evidence of completion to P&D for concurrence and may alter its schedule of events accordingly.

**MONITORING:** Music Academy shall maintain records of ticket sales for all attendees other than students, faculty, staff or other employees who are not also performing or working at an event.

4. The applicant shall contribute \$27,200.00 (the project's proportional share of a \$200,000.00 round-about, assuming the project would contribute 13.6% or 30 PHT out of 220 cumulative PHT to the intersection) to design and implement the necessary improvements at the Los Patos/Cabrillo Boulevard/Channel Drive intersection. If a round-about is not determined to be the appropriate method for addressing cumulative traffic, then these funds would go toward alternate City approved mitigation for this intersection.

**Plan Requirements and Timing:** Prior to issuance of CDPs, the applicant shall submit written confirmation from the City of Santa Barbara that acceptable arrangements have been made to address the applicant's contribution to this intersection improvement and any necessary timing constraints with regard to initiation or completion of this improvement and occupancy of the Music Academy project components.

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

5. The applicant shall contribute funds representing the project's proportional share of the approved improvement at Hot Springs/Cabrillo/Highway 101 ramps, assuming the project would contribute 9.8% or 22 PHT out of 224 cumulative PHT to the intersection) to implement the planned improvements at this intersection. This contribution shall only be required if the applicant no longer wishes to limit attendance to baseline levels (370 attendees) for events that would generate vehicle trips from 4:00-6:00 pm and if the following conditions have not been met: the anticipated (currently funded and scheduled) improvements to the intersection have not been completed by either the anticipated funding source or the alternative fees required of the Fess Parker Hotel project **Plan Requirements and Timing:** Prior to issuance of CDPs, the applicant shall submit written confirmation from the City of Santa Barbara that an acceptable arrangement/agreement has been made to address the applicant's contribution to this intersection improvement and any necessary timing constraints.

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

6. The applicant shall prepare and submit a construction traffic plan to the County and the City of Santa Barbara prior to approval of a CDP for grading. The plan shall:
  - a) Designate a construction traffic coordinator;
  - b) Identify the truck routes, which minimize effects on pedestrians and bicyclists and nuisance to neighbors. This shall include use of the UPRR right of way for all possible construction vehicles, unless approval for use of this right-of-way is not granted by UPRR or MSD;
  - c) Require prompt clean up of dirt/other debris spilled from construction vehicles on neighborhood streets. Dry-cleaning methods shall be preferred to avoid flushing dirt and pollutants into the storm water system.
  - d) Vehicles transporting excess fill from the project site shall avoid the p.m. peak hour period (4:00-6:00 p.m.) to minimize impacts on the Cabrillo/Hot Springs/Highway 101 intersection.

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

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

7. The MAW shall deploy an adequate number of parking attendants for the larger events on-site as well as at any off-site lot, as necessary, to ensure that identified parking is maximized (and parking on neighborhood streets is avoided or minimized). An adequate number of attendants shall also be present for events to ensure that entering vehicles are not blocking west-bound traffic on Fairway in front of the Music Academy entrance. Parking attendants shall be responsible for directing vehicles to appropriate parking areas and open spaces and facilitating circulation throughout the site(s). If it is confirmed by P&D that MAW attendees, staff or students are parking on neighborhood streets, the MAW will be required to utilize an increased number of parking attendants and/or any other method determined appropriate by County. This may include return to P/C for changes to CUP conditions, such as a reduction in maximum attendees allowed at any-given-time. **Plan Requirements and Timing:** The applicant shall prepare a typical plan for use of attendants at various large events to facilitate operations. This plan shall be submitted to P&D and Public Works prior to issuance of CDPs.

**MONITORING:** Permit Compliance shall periodically inspect for implementation of plan during large events. Permit Compliance may also review related reports required pursuant to mitigation measure #1.

8. The applicant shall deposit funds to cover on-going staff review and compliance efforts. **Plan Requirements and Timing:** The applicant shall submit necessary funds for long-term compliance with P&D prior to issuance of CDPs. The amount shall be determined following review of project plans for CDPs, including, but not limited to, the manner in which the project operations propose to comply with project conditions.

9. If more than 80 staff and performers are present for a maximum capacity non-summer event, staff or performers above this number shall be carpooled or bused to the Academy campus.

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

10. The Music Academy shall ensure adequate breaks between the start and end times of events to avoid concurrent demand for available parking. At least 30 minutes shall be scheduled between the start and end times of larger events on-site (e.g., those involving individual or combined attendance of 400 or more).

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

11. If parking or other traffic related issues generate substantial problems, at the discretion of the Director of P&D, the applicant shall return to the Planning Commission for a hearing to evaluate compliance with project traffic conditions as well as effectiveness and adequacy of the conditions. The Planning Commission shall specifically consider the adequacy of project parking, compliance with proposed attendance limitations, and success and implementation of the cut-through traffic reduction program. Project conditions may be modified or new conditions added to ensure or improve upon compliance and/or any unanticipated traffic related impacts.

### **Residual Impacts:**

Residual project specific and cumulative impacts to area roadways, intersections, and parking supply would be considered potentially significant but mitigable, with incorporation of measures identified above.

### **Recommended Mitigation**

The following mitigation measures are not required to reduce impacts to less than significant levels. However, the measures below are still recommended, in order to minimize adverse, but less than significant impacts:

12. In order to provide a more direct route for project site ingress and egress (especially for those coming from and returning west of the Music Academy site), the applicant shall meet with residents of Monte Cristo Lane and the Montecito Sanitary District (MSD) to discuss potential use of Monte Cristo and/or the MSD private driveway for one-way, two-way, seasonal or other form of limited access to the Music Academy site (e.g., access limited to egress after large events only). Discussions should include reasonable offers by the Music Academy to provide other amenities or improvements to the respective parties, which may be attractive in exchange for provision of access. Discussions should begin prior to decision-maker hearings on the project, in order to provide analysis of altered circulation patterns and opportunity for public comment as part of consideration of the revised Conditional Use Permit application. If agreement can be reached on modified access using either access alternative, plans shall be revised to reflect the change(s). Also

see alternatives section for alternative access concepts. **(The Montecito Sanitary District has indicated that provision of access through their property would not be possible without interfering with the District's mission. As a result, they have also requested that this route not be included as a recommended mitigation measure. The full text of their letter is included as Draft EIR Comment Letter R in the appendices. The measure has been retained for disclosure purposes, but is not required to reduce potentially significant impacts to less than significant levels).**

13. The parking structure and related circulation shall be revised to facilitate possible future agreement for access to or from the site via the Montecito Sanitary District access road in the northwest corner. This measure is recommended regardless of the outcome of current discussions with the MSD, as potential future agreement on such access would significantly reduce traffic through the neighborhood.
14. If there are more than 10 cars associated with summer music program students, these students shall be counted toward the maximum attendance caps. As all students will be attending classes at the Music Academy site under the Master Plan, any students not on the buses shall be assumed to be driving their own cars.

## **6.0 CONSISTENCY WITH ADOPTED PLANS AND POLICIES**

CEQA requires that a proposed project be analyzed to determine potential conflicts with the adopted environmental plans and goals of the community in which it is located (CEQA Guidelines §15125(b)). This analysis points out the project's potential consistency or inconsistency with local land use policies, adopted for purposes of mitigating environmental effects. This section has been revised as part of the proposed Final EIR in response to comments received on the Draft EIR. The staff report to the Montecito Planning Commission will also include a detailed discussion of applicable plans and policies, along with recommendations as to the project's consistency or inconsistency with them. A final determination concerning the project's overall consistency will be made at a later date by County discretionary bodies, with the advice of County planning staff.

### **6.1 Coastal Land Use Designation and Zoning:**

The property is located within the Urban Area and includes a Coastal Land Use Designation of Educational Facility and an Environmentally Sensitive Habitat (ESH) area designation for the historic monarch butterfly habitat. The on-going, primary use of the site as a music conservatory is consistent with an educational facility use. The proposed butterfly enhancement plan for the historic southeast corner monarch butterfly roost would be consistent with the intent of the ESH designation to protect and/or enhance habitat value for this species.

The property is zoned Single Family Residential, 1 acre minimum lot size (1-E-1) pursuant to Article II, the Coastal Zoning Ordinance. The purpose of this district is to reserve appropriately located areas for family living at a reasonable range of population densities consistent with sound standards of public health, welfare, and safety. It is the intent of this district to protect the residential characteristics of an area and to promote a suitable environment for family life. The property has been used and conditionally permitted as a music conservatory in this residential neighborhood since 1951. The existing CUP, 90-CP-111cz, was approved in 1992. The project would be potentially consistent with maintaining the residential character of the neighborhood for family life, subject to implementation and enforcement of mitigation measures identified in the EIR, especially those measures identified in the aesthetics, land use, noise, and traffic sections. Long-term enforcement and monitoring of the proposed attendance maximums and the reduction in cut-through traffic during the summer months (to offset proposed increased summer attendance) would be important with regard to a finding of consistency.

The following policies from the Montecito Community Plan and the Coastal Land Use Plan would be applicable to this project:

### **6.2 Comprehensive Plan Consistency**

#### **Aesthetic/Visual Resources**

*Coastal Land Use Plan - Visual Resources Policy #4-2: All commercial, industrial, planned developments and greenhouse projects shall be required to submit a landscaping plan to the County for approval.*

*Coastal Act Policy 30251: The scenic and visual qualities of coastal areas shall be considered and*

*protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.*

**Potentially Consistent:** The project would be potentially consistent with these policies as the application submittals have consistently included a landscape plan and the project would not alter existing public views to or along the coastal bluffs or shoreline.

***MCP Policy VIS-M-1.3:*** *Development of property should minimize impacts to open space views as seen from public roads and viewpoints.*

**Potentially Consistent:** This policy would have limited application to the subject project as existing views of the site are primarily limited to views of extensive perimeter vegetation and interior sky-line trees. While public views of structural development from off-site are very limited, the viewscape would be described less as views of open space, than of a landscape-screened estate.

## **Air Quality**

***MCP Policy AQ-M-1.1:*** *Maintain consistency of all land use planning and development with the Air Quality Attainment Plan and subsequent Air Pollution Control District (APCD) air quality plans and guidelines.*

***MCP Policy AQ-M-1.2:*** *The County shall encourage Transportation Management techniques.*

***MCP Policy AQ-M-1.3:*** *Air pollution emissions from new development and associated construction activities shall be minimized to the maximum extent feasible. These activities shall be consistent with the Air Quality Attainment Plan and Air Pollution Control District guidelines.*

***MCP Policy AQ-M-1.4:*** *The County shall, in its land use decisions, protect and enhance the air quality in Montecito consistent with California Ambient Air Quality Standards and National Ambient Air Quality Standards.*

***MCP Development Standard AQ-M-1.3.1:*** *Future project construction in Montecito shall follow all requirements of the SBAPCD and shall institute Best Available Control Technology (BACT) where necessary to reduce emissions below APCD thresholds.*

***MCP Development Standard AQ-M-1.3.2:*** *The applicant shall minimize the generation of fugitive dust during construction activities by observing the following:*

- a. Minimize the amount of disturbed area;*
- b. Utilize water and or dust palliatives; and*
- c. Revegetate/stabilize disturbed area as soon as possible.*

**Potentially Consistent:** The Air Pollution Control District (APCD) concurs with the findings of the EIR that the higher vehicle emissions during the busy summer season would not exceed the long-term air quality threshold for peak daily emissions and that short-term construction emissions, associated with transporting large quantities of excess fill from the site, would be considered an adverse, but less than significant impact (refer to APCD letter on the Draft EIR in Appendix DD). Because the project would contribute incrementally toward degraded air quality in the region by increasing vehicle emissions during the summer, the requirements of the APCD are included as project mitigation, consistent with the Air Quality Attainment Plan. While the APCD letter does not include a requirement to implement BACT for the proposed project, project conditions of approval would include these measures in order to find the project consistent with the above policies.

Mitigation measures identified in the EIR also serve to reduce construction-related dust.

### **Biological Resources**

***MCP Policy BIO-M-1.3: Environmentally Sensitive Habitat (ESH) areas within the Montecito Planning Area shall be protected, and where appropriate, enhanced.***

***MCP Development Standard BIO-M-1.3.1: All applicants proposing new development within 100 feet of an Environmentally Sensitive Habitat (ESH), shall be required to include setbacks or undeveloped buffer zones from these habitats as part of the proposed development except where setbacks or buffer zones would preclude reasonable development of the parcel. In determining the location, width and extent of setbacks and buffer zones, staff shall refer to the Montecito Biological Resources Map as well as other available data (e.g., maps, studies, or observations). If the project would result in potential disturbance to the habitat, a restoration plan shall be required. When restoration is not feasible onsite, offsite restoration may be considered.***

**Potentially Consistent:** The ESH area was previously designated for the former monarch butterfly aggregations on-site. This historic habitat is primarily comprised of non-native eucalyptus trees. As discussed in the biological resources section of the EIR, neither the historic southeast aggregation area nor the northwest autumnal roost has supported roosting butterflies for many years for a variety of natural and man-made causes.

The decline in butterfly numbers in the autumnal roost in the northwest corner resulted from a variety of factors, including:

- Removal of a number of large Monterey pine trees on the adjacent Montecito Sanitary District property, along the common property line. This tree removal increased wind and sun exposure for butterflies and probably resulted in the greatest change to the micro-climate in this corner and the consequential reduction in butterflies using this area (D. Meade phone conversation May 2002);
- Removal of a number of trees, including at least six mature eucalyptus, to accommodate construction of the Claeyssens Studio building (to the south) and modifications to site access as allowed under the 90-CUP-111cz approval;

- Loss of several large eucalyptus trees in the northwest area intermittently during winter storms over the last decade;
- Removal of five large eucalyptus trees in the northwest corner per Planning Commission approval of a Development Plan for tree removal (94-DP-002). These trees were removed due to MAW concerns regarding threats to life and property, (e.g., to Harger Studio) if these trees were to fall; and
- Mowing and sapling removal in the northwest corner<sup>74</sup>, which alters the microclimate under the trees and prohibits regeneration of downed trees with replacements.

Loss of butterflies in the southeast corner of the site is assumed to be the result of pruning and tree removal activities both on and off of the project site, prior to approval of the existing CUP (90-CP-111cz). Additional off-site tree removal and pruning have continued in the area since that time.

***MCP Development Standard BIO-M-1.3.3:*** *Landscaping which includes invasive species shall be prohibited in or near Environmentally Sensitive Habitat (ESH) areas. The California Native Plant Society publishes a list of invasive species to which the applicant may refer. Landscaping in ESH areas shall include compatible native species.*

***MCP Policy BIO-M-1.22:*** *The use of native landscaping shall be encouraged, especially in parks and designated open space.*

**Potentially Consistent:** The historic monarch butterfly ESH area in the southeast corner was previously dominated by non-native, invasive, eucalyptus trees, as these trees are often one of the core components of a successful monarch butterfly habitat area. The monarch butterfly enhancement area is proposed on the slope area above aptly named Butterfly Lane, in an attempt to successfully bring monarchs back to this historic roosting area EHS. Subject to recommendations by two local butterfly specialists (A. Wenner, D. Meade), appropriate native trees (bay, ironwood, oak, etc.) that would attract monarchs would be replanted to replace lost and declining eucalyptus in this area. In addition, the landscape plan and other EIR mitigation measures include planting of additional oaks and other native understory species to enhance overall habitat value lost by extensive tree removal on-site (e.g., the landscape plan includes planting of 92 new coast live oaks and 15 California sycamores). A bamboo species is proposed near the existing outdoor terrace, which has invasive tendencies. Due to proximity to the historic ESH area/proposed butterfly enhancement area, mitigation is included to ensure that the specific plant species proposed for screening in this area would not be invasive (and still address historic

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<sup>74</sup> 90-CP-111cz condition of approval #2 prohibits tree trimming, removal, ground disturbance and clearing in this area. Although the Meade monitoring reports from the 1990's identified on-going trimming and clearing in this area, the MAW was not directed by the County to cease these activities. The MAW has indicated that trimming and clearing in this area was in response to Montecito Fire District directed fire safety vegetation clearance near structures, however some of this clearing occurred at a substantial distance from structures. This issue points out the need to clearly understand the implications of Fire Dept/Fire District mandated vegetation clearance with regard to biological impacts during project review.

resources concerns). In addition, long-term maintenance requirements in the landscape plan include on-going, periodic monitoring and weeding out of detrimental invasive species in the butterfly enhancement area. Acacias, known to be invasive trees, are proposed to be replaced in some areas of the site, but not near the historic ESH area.

***MCP Policy BIO-M-1.20:*** *Pollution of streams, sloughs, drainage channels, underground water basins, estuaries, the ocean and areas adjacent to such waters shall be minimized.*

Erosion control and water quality mitigation measures found in both Geology and Water Resources sections of the EIR are included in order to avoid water quality impacts. These measures include, but are not limited to incorporation of bio-filtration in the site drainage plan, installation and maintenance of water quality filters on drains inlets, and use of pervious surfaces (including for parking areas) in order to minimize contaminants (e.g., grease, oil, sediment, landscape chemicals) in runoff water leaving the site.

***MCP Policy BIO-M-1.15:*** *To the maximum extent feasible, specimen trees shall be preserved. Specimen trees are defined for the purposes of this policy as mature trees that are healthy and structurally sound and have grown into the natural stature particular to the species. Native or non-native trees that have unusual scenic or aesthetic quality, have important historic value, or are unique due to species type or location shall be preserved to the maximum extent feasible.*

***MCP Development Standard BIO-M-1.15.1:*** *All existing specimen trees shall be protected from damage or removal by development to the maximum extent feasible.*

***MCP Policy BIO-M-1.16:*** *All existing native trees regardless of size that have biological value shall be preserved to the maximum extent feasible*

***MCP Policy BIO-M-1.17:*** *Oak trees, because they are particularly sensitive to environmental conditions, shall be protected to the maximum extent feasible. All land use activities, including agriculture shall be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees shall be encouraged.*

**Potentially Consistent:** Specimen trees are found throughout the property; many were planted as part of the historic landscape design by well-known landscape architect, Paul Thiene. In response to the Draft EIR comments regarding extensive tree removal, the applicant submitted a revised project that reduced the number of trees proposed for removal from 101 to 85 specimen trees and reduced the number of trees to be transplanted from four to three oaks. Two additional oak trees may be lost adjacent to the proposed service driveway for the new student services building. The landscape plan includes replanting of nearly 200 trees throughout the site, including 92 native coast live oaks and 15 California sycamores, as well as transplanting of three existing oaks.

The majority of project trees are non-native landscaping trees. The biologists' reviews of the site and project, including reports from Garcia & Associates and Storrer Environmental, do not identify significant biological impacts from tree removal, although adverse, less than significant short-term impacts were identified to small bird species that use the site. No rare, endangered, threatened or

sensitive animal species are associated with the site, with the exception of the historic (but no longer present) aggregations of monarch butterflies.

By incorporating changes to the project identified in the Draft EIR mitigation measures, approximately 15 additional trees would be retained compared to the original plans, including several oak trees between Treasure House and The Rack, a large oak near Fairway Road and several historically significant trees on the west side of the proposed recital hall. Mitigation measures include replanting with additional native trees, where these can be accommodated, to improve long-term habitat value of the site for birds. Mitigation also includes modification to the proposed butterfly enhancement plan to include more trees south and east of Miraflores. Given the level of development proposed on-site, combined with Montecito Fire Protection District requirements for circulation improvements (e.g., road widening), substantial tree removal is inevitable. The project would be potentially consistent with the tree removal policies given 1) the site's urban setting, 2) the fact that most of the trees on-site were planted as landscape trees, 3) the lack of any sensitive wildlife species on-site (except historic presence of monarchs), 4) the proposal for planting of increased numbers of native trees to offset loss of native and non-native trees (and increased habitat value for wildlife), the proposed planting of groundcovers, shrubs, and trees attractive to monarch butterflies for nectar and roosting habitat, and a focus on preserving the historically significant designed landscape through direct protection of trees and/or replanting with like species and layout (as discussed in the historic resources section).

If County decision-makers determine that there is still too much oak tree removal, the northwest corner of the instructional building and the nearby service driveway could be redesigned, shifted toward Abravanel Hall or reduced in size to avoid six of the seven oaks proposed for removal and one of the three oaks proposed to be transplanted. (Five of these oaks are in or adjacent to the northwest corner of the structure and two oaks are just west of the new service driveway (within the area to be graded).

### **Cultural Resources**

*MCP Policy CR-M-2.1: Significant cultural, archaeological, and historic resources in the Montecito area shall be protected and preserved to the extent feasible.*

*Coastal Plan Policy 10-2: When developments are proposed for parcels where archaeological or other cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission*

**Potentially Consistent (Archaeology):** No significant archaeological resources have been identified on-site. In addition, mitigation has been identified in the EIR to address any unexpected discovery of sensitive archaeological resources during project grading. Implementation of this measure would ensure consistency with these protection policies.

**Potentially Consistent (Historic Resources):** In response to the Draft EIR, the applicant revised the project to address potential impacts to historic resources. The historic resources section details the historic significance of the structures and gardens on-site, potential project impacts

and mitigation measures which would reduce such impacts to less than significant levels. The project revisions, along with incorporation of identified mitigation measures, would ensure that the project would not result in significant impacts to historical resources and consistency with these policies.

### **Fire Protection**

***MCP Policy F-M-2.1:** The County shall cooperate with the Montecito Fire Protection District while reviewing Fire District requirements applied to ministerial and discretionary development projects regarding access, vegetation clearance, and improvements with the intent of protecting development from fire hazards while maintaining community character and quality of life and preventing adverse environmental impacts.*

**Potentially Consistent:** The Montecito Fire Department was consulted early on in the process. The Montecito Fire Protection District has signed the proposed Master Plan Emergency Access Study, indicating preliminary approval of adequate fire access and acceptance of the proposal, subject to review of final plans. The Fire District has also indicated support for the location and amount of on-site rummage/resale storage and no longer has concerns. Incorporation of the mitigation identified in the Fire Protection section as well as Montecito Fire Protection District recommended conditions of approval would ensure consistency with this policy.

### **Geological Processes**

***Coastal Plan Policy 3-8:** Applications for grading and building permits, and applications for subdivision shall be reviewed for adjacency to, threats from, and impacts on geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, or other geologic hazards such as expansive soils and subsidence areas. In areas of known geologic hazards, a geologic report shall be required. Mitigation measures shall be required where necessary.*

***MCP Policy GEO-M-1.5:** Development standards shall be required to decrease the potential for soils or slope hazards.*

***MCP Development Standard GEO-M-1.5.3:** Prior to issuance of grading permits, a determination shall be made regarding which, if any of the following measures shall be incorporated into grading plans. This decision shall be based on the project's proximity and potential impact to sensitive habitats (e.g., riparian) and the presence of steep slopes, erosive soils, etc. on or adjacent to the project site. Consideration shall be given to all of the activities which would be likely to occur as part of the permit being considered, such as grading, brushing, construction, vehicle parking, supply/equipment storage and trenching:*

*Sediment, silt and grease traps (where vehicle oils or fuels may be leaked) shall be installed in paved areas to act as filters to minimize pollution reaching downstream habitats. These filters would address short-term construction and long-term operational impacts;*

*Temporary, low cost erosion control, such as hay bales and debris fencing shall be installed within unpaved areas during the rainy season (typically from November to March) whenever the threat of erosion and sediment movement into drainage exists; and*

*Graded slopes shall be temporarily seeded with non-invasive or naturalized annual grasses if landscaping is delayed past the onset of the rainy season.*

**Potentially Consistent:** Issues regarding geologic hazards arising from seismic events, liquefaction, and settlement and differential compaction have been analyzed in the Initial Study and EIR. Consistent with the above policies and development standards, mitigation measures required to reduce geologic impacts to levels of less than significance have been included. These measures include the erosion control measures cited above, grading plan review, and site inspections during grading and construction by the Building & Safety Division of P&D. Incorporation and implementation of these measures would ensure consistency with these development standards and policies.

#### **Land Use**

***MCP Policy LUED-M-1.1:*** *All educational, institutional, and other public and quasi-public uses shall be developed in a manner compatible with the community's residential character.*

***MCP Policy LU-M-1.1:*** *Architectural and development guidelines shall be adopted, implemented, and enforced by the County in order to preserve, protect and enhance the semi-rural environment of Montecito and the natural mountainous setting.*

***MCP Policy LUG-M-1.1:*** *The County shall recognize that the Montecito Planning Area is a community nearing its full buildout potential, and shall require that development respect its small town, semi-rural character.*

**Potentially Consistent:** The incorporation of mitigation measures identified throughout the EIR (including the noise, traffic, aesthetic, historic, biology and land use sections) would address most compatibility issues. The Montecito Architectural Guidelines and Development Standards have been referenced in project review and in considering recommended advisories and changes to the project design. These guidelines will continue to be applied as the project completes the discretionary review process as well as any future subsequent architectural review. The revised project received "Revised Conceptual" approval from the Montecito BAR on September 22, 2003 (see attached minutes from meeting in the appendices). The project also received previous review by the former Montecito Association ARC and County BAR (prior to changes in architectural review procedures for projects in Montecito). The project is currently scheduled for further review before the Montecito Association Planning Advisory Committee (December 2, 2003) and the Montecito Association Board on December 9, 2003.

**Potentially Consistent:** The continued use of the site as a music conservatory would be consistent with the site's historic use over the past 50 years. The proposed Master Plan would reduce annual attendance and related activity levels at the site as well as attendance during 44 weeks out of the year. In addition, implementation of a successful cut-through traffic<sup>75</sup> reduction program would generally offset increased project-related traffic through the site and on immediate neighborhood streets during the busy summer season.

As with many CUPs in primarily residential areas, the project raises the issue of overall community benefits versus detriments to adjacent neighbors. This is especially true when the benefits provided by a CUP (meeting rooms, recording facilities, cultural and educational opportunities, etc.) generate ever greater, community-wide appreciation and demand for use over time. This has often resulted in subsequent requests for expanded use and attendance at existing facilities and/or requests for expanded physical improvements to accommodate the increased demand.

The subject project results in a substantial increase in physical facilities improvements that *could* accommodate substantially greater use, well beyond the applicant proposed attendance caps. This is especially evident during the non-summer period. During the 44-week, non-summer period, which constitutes 85% of the year, the applicant is proposing to reduce the baseline attendance levels by nearly half. In addition, given the site's coastal land use designation of Educational Facility, the expanded facility could potentially accommodate a wider variety of educational uses during the non-summer months, while still continuing with their established 8-week summer music program. For example, the numerous and varied sizes of new practice studios could alternatively be used as classrooms.

EIR mitigation measures, especially those in the land use, noise, aesthetic, historic resources and traffic sections are designed to limit increased impacts to the neighborhood from the proposed project and to maintain the integrity of the site's visual and historic setting within the neighborhood. These measures include, but would not be limited to, measures that address revisions to the landscape plan (to maximize screening of the site perimeter, to maximize replacement of trees removed, and to preserve the estate's historic landscape setting), measures which address the design of outdoor and indoor (on building exteriors that face public streets) night-lighting, colors for structures, monitoring and enforcement of the attendance limits, implementation of the cut-through traffic reduction program, and allowance for a return to the Montecito Planning Commission (and modification of conditions) at the discretion of the Director of P&D if nuisance problems arise following operation of the revised CUP. Mitigation also requires review and approval of grading, landscape and building plans by P&D, the MBAR, and experts in historic structures and landscapes.

Although the revised CUP project would potentially generate demand for increased physical improvements or use (attendance) on-site, measures have been identified to address implementation of the project as currently proposed. With incorporation of identified mitigation measures, the

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<sup>75</sup> "Cut-through" traffic is traffic unrelated to Music Academy activities that uses the site drive as a more direct route from Cabrillo Boulevard to the Butterfly Beach area. Based on surveys performed on three days during the 2003 summer period, just over 30% of the vehicles driving through the site were cut-through traffic.

project would be consistent with the above policies.

***MCP Policy LU-M-2.2:*** *Lighting of structures, roads and properties shall be minimized to protect privacy, and to maintain the semi-rural, residential character of the community.*

**Potentially Consistent:** In the short-term, until screening landscaping reaches sufficient heights, lighting would be visible from off-site and may draw attention to the new and larger structures on-site. However, once the landscaping is sufficiently high (5-15 years, depending on location), views, including lighting would be similar to the existing site setting. A mitigation measure requires all exterior night lighting to be of low intensity, low glare design and to be hooded to direct light downward and/or to prevent spillover into neighboring parcels thus maintaining the semi-rural, residential character of the community. Special consideration for the design of lighting is identified for the parking structure, higher elevations of existing and proposed structures (given short to mid-term limited vegetative screening) and for indoor lighting in areas that would be visible from windows on the sides of structures facing public streets. Once mature, the proposed landscaping would substantially screen many portions of the site from neighboring properties and from public view, which would help maintain the semi-rural character of the Montecito community. With incorporation of mitigation measures, the project would be potentially consistent with this policy.

## **Noise**

***MCP Policy N-M-1.1:*** *Noise-sensitive uses (i.e., residential and lodging facilities, educational facilities, public meeting places and others specified in the Noise Element) shall be protected from significant noise impacts.*

***MCP Development Standard N-M-1.1.2:*** *Significant noise impacts shall be avoided upon development of new noise sensitive land uses (as defined by the Noise Element) through the provision of sound shielding and/or adequate design which provides sufficient attenuation or through proper siting of structures to avoid areas of elevated ambient noise.*

***Noise Element Policy #1:*** *In the planning of land use, 65 dB Day-Night Average Sound Level should be regarded as the maximum exterior noise exposure compatible with noise-sensitive uses unless noise mitigation features are included in project designs.*

***Noise Element Policy #2:*** *Noise-sensitive land uses should be considered to include:*

- (a) Residential, including single and multifamily dwellings, mobile home parks, dormitories, and similar uses.*
- (b) Transient lodging, including hotels, motels, and similar uses.*
- (c) Hospitals, nursing homes, convalescent hospitals, and other facilities for long-term medical care.*
- (d) Public or private educational facilities, libraries, churches, and places of public assembly.*

***Noise Element Policy #5:*** *Noise-sensitive uses proposed in areas where the Day-Night Average Sound Level is 65 dB or more should be designed so that interior noise levels attributable to exterior sources do not exceed 45 dB LDN when doors and windows are closed. An analysis of*

*the noise insulation effectiveness of proposed construction should be required, showing that the building design and construction specifications are adequate to meet the prescribed interior noise standard.*

**Potentially Consistent:** Pursuant to the discussion in the project EIR, noise impacts fall into one of three categories: short-term construction impacts to existing noise-sensitive uses, long-term operational impacts to on-site students, employees and guests, and long-term operational impacts to surrounding sensitive receptors (neighbors).

In order to mitigate short-term construction impacts to the surrounding neighbors, the standard mitigation measures limiting hours for noise-generating construction activities, shielding for loud stationary construction equipment and limiting construction routes have been identified as mitigation measures.

Potential noise impacts to sensitive receptors on-site have been mitigated through requirement for construction techniques to assure that the interior Day-Night Average Sound Level with windows and doors closed shall not exceed 45 dBA CNEL in the new structures on-site.

Measures have also been identified to address limited use of amplified sound for the human voice, including a specified maximum noise level at the property line and limited frequency (4 times per year), duration (no more than four hours) and location of use (limited to the new cloistered patio).

These measures would minimize potential noise impacts to the project's neighbors during both construction and operation and would ensure the project's consistency with the County's noise policies cited above.

### **Public Facilities**

***MCP Policy RRC-M-1.1:*** *The County shall work with the community to develop recycling programs.*

**Potentially Consistent:** The Music Academy is already subject to a Solid Waste Management Plan pursuant to the conditions on their existing CUP. Mitigation identified in the Solid Waste section identifies measures that would increase and/or facilitate recycling of additional solid waste generated on-site, such as incorporation of green waste and construction debris recycling.

***Energy Element Policy 2.1:*** *Voluntarily Going Beyond State Building Energy Standards - Establish mechanisms and incentives [e.g., Innovative Building Review Committee] to encourage architects and builders to exceed the energy efficiency standards of the California Building Code (Title 24) by 15% (for residential) and 25% (for commercial and industrial) or more of the total energy budget for new and existing buildings by implementing energy efficiency measures.*

***Energy Element Policy 2.2:*** *Assist Exchange of Information to Professionals - Assist architects, builders, and others in using state-of-the-art energy technology, design and spatial orientation for more efficient buildings.*

***Energy Element Policy 2.4:** Passive Solar Designs - Encourage increased use of passive, solar design and daylighting in existing and new structures.*

**Potentially Consistent:** The project applicants will be encouraged to take advantage of Policy 2.1 to expedite review of building plans. Building plans will be reviewed by the Innovative Building Review Committee in the near future, consistent with the above energy policies.

## **Recreation**

***MCP Policy PRT-M-1.6:** New development shall not adversely impact existing recreational facilities and uses.*

***MCP Development Standard PRT-M-1.6.1:** In approving new development, the County shall make the finding that the development will not adversely impact recreational facilities and uses.*

***MCP Policy PRT-M-1.2:** Bikeways, equestrian and walking paths within road rights-of-way and equestrian and walking paths along creek channels and through open spaces should be provided in Montecito for recreation as well as for an alternative means of transportation.*

**Potentially Consistent:** The project would not result in significant impacts to recreational uses, including the Class I and II bikeways in the area. However, the project would contribute additional traffic during the peak afternoon summer traffic period, increasing the number of vehicles in the area. Implementation of a cut-through traffic reduction program would reduce traffic through the site to the extent that there would be little or no net increase in traffic during either the summer or non-summer months.

## **Transportation/Circulation**

***MCP Policy CIRC-M-1.4:** The County shall strive to permit reasonable development of parcels within the community of Montecito based upon the policies and land use designations adopted in this Community Plan, while maintaining safe roadways and intersections that operate at acceptable levels.*

***MCP Policy CIRC-M-1.5:** A determination of project consistency with the standards and policies of this Community Plan Circulation Section shall constitute a determination of consistency with Local Coastal Plan Policy #2-6 and LUDP #4 with regard to roadway and intersection capacity.*

**Potentially Consistent:** The traffic section concludes that the level of additional traffic generated by the proposed project would not trigger CEQA traffic impact thresholds and the Montecito Community Plan Circulation Element consistency standards with incorporation of identified mitigation measures (even without a cut-through traffic reduction program). Therefore, the proposed project would be consistent with the County's circulation policies.

***MCP Development Standard CIRC-M-1.8.1:** Site design shall encourage pedestrian and bicycle access to adjacent walkways and paths.*

***MCP Policy CIRC-M-2.1:*** *In order to provide for the safety of pedestrians, informal unpaved pathways (rather than paved sidewalks) shall be encouraged within the County road rights-of-way. Priority shall be given to providing and protecting pedestrian pathways when the County grants encroachment permits along County roadways to private landowners. In keeping with past plans, curbs and sidewalks shall not be constructed except in neighborhood commercial zones and multifamily residential zones.*

**Potentially Consistent:** The project site would continue to be used by neighbors for informal pedestrian access, although no easement has been established to ensure this would occur over the long-term. However, implementation of an effective cut-through reduction program would offset project traffic resulting in little or no net increase in traffic.

***MCP Policy CIRC-M-3.10:*** *New Major Conditional Use Permits shall be required to demonstrate that the proposed use would not potentially result in traffic levels higher than those anticipated for that parcel by the Community Plan and its associated environmental documents. If higher traffic levels could potentially result from the proposed Major Conditional Use Permit, in order to approve the project, a finding must be made that:*

- 1. The increase in traffic is not large enough to cause the affected roadways and/or intersections to exceed their designated acceptable capacity levels at buildout of the Community Plan, or*
- 2. Road improvements included as part of the project description are consistent with the community plan and are adequate to fully offset the identified potential increase in traffic.*

**Potentially Consistent:** Mitigation measures are identified in the EIR to address potentially significant traffic impacts. These include a requirement for monitoring of attendance levels to ensure compliance with this aspect of the project description, restriction on high attendance events during the p.m. peak hour (4:00-6:00 p.m.) to existing baseline attendance levels, until such time as improvements are completed at the Los Patos/Cabrillo/Channel and Hot Springs/Highway intersections and ramps, as well as other measures to reduce traffic impacts. With incorporation of the mitigation measures identified in the Transportation/Circulation section of the EIR, the project is expected to: 1) reduce traffic on an annual basis; 2) reduce traffic during the 44-week “non-summer” period; and 3) maintain similar traffic levels during the 8-week summer season (due to reductions in existing cut-through traffic); and 4) increase peak periods of traffic associated with begin and end times of maximum attendance events as maximum attendance would increase from the existing any-given-time maximum of 382 attendees to 480 attendees. Even without implementation of a cut-through traffic reduction program, the increased traffic would not cause area roadways to exceed their acceptable capacities under buildout of the Community Plan.

### **Water Resources/Flooding**

***MCP Policy FD-M-2.1:*** *Development shall be designed to minimize the threat of on-site and downstream flood potential and to allow recharge of the groundwater basin to the maximum extent feasible.*

***MCP Policy FD-M-4.5:*** *The County shall strive to ensure through public and private projects that adequate drainage is provided to minimize existing community-wide flooding and drainage problems.*

***MCP Development Standard FD-M-4.5.1:*** *For any new development where the building site would be subject to adverse drainage impacts from surrounding properties, or which would create offsite drainage impacts, an onsite drainage system shall be designed by a registered civil engineer and approved by the County Flood Control District to intercept drainage (e.g., perimeter troughs and/or drain inlets) and to safely deliver this runoff to the nearest public drainage (as determined by the County Flood Control District).*

***MCP Development Standard FD-M-4.5.2:*** *For any proposed new development which would be constructed prior to the emplacement of Master Drainage Plan improvements to serve the project, the developer shall be responsible for constructing certain drainage system elements in order to control project runoff.*

**Potentially Consistent:** The County Flood Control District has reviewed and preliminarily approved the project Grading Plan (Penfield & Smith 1/29/03). The project is conditioned to require that the final Grading and Drainage Plan be submitted to P&D and Flood Control for approval prior to the approval of a CDP for Grading. An additional condition requires the applicant to obtain a Drainage Improvement Certification Form indicating that all drainage improvements were constructed in conformance with the approved plans, prior to project occupancy.

***MCP Development Standard WAT-M-1.2.1:*** *Landscape plans, where required for development, shall include drip irrigation systems and/or other water-saving irrigation systems.*

**Potentially Consistent:** The Final Landscape and Irrigation Plans would include provisions for drip irrigation systems and/or other water saving irrigation systems.

## **6.3 Ordinance Compliance**

### ***6.3.1 Compliance with Ordinance Requirements***

*The purpose of the 1-E-1 district is to reserve appropriately located areas for family living at a reasonable range of population densities consistent with sound standards of public health, welfare, and safety. It is the intent of this district to protect the residential characteristics of an area and to promote a suitable environment for family life.*

A music conservatory has been permitted as a conditionally permitted use pursuant to a number of Conditional Use Permits that have been issued for the site since 1951. The existing CUP, 90-CP-111cz, was approved in 1992 and was found to be compatible with the predominantly single family neighborhood at that time. The proposed project would increase structural development on-site to a level which could accommodate significantly greater activity levels throughout the year. However, the applicant has proposed attendance limitations which would increase activity levels only 8 weeks out of the year, during their summer season and would decrease activity levels during the rest of the year as well as on an annual basis. The project area has historically included a number of non-residential uses besides the Music Academy. These include the

Biltmore Hotel, Coral Casino, ARCO Conference Center, Montecito Sanitary District and Santa Barbara Cemetery. With incorporation of mitigation measures identified in the EIR, especially those associated with ensuring enforcement of attendance limitations, the project is not expected to noticeably alter the existing setting. The previous findings for compatibility with the surrounding residential neighborhood would remain applicable to the proposed changes to the site and operations envisioned in the Revised CUP for the Master Plan.

### **6.3.2 Requested Modifications**

Article II §35-172.12 of the County Zoning Ordinance states that the Planning Commission may modify the building height limit, distance between buildings, setback, yard, parking, building coverage, landscaping, or screening requirements if such modifications are justified and are consistent with the Comprehensive Plan and the intent of other applicable regulations and guidelines.

The Music Academy is requesting modifications to the following standards in Article II:

1. Modification to the 25-foot height limit (Section 35-172.12) for the renovated recital hall (Abravanel Hall). Although the renovation would not alter the height of this existing structure, the existing height already exceeds the 25 foot height limitation at 28.5 feet. . The preliminary grading plans and building elevations for the proposed building indicate an average height of approximately 28.5 feet<sup>76</sup>.
2. Modification to the 25-foot height limit (Section 35-172.12) for the Wood Practice Studio replacement building (Instructional Building), which is proposed to be 28.5 feet in height.

The proposed modifications to the 25-foot height limit would comply with the intent of the Coastal Land Use Plan as well as the Montecito Architectural Guidelines. The higher elevations of the structures would appear the same as or similar to the existing former estate residence, Miraflores. The combined bulk and scale of the newer structures are expected to be more noticeable than allowance for an additional 3.5 feet of proposed height; however, the structures would be most visible from the interior of the site. Mitigation identified to address colors, landscaping, and lighting of these structures would ensure compliance with the intent of the applicable standards.

3. Modification to the number of parking spaces required in Division 6 Parking Regulations (Section 35-109). The MAW is proposing a total of 318 parking spaces. The Zoning Ordinance would normally require provision of 352 spaces.

Mitigation is identified in the traffic section of the EIR to ensure provision of adequate parking for maximum attendance events during the afternoon, when parking demand rates are highest and

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<sup>76</sup> The MAW proposes that this modification is justified because: 1) the height of the proposed recital hall would be lower in height than the existing, previously approved recital hall, 2) the hall is located in the heart of the campus where it is proposed to be screened from public views by landscaping, and 3) they propose that no visual impacts would result from the modification request, and 4) acoustics are an important consideration in the recital hall design and due to technical requirements the additional height is needed to achieve optimal acoustics.

parking on neighborhood streets is already in high demand. A modification to reduce the required number of parking spaces is recommended assuming adoption of the mitigation measures in the EIR.

### ***6.3.3 Montecito Growth Management Ordinance***

The Montecito Growth Management Ordinance (MGMO) was adopted to limit the pace of residential development in the Montecito Planning Area and is only applicable to residential dwelling units. The project would not involve any new residential units. Therefore, the MGMO would not be applicable to this project.

## **7.0 OTHER CEQA CONCERNS**

### **7.1 Growth Inducement**

Section 15126(g) of the CEQA Guidelines requires a discussion of the ways in which a project could foster spatial, economic, and/or population growth. Possible inducements to growth include: 1) removal of an impediment to growth, 2) economic expansion or growth, 3) establishment of a precedent setting action, and 4) the extension of services to a previously underdeveloped area.

The environmental effects which could be associated with the inducement of growth may be adverse in certain circumstances. These types of related environmental effects have been described previously in the EIR, generally as cumulative impacts.

Removal of an impediment to growth. The proposed project would expand upon an existing non-residential use in a residential zone district. However, there is no existing impediment to growth that would be removed as a result of construction and operation of the project.

Economic expansion or growth. Expanded facilities on-site for musical and performing arts instructional and recitals, seminars/conferences, and expanded food service and dining area capability would allow for increases in the use and potential monetary return generated by the site. Enforcement of proposed project limitations would increase use (attendance) of the site during the 8-week summer program period, but would reduce use (attendance) during the remaining 44 weeks of the year. This would not prohibit the Music Academy from returning to County decision-makers at some point in the future to request expanded use (attendance), indeed the Music Academy has indicated they may request greater attendance at some point in the future. However, such a request would be subject to a separate discretionary and public review process.

Establishment of a precedent setting action. Expansion of the existing use on-site would not set a precedent. The precedent was set for use of the site as a music conservatory in the 1950's. Later permits expanded the structural development on-site as well as the allowed uses. The precedent for other, non-residential uses in the surrounding neighborhood are found in the Santa Barbara Cemetery and Montecito Sanitary District facilities to the west and the Biltmore, Coral Casino and ARCO conference center to the east.

Extension of services to a previously underdeveloped area. The property and surrounding neighborhood are in an urban area. Public services, including water and sewer service, have been available to the project neighborhood for decades. Extension of new services would not be required to serve the project.

### **7.2 Significant Irreversible Environmental Changes**

Section 15126(e) of the CEQA Guidelines provides that significant irreversible environmental changes associated with a proposed project may include the following:

The northwest corner of the property was historically known as an important habitat for monarch butterflies, along with other sites on and near Butterfly Lane. Based on biological monitoring, butterfly numbers in this area have continued to dwindle and substantial numbers of butterflies have

not been observed roosting in this area for over 10 years. Due to a variety of factors, which are discussed in the biological resources section of this EIR<sup>77</sup>, it is speculative whether the northwest corner of the property would ever again be used as a monarch roosting area, even if the smaller remaining area were replanted with eucalyptus trees (D. Meade, biologist).

Because construction of a two-level parking structure in this area would clearly negate its use as potential monarch habitat in the future, implementation of the parking structure and related tree removal would be considered an irreversible change. However, given that re-establishment of this area for monarchs is speculative, this change is not considered to be significant.

### **7.3 Beneficial Impacts**

The following beneficial impacts would occur as a result of project implementation:

- The project would create a short-term increase in construction related employment opportunities from drivers of heavy equipment to design professionals.
- The project would increase sales of various supplies and furnishings for the project benefiting the local economy.
- The project would provide expanded opportunity for the interested public to attend summer music program musical events.
- The project would provide expanded opportunity for access to improved musical training and performance facilities.
- The project would result in elimination of weddings on the project site, which have been the subject of complaints by neighbors.
- The project proposes to reduce overall annual traffic to and from the site.
- The project would enhance the overall quality of instruction for young musicians, including those musicians attending the internationally known summer music program. This program is tuition free for participating students.
- The project would result in construction of new and improved recital hall on-site, benefiting both performers and guests.

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<sup>77</sup> Montecito Sanitary District (MSD) removal of windrow on their side of the property line, MSD restrictions on planting new trees near the Music Academy's western and northern property lines (where they have sewer lines), previous permitted tree removal for Claeysens Studio, previous permitted removal of five eucalyptus west of Harger Studios (NW corner) due to Music Academy safety concerns, vegetation clearance per Montecito Fire Protection District fire safety requirements near structures, and arborist recommendations for on-going tree trimming and limbing especially due to trees' proximity to the railroad tracks and existing structures.

## **8.0 PROJECT ALTERNATIVES**

In accordance with CEQA Section 15126(d), a range of reasonable alternatives that are capable of eliminating or reducing project impacts must be evaluated.

- 8.1 No Project
- 8.2 No Project with Off-Site Parking Lot
- 8.3 Proposed Master Plan with Only Surface Parking On-site/Off-Site Parking Lot
- 8.4 Residential On-Site (12 Units)/Relocation of Music Conservatory to Off-Site
- 8.4A Residential On-Site (90 Units- Extend Adjacent DR-10 Zoning)/Relocation of Music Conservatory to Off-Site
- 8.4B Residential On-Site (Assisted Living Facility)/Relocation of Music Conservatory to Off-Site
- 8.5 Project Redesign I
- 8.6 Project Redesign II Plus Relocate Large Events (300+ Attendees) Off-Site
- 8.7 Other Off-Site Alternatives
- 8.8 Environmentally Superior Alternative Discussion

### **8.1 No Project**

Analysis of the "No Project" alternative compares the existing baseline setting with reasonably foreseeable maximum use and/or impacts of the Music Academy of the West as allowed under the existing Conditional Use Permit. The existing permit, 90-CP-111 cz, includes no restrictions on conservatory-related activities, except with regard to hours of operation, prohibition of amplified sound outdoors, the requirement for parking attendants for events with 100 or more participants, and off-site parking for events with 300 or more participants. Conservatory related activities could include concerts, meetings related to music, rehearsals, workshops, instruction, use of practice studios, recording sessions, etc.

The existing permit does include restrictions on specific, non-conservatory, rental activities and special events. Permit restrictions limit attendance levels associated with these non-conservatory activities to a combined 35,600 attendees per year. Rental and special event activities have historically occurred during the 44-week non-summer period, as the eight-week Summer Music Program maximizes use of the campus facilities, leaving little room for separate rental/special event activities.

The County has allowed intermittent use of Abravanel Hall for accommodation of up to 382 audience members (pursuant to building's the maximum occupancy allowed under the Uniform Building Code), even though the 1971 and 1992 permits identify this building as a "300-seat" recital hall in the project description and on the project plans. The County Counsel opinion does not, however, extend to allowing this structure to be consistently used with up to 382 seats.

The existing footprint for project development would not change in the No Project Alternative. This alternative assumes that the Music Academy would receive approval to modify the current CDP for temporary summer parking in the northwest corner. This area would be permitted for use as a year-round overflow parking area to accommodate large events and/or greater attendance throughout the year. Whether or not this parking area is approved year-round, the Music

Academy would continue to be required to provide off-site parking and shuttle service when there are 300 or more participants at an event. The Music Academy has historically utilized parking lots at the former Miramar, Mt. Carmel, and ARCO Conference Center for their off-site parking lot requirement. However, due to possible limitations on existing permits and related parking demand for these other facilities, particularly during the summer and on weekends, it is not known whether these off-site parking lots would continue to be available in the future.

Given the lack of restrictions on activities related to a music conservatory, the No Project Alternative assumes that the reasonable worst case scenario under the existing permit would include expanding attendance levels during the non-summer period to levels historically achieved by conservatory uses during the eight-week summer season. The summer is the Academy's busiest time of the year. The level of activity during the summers is not theoretical, but reflects recorded activity levels that have occurred on-site for a number of years during the summer season. It is acknowledged that it might be administratively exhaustive for the Music Academy to sustain this level of attendance throughout the year; however, it is already known that this level of activity can be accommodated on-site within existing permit conditions.

In order to achieve these attendance levels, the Music Academy would need to implement an off-site parking and shuttle program year-round. The Music Academy recently withdrew their application for the off-site lot location across from the cemetery with the City of Santa Barbara. However, the existing permit conditions simply require use and implementation of off-site parking, without specification of location.

The No Project Alternative also assumes that during the busiest summer months, attendance would continue to increase annually. According to the Music Academy, attendance during the summer has been increasing by approximately 10% per year. While the Music Academy has historically implemented a 382-attendee limit for any-given-time on-site, this has been a self-imposed limitation that is not required by the existing CUP. Therefore, attendance during the summer season could theoretically be much higher. The existing seating capacity for indoor venues at the Academy (there would still be potential seating capacity in outdoor gardens/patios) is as follows:

Abravanel Hall	300-382
Lehmann Hall	195
Stewart Hall	92
Singher Hall	70
Total Existing	657-739

For purposes of this alternative, it is assumed that there could be concurrent events involving 300 attendees at Abravanel Hall in addition to 195 attendees in Lehmann Hall. (e.g., this could involve two separate Masters classes, a Master class and concert, etc.). This could result in any-given-time attendance of 495 audience members, as well as the 150 students, 75 faculty and staff, approximately 30% more attendees than currently would be on-site for a maximum attendance event. This level of maximum attendance activities could also occur more frequently throughout

the summer than is identified in the current Music Academy schedule of events for the Summer Music Festival.

### **Impacts of the No Project Alternative Versus the Proposed Master Plan Project**

Aesthetics/Visual Resources: There would be no change to the existing structures or landscaping. The benefits of additional screening landscaping along Fairway Road would not be realized, although nothing currently prohibits the Music Academy from installing plants in this area under their own initiative. However, the existing views of the property from off-site would remain predominantly views of vegetation. The increase in views of construction and structural development, particularly from the north, would not occur under this scenario. If trees are lost along the eucalyptus windrow due to natural or other causes, substantial areas would remain available outside of the sewer easement for replanting. Impacts to the visual character of the site and the immediate area would be less under the “no project” alternative.

Air Quality: Air quality impacts are primarily associated with short-term construction impacts and project-related vehicle emissions. Under the No Project Alternative, there would be no additional grading or construction for new buildings or roadways, therefore, short-term air quality impacts would be less under the No Project Alternative. Yearly attendance could potentially increase as a result of increasing conservatory-related activity levels during the non-summer period, commensurate with the historic levels achieved during the summer season. In addition, this alternative assumes increased attendance during the summer season as the Music Academy’s 382 any-given-time attendance limit is self-imposed and not required by existing CUP conditions. Attendance levels and related vehicle trips and associated emissions could be substantially greater under the No Project Alternative. Therefore, long-term air quality impacts would be potentially greater under the No Project Alternative.

Archaeological Resources: As no grading would occur under this alternative, impacts to archaeological resources would be considered less under the No Project alternative.

Biological Resources: Tree removal to accommodate changes to circulation, parking and structural development on-site would not occur under this alternative. The butterfly enhancement plan would not be implemented under this alternative, although there would be nothing to prohibit the Music Academy from implementing such a plan. In addition, the project would still be required to return to the Planning Commission for consideration of the open space easement issue identified in existing condition #2. Overall impacts to flora and fauna would be less with the No Project alternative.

Fire Protection/Risk of Upset: Proposed improvements to on-site circulation and emergency access, the proposed addition of sprinklers to existing buildings and limits on participants to conservatory related activities would not occur under the no project alternative. Although some of the physical improvements could theoretically be implemented under the existing permit, many of these improvements are costly and some would require amendments to the existing permit. There is no P&D requirement that the Music Academy construct such improvements under the existing permit. Impacts to fire protection/risk of upset could be greater under the No

Project alternative.

Geologic Processes: New grading and structural development would not occur under this alternative. This would reduce impacts associated with erosion/sedimentation from grading. The No Project Alternative would neither include implementation of bio-filtration systems on-site nor the installation of water quality filters both of which would serve to reduce contaminants such as oil and grease in rainwater runoff from the site draining directly to the Pacific Ocean to the south. However, the site currently contains more permeable surfaces, such as landscaped areas, which act as natural filters for contaminants in run-off water before it leaves the site. In addition, if the (current) temporary parking area in the northwest corner were to be permitted as a permanent overflow parking area, conditions would be applied to the related CDP to require such water quality improvements for site runoff water. Therefore, impacts from grading would be less under this alternative and impacts from run-off water quality would be similar.

Historic Resources: No changes would occur to existing historic structures on the project site. Therefore, the No Project Alternative would reduce impacts to historic resources on-site, compared to the proposed project. Enhancement of existing historic gardens on-site would not occur under the No Project Alternative; however the garden and pathways would remain physically intact and there would be no permitting or physical obstacles to enhancing these areas under this alternative. Overall historic impacts would be reduced under this alternative.

Land Use Compatibility: Some of the land use impacts identified for the proposed Master Plan project would be eliminated under the No Project Alternative, while others would potentially increase.

- *Attendance:* Activities related to music would remain essentially unrestricted. Therefore, greater impacts could occur that result from increased attendance.
- *Traffic/Parking:* Although construction of new facilities under the Master Plan would facilitate use of the site by greater numbers of attendees and related vehicle trips, the existing facility could also accommodate much larger numbers of participants at events. The greatest difficulty in accommodating more guests on-site under the No Project Alternative is provision of efficient off-site parking and shuttle service. Given the limited parking on-site under this alternative and the unknown effectiveness of an extensive off-site parking and shuttle program, it is likely that more project-related vehicles would end up parking on neighborhood streets. Based on the increase in vehicle trips, impacts to area intersections and roadways would be greater under this alternative and the project would result in greater and significant impacts at area intersections.
- *Weddings:* Weddings would continue to be an allowed use under this alternative. This particular rental activity has been the subject of neighborhood complaints, occurring throughout the non-summer period on weekends, including regularly into the evening hours. Neighbors have specifically complained of traffic and parking impacts associated with weddings. Because this rental activity is unrelated to the purpose of a music conservatory, there have also been complaints regarding the appropriateness of this type of “commercial” use of the site. Impacts associated with weddings would be greater under the No Project Alternative.

- *Amplified Sound:* There would continue to be no allowance for outside use of amplification. Therefore, this alternative would avoid potential impacts associated with amplified sound.
- *Physical Changes/Aesthetics:* The substantial increase in structural development and extensive tree removal proposed under the Master Plan would not occur under the No Project Alternative. The Music Academy site visual setting would remain the same. Aesthetic impacts related to the change in views from a landscaped residential estate to an institutional setting would not occur. If eucalyptus trees from the northern windrow are lost in the future, there is area available to replace them outside of the sewer easement area (maintaining vegetative screening from the north). In addition, the outdoor dining area above Butterfly Lane would not be constructed, obviating extension of a high intensity, non-residential use to the exterior face of the Academy property.
- *Hours for Resale Shops:* The change in hours of operation for the resale shops is not expected to substantially alter impacts.
- *Two, 1-day Fundraisers instead of one, 2-day Fundraiser:* Limiting the fundraiser to one, 2-day event would avoid the potential for traffic generation and other activities associated with organizing such events if the second fundraiser were similar to May Madness (e.g., drop-offs of rummage preceding sale, volunteer traffic for sorting, organizing the sale, etc.). The no project alternative would result in potentially reduced land use impacts.
- *Rummage Storage:* There would be no increase in available area on-site for rummage storage. It is unclear whether the existing permit actually allows practice studios and other spaces on-site to be used as effective warehousing for storage of rummage and resale items in the non-summer period. However, the Master Plan proposal proposes greater storage of rummage on-site and could physically accommodate much greater quantities of rummage for storage and resale than could be accommodated under the No Project Alternative.

In summary, land use impacts related to aesthetics, physical changes, the resale shops, and amplification would be less under the No Project Alternative. However, the impacts associated with attendance, traffic, parking and weddings are expected to be more noticeable to project neighbors. Therefore, overall land use impacts would be potentially greater under the No Project Alternative.

Noise: The Noise section of this EIR discusses the potential for on-site noise impacts in interior areas and the new outdoor dining area and off-site impacts from proposed use of (limited) amplification, increased traffic noise, short-term construction noise, and noise from the new outdoor dining area and balconies above Butterfly Lane. The No Project alternative would not add additional interior spaces or a new outdoor dining area and it would not alter the existing prohibition on outdoor amplification. Therefore, these noise impacts would be less under the No Project Alternative than the proposed project.

Because the No Project Alternative has the potential to result in more project-related vehicle trips, off-site noise impacts from increased project related traffic under this alternative would be greater than those associated with the proposed Master Plan project. In addition, increased numbers of shuttle buses along Channel Drive, Fairway, and Butterfly Lane would contribute

adversely to increased vehicle noise<sup>78</sup>.

Public Facilities (Water, Sewer, Solid Waste): Generation of increased sewage effluent and solid waste as well as water demand, would result from increased numbers of people at the site. Because the No Project Alternative has the potential to result in greater overall numbers of people on-site, impacts to water supply, sewage treatment capacity and local landfills would be greater than under the No Project Alternative than under the proposed Master Plan project. Although demand would be greater under the No Project alternative, impacts to water supply, sewage treatment capacity, and solid waste generation would remain less than significant

Implementation of the proposed parking structure in the northwest corner of the site has the potential to impact the Montecito Sanitary District and the City of Santa Barbara sewer lines and their long-term maintenance activities. These sewer lines are located in an on-site easement that parallels the northern property line. This alternative would avoid impacts to the these sewer lines.

[Also see discussion of water quality/drainage under Geology section above].

Transportation/Circulation: Transportation impacts are primarily associated with short-term construction impacts and project-related vehicle trips. Under the No Project Alternative, there would be no additional grading or construction for new buildings or roadways. Therefore, short-term transportation impacts associated with construction would not occur under the No Project Alternative. Yearly attendance under the No Project Alternative would potentially increase as a result of increased conservatory-related activity levels during the non-summer period to levels commensurate with the historic levels achieved during the summer season. Based on these assumptions, non-summer attendance would increase to 97,245 participants (17,681 historic attendees during the summer season/8 weeks \* 44 non-summer weeks/yr). The No Project Alternative also assumes increased attendance during the summer that would be accommodated by concurrent use of on-site venues (300 attendees in Abravanel Hall and 195 attendees in Lehmann Hall and/or an increase in the number of large events held throughout the eight-week summer season. Under the proposed Master Plan project description, annual attendance is proposed to be limited to 57,291 attendees (29,425 summer + 27,866 non-summer). Under the No Project Alternative, attendance levels and related vehicle trips could be substantially greater as the number and size of various activities on-site would be unlimited, except by virtue of maximum building occupancy levels and parking accommodations (on and off-site). This level of attendance and related vehicle trips would increase intersection impacts identified for the proposed Master Plan CUP and would exacerbate potentially significant project specific and cumulative impacts to area intersections and roadways identified for the Master Plan and would potentially result in additional significant project specific and cumulative impacts to all area intersections and roadways. Therefore, transportation impacts would be potentially greater under the No Project Alternative.

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<sup>78</sup> Although traffic noise traffic noise may be more noticeable to the project area residents, impacts associated with traffic noise would remain less than significant.

## **8.2 No Project with Off-Site Parking Lot Alternative**

This alternative is the same as the No Project Alternative identified above, with the addition of the previously proposed Channel Drive Off-Site Parking Lot and Shuttle Program, currently under review with the City of Santa Barbara (A site plan and the proposed Shuttle Program for the Off-Site Parking Lot are included at the end of the impact discussion for this alternative). Conditions of approval for the existing CUP require off-site parking and shuttle service for events on-site with 300 or more participants. The conditions do not require a specific location for the off-site parking. They simply require that it be provided along with shuttle service, as necessary, between the Music Academy campus and the off-site parking. Historically the off-site (satellite) lots have been located to the east of the Music Academy property at Mt. Carmel Church, the former Miramar Hotel and the ARCO Conference Center. However, there is nothing in the existing CUP conditions of approval that identifies specific requirements (e.g., location, number of spaces, etc.) or necessary approvals for the off-site parking. For the current summer 2003 season, an additional off-site parking area was used, which is located west of the site. The additional parking area is across Cabrillo Boulevard from the previously proposed off-site lot and is otherwise used for Las Aves, a commercial development adjacent to the Bird Refuge.

The permanent, off-site parking lot would be located on a 2.3 acre (net) parcel, between Channel Drive and Highway 101, across from the Santa Barbara Cemetery. (Site Plan included at the end of this alternative). The parking lot would contain 100 parking spaces, for Music Academy use. However, it is possible that the parking lot would be used by others as well. The off-site parking lot project includes the installation of porous concrete paving, perimeter landscaping, fencing, benches, and controlled access gates as well the removal of several large eucalyptus trees and some smaller trees near the center of the property. A shuttle program (included in EIR appendices) is identified to transport employees, performers and guests between the off-site parking lot and the Music Academy site. The project site is currently undeveloped. The proposed project would be comprised of approximately 43,100 SF (41%) of paving and 20,250 SF (19%) of landscaping. The remaining 42,450 SF (40%) of the site would be non-landscaped open area. The parking lot would have one entrance and two exits off of Channel Drive and would provide 89 standard, 6 compact, and 5 handicap-accessible parking spaces. The project also includes the acquisition of a small triangular City-owned parcel (APN 017-393-003), and the preservation of the Charles Caldwell Park Memorial Trough (Lion's Head Fountain).

### **Impacts of the No Project Plus Off-Site Parking Lot Alternative Versus the Proposed Master Plan Project**

General: The City of Santa Barbara proposed Initial Study and Mitigation Monitoring and Reporting Program (MMRP) for the Off-Site Parking Lot include greater detail with regard to the off-site parking lot project. The Initial Study and MMRP are included in the EIR Appendices, for reference.

Aesthetics/Visual Resources: Impacts would be the same as for the No Project Alternative, except that there would be a change to the existing setting of the off-site parking lot property. Currently, that property is undeveloped. Although the property is visible from Highway 101, there is considerable perimeter vegetation, including trees, shrubs and opportunistic ground

covers that screen much of the property from direct public view. In addition, there are a number of trees scattered throughout the property. (This vegetative screening could be removed/alterd in the design review for the parking lot, due to a desire for increased biking and walking facilities in an area where the demand is already great). Several large eucalyptus trees near the center of the property would be removed to accommodate the proposed parking lot and it is anticipated that many of the remaining trees would be limbed and regularly trimmed prior to initiation of construction and thereafter for the life of the project. This would open up views through the site somewhat, allowing interior views of parking lot and vehicles that would be most noticeable at night due to night-lighting. Once established, supplemental landscaping along the property perimeter could greatly reduce views into the site from Channel Drive and views from Channel Drive would be primarily of vegetation, except in the area of the proposed driveway. Given existing trees along the northerly boundary, views from Highway 101 are not expected to be impacted.

Visual impacts associated with the off-site parking lot would be less than visual impacts under the proposed Master Plan. There would be no impacts to the visual character of the Music Academy site under this alternative and impacts to the off-site parking lot location could be substantially mitigated through adequate landscaping along the property perimeter. Therefore, aesthetic impacts would be less under the No Project Plus Off-Site Parking Lot Alternative than for the proposed Master Plan project.

Air Quality: Air quality impacts would be associated with short-term construction and long-term, project-related vehicle emissions.

Short-term air quality impacts would be the same as for the No Project Alternative except that there would be earthwork involved in preparing the undeveloped Channel Drive parcel for a parking lot. However, given the relatively level topography of the parking lot parcel, overall grading is expected to be less than would occur under the Master Plan. Therefore, short-term air quality impacts would be less under the No Project Plus Off-Site Lot Alternative than for the Master Plan.

Long-term air quality impacts of the No Project Plus Off-Site Parking Lot Alternative would be the same as for the No Project Alternative, except that some vehicle trips would be diverted from neighborhood streets if they are parked in the off-site parking lot. These diverted trips would be replaced by a lower number (than individual car trips) of shuttle bus or van trips that would transport people between the off-site lot and the Music Academy. Given the potential, overall increase in vehicle trips associated with the No Project Alternative (regardless of the off-site parking lot), long-term air quality impacts would be potentially greater under the No Project Plus Off-Site Lot Alternative than for the Master Plan project, regardless of where the off-site parking area is located. However, even with an increase in total vehicle trips, emissions would be minimized by use of electric versus diesel shuttle buses or vans.<sup>79</sup>

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<sup>79</sup> Out of area power plant emissions associated with charging electric vehicles are substantially reduced if vehicles are charged in the evening rather than during peak day-time hours.

Archaeological Resources: Impacts of the No Project Plus Off-Site Parking Lot Alternative would be the same as for the No Project Alternative, except that grading in the proposed off-site parking lot could result in potentially significant impacts to unknown intact archaeological resources identified during project grading. This is based on the site's location and some possible prehistoric and historic archaeological remains that were identified on-site during an intensive Phase I archaeological survey (D. Stone, June 2001). Therefore, impacts to archaeological resources would be slightly greater than for the proposed Master Plan project.

Biological Resources: Impacts of the No Project Plus Off-Site Parking Lot Alternative would be the same as for the No Project Alternative, except that the City's Initial Study for the off-site parking lot project identifies potentially significant, but mitigable biological impacts, primarily due to tree removal and potential water quality impacts to the Andree Clarke Bird Refuge. Overall impacts to flora and fauna from the No Project Plus Off-Site Parking Lot Alternative would be similar to impacts of the Proposed Master Plan.

Fire Protection/Risk of Upset: Impacts of the No Project Plus Off-Site Parking Lot Alternative would be similar to the No Project Alternative. Attendance could continue to increase under this alternative and improvements to internal circulation and provision of an additional emergency access and interior sprinklers would not occur under the No Project Plus Off-Site Parking Lot Alternative. Therefore, impacts associated with fire protection could be greater under this alternative than for the proposed Master Plan.

Geologic Processes: Impacts of the No Project Plus Off-Site Parking Lot Alternative would be the same as for the No Project Alternative except that the reduction in impacts associated with pollutants and sedimentation in runoff water leaving the Music Academy site would likely be replaced by similar impacts from potential off-site parking lot runoff, which may drain to the Andree Clarke Bird Refuge. The mitigation recommended by the City to address degradation of water quality in water bodies from runoff of unfiltered water from developed sites is similar to mitigation identified for the Master Plan. Overall grading would be reduced under this alternative, but the site would drain to a potentially more sensitive water body, the Andree Clarke Bird Refuge. Therefore, geologic impacts of the No Project Plus Off-Site Parking Lot Alternative would be similar or greater than for the proposed Master Plan project.

Historic Resources: Impacts would be similar to No Project Alternative, except that the off-site parking lot property contains a City Historic Landmark, the Charles Caldwell Park Memorial Trough, also known as the Lion's Head Fountain and Watering Trough, in the western portion of the site. The Santa Barbara Cemetery Association has been maintaining this landmark and would continue to do so after project implementation. With implementation of the City's anticipated requirement for protection and maintenance of the City Landmark and its landscaping, this impact would be mitigated to less than significant levels. No changes would occur to existing historic structures on the project site. Enhancement of existing historic gardens on-site would not occur under the No Project Alternative; however the garden and pathways would remain physically intact and there would be no physical obstacles to enhancing these areas under this alternative. Overall historic impacts would be reduced under this alternative.

Land Use Compatibility: Impacts would be similar to the No Project Alternative, as the off-site parking lot is not expected to create new land use impacts, unless the shuttle buses are unexpectedly loud or otherwise noticeable. Land use impacts related to aesthetics, physical changes, the resale shops, and amplification would be less under this alternative and provision of a 100-space, permanent, nearby, overflow parking lot would potentially reduce parking impacts on neighborhood streets. However, the impacts associated with higher potential attendance, traffic, and continuation of weddings may be more noticeable to project neighbors. Therefore, overall land use impacts would be similar or potentially greater under the No Project Plus Off-Site Parking Lot Alternative than for the proposed Master Plan.

Noise: The No Project Plus Off-Site Parking Lot Alternative would not add additional interior spaces or a new outdoor dining area and it would not alter the existing prohibition on outdoor amplification. Therefore, these noise impacts would be less than the proposed project.

Because this alternative has the potential to result in more project-related vehicle trips, off-site noise impacts from this increased traffic would be greater than with the proposed Master Plan. In addition, increased numbers of shuttle buses along Channel Drive, Fairway, and Butterfly Lane (due to higher attendance under this alternative) would contribute adversely to this increased vehicle noise, unless electric shuttle buses were used. However, with a permanent off-site parking lot, noise impacts on residents near other temporary and off-site lots (e.g., Mount Carmel) would be reduced.

Public Facilities (Water, Sewer, And Solid Waste): The No Project Plus Off-Site Parking Lot Alternative has the potential to result in greater overall numbers of people on-site. Therefore, related impacts to water supply, sewage treatment capacity and local landfills would be greater than under the proposed Master Plan project<sup>80</sup>. The off-site parking lot would result in a minor increase in water demand for landscaping and in solid waste generation associated primarily with landscaping waste. The Solid Waste Management Plan could be revised to incorporate a program for green-waste reuse/recycling for the off-site parking lot to minimize the increase in solid waste generation. Impacts to the Montecito Sanitary District and the City of Santa Barbara sewer lines and their long-term maintenance activities would be reduced under this alternative. Overall impacts to public facilities would be similar to the proposed Master Plan, ensuring no significant change in impact levels.

[Also see discussion of water quality impacts under Geology section above].

Transportation/Circulation: Transportation impacts are primarily associated with short-term construction traffic and long-term, project-related vehicle trips. Under this alternative, the additional grading and construction traffic would be limited to activities associated with developing the parking lot. Therefore, short-term transportation impacts of the No Project Plus Off-Site Parking Lot Alternative would be less than under the Master Plan.

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<sup>80</sup> Although demand would be greater under this alternative, impacts to water supply, sewage treatment capacity, and solid waste generation would remain less than significant.

As discussed under the No Project Alternative, yearly attendance and traffic would increase as a result of increasing conservatory-related activity levels during the non-summer period commensurate with the historic levels achieved during the summer season and increased attendance during the summer.

ATE prepared a separate study to analyze the effects of the off-site parking lot if the proposed Master Plan revised CUP is not approved by the County. That study is included in the EIR appendices, however the assumptions for that study assume a status quo with regard to activity levels. Because the No Project assumptions for the existing site could include substantially greater attendance and related traffic, the specific figures from that study are not included here. However, the impacts would be greater at the identified intersections and the same type of mitigation would be applicable (limiting large events outside of afternoon peak hours 4:00-6:00 p.m.). It is also important to acknowledge that the existing CUP requires use of off-site parking for events with over 300 participants, but does not specify the location (e.g., east or west of the site) or identify any other requirements for off-site parking. Therefore, City approval of the off-site lot location would not affect the existing CUP.

Based on attendance assumed under this No Project Plus Off-Site Lot Alternative, attendance levels and related vehicle trips could be substantially greater (97,245 for non-summer season alone) than under the Master Plan<sup>81</sup>. This level of attendance and related vehicle trips would increase intersection impacts identified for the proposed Master Plan CUP and would potentially result in additional significant impacts to area intersections and roadways. Due to proximity to the Los Patos/Channel/Cabrillo, Highway 101 ramps and Hot Springs/Coast Village Road intersections, the off-site parking lot would theoretically increase the number of vehicle trips passing through these intersections. However, the existing CUP does not specify where the off-site parking lot(s) must be located (e.g., east of west of the site) and the Music Academy is currently using one lot that is located across the street from the proposed permanent off-site parking lot.

Due to the potential for substantially increased attendance and related traffic under the No Project Plus Off-Site Parking Lot alternative, transportation impacts would be potentially greater under the No Project Plus Off-Site Parking Lot Alternative than for the Master Plan. In addition to scheduling high attendance activities outside of the peak traffic periods, the project would be expected to contribute to improvements at the Los Patos/Cabrillo/Channel Drive intersection.

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<sup>81</sup>  $17,681 \text{ summer season historic attendance} / 8 \text{ summer season weeks} = 2210/\text{week} * 44 \text{ non-summer weeks} = 97,245 \text{ attendees for non-summer season alone}$

Insert Figure 16

Insert Figure 17

Insert Figure 18

Insert figure 19

Insert Figure 20

Insert shuttle plan

### **8.3 Master Plan Plus Permanent Off-Site Parking Lot across from the Santa Barbara Cemetery**

This alternative would be the same as the proposed Master Plan with the following two exceptions:

1. The two-level parking structure proposed on-site as part of the Master Plan would be eliminated and replaced with surface parking only. For purposes of this alternative, it is assumed that all existing trees in this area would be retained and parking spaces would be designed around the trees.
2. The potential off-site parking lot location on Channel Drive, discussed in the previous alternative, would become a permanent component of the Master Plan along with implementation of the applicant's proposed Off-Site Parking Lot Operations Plan (included at the end of the prior alternative discussion).

Conditions of approval for the existing CUP require off-site parking and shuttle service for events on-site with 300 or more participants. The conditions do not require a specific location for the off-site parking, simply that it be provided along with shuttle service between the Music Academy campus and the off-site parking. Historically the off-site (satellite) lots have been located to the east of the Music Academy property at Mt. Carmel Church, the former Miramar Hotel and the ARCO Conference Center. However, there is nothing in the existing CUP conditions of approval that identifies specific requirements (e.g., location, number of spaces, etc.) or necessary approvals for the off-site parking.

The permanent, off-site parking lot would be located on a 2.3 acre (net) parcel, between Channel Drive and Highway 101, across from the Santa Barbara Cemetery. (Site plan included following discussion of the preceding No Project Plus Off-Site Parking Lot Alternative). The proposed parking lot would contain 100 parking spaces, for Music Academy use. However, it is possible that the parking lot would be used by others as well. The off-site parking lot project includes the installation of porous concrete paving, perimeter landscaping, fencing, benches, and controlled access gates as well the removal of several large eucalyptus trees and some smaller trees near the center of the property. The project site is currently undeveloped. The proposed project would be comprised of approximately 43,100 SF (41%) of paving and 20,250 SF (19%) of landscaping. The remaining 42,450 SF (40%) of the site would be non-landscaped open area. The parking lot would have one entrance and two exits off of Channel Drive and would provide 89 standard, 6 compact, and 5 handicap-accessible parking spaces. The project would also include the acquisition of a small triangular City-owned parcel (APN 017-393-003), and the preservation of the Charles Caldwell Park Memorial Trough (Lion's Head Fountain).

#### **Impacts of the Master Plan Plus Off-Site Parking Lot Alternative Versus the Proposed Project**

**Aesthetics/Visual Resources:** Impacts associated with the Music Academy site would be reduced as the 2-story parking structure would be eliminated from the northwest corner. Although surface parking would still be proposed in this area, the parking in this area could be reconfigured to

allow for planting of substantial additional screening trees at the southern end of the lot or elsewhere within the parking area. This would allow more flexibility in planting locations and species used to ensure that new screening trees could be planted to provide screening of construction and new development if any eucalyptus windrow trees were lost in the future, even if Montecito Sanitary District requests they not be replanted in or near the sewer easement. This would also reduce short-term views of construction activities as trees in the parking lot area could be retained. Other aesthetic impacts identified for the Master Plan project would remain, including modification of views in the eastern portion of the site due to the location of the proposed storage and maintenance buildings as well as proposed tree removal and potential loss of eucalyptus windrow trees in this area from natural or project related causes. Overall aesthetic impacts to the Music Academy site would be reduced compared to the proposed project.

As in the prior alternative, this alternative would alter the existing setting of the off-site parking lot property. Currently, that property is undeveloped. There is considerable perimeter vegetation, including trees, shrubs and opportunistic ground covers that screen much of the property from direct view. In addition, there are a number of trees scattered throughout the property. Several large eucalyptus trees near the center of the property would be removed to accommodate the proposed parking lot and it is anticipated that many of the remaining trees would be limbed and regularly trimmed prior to initiation of construction and thereafter for the life of the project. This would open up views through the site somewhat, allowing interior views of parking lot and vehicles. Once established, proposed supplemental landscaping along the property perimeter would greatly reduce views into the site from Channel Drive and views from Channel Drive would be primarily of vegetation, except in the area of the proposed driveway. Given existing trees along the northerly boundary, views from Highway 101 are not expected to be impacted.

Impacts to the off-site parking lot location could be substantially mitigated through adequate landscaping along the property perimeter.

Therefore, overall aesthetic impacts of the Master Plan Plus Off-Site Parking Lot Alternative would be less than for the proposed Master Plan project.

Air Quality: Air quality impacts would be associated with short-term construction and long-term, project-related vehicle emissions.

Under this alternative, there would be a reduction in grading and construction on-site, due to the change in engineering requirements from a two-level parking structure to surface parking in the northwest corner. However, this reduction would be offset by grading and construction activities required to convert the undeveloped lot on Channel Drive into the proposed off-site parking lot. Therefore, short-term air quality impacts would be similar to or greater than the proposed project.

Overall vehicle trips would be similar to the proposed project. For those vehicles using the off-site lot, their numbers and trip lengths would be replaced by a reduced number of shuttle bus or van trips. This would reduce the number of vehicle trips on some of the neighborhood streets, including Butterfly Lane and both sections of Fairway. Depending on the type of shuttle buses/vans used (e.g., electric, diesel), emissions on neighborhood streets may be reduced

(electric vehicles) or similar to the proposed project.

Archaeological Resources: Archaeological impacts on the Music Academy site would be similar to the proposed Master Plan. Impacts associated with the off-site parking lot would be potentially significant, given the results of an on-site survey. Overall, archaeological impacts would be slightly greater than for the proposed Master Plan project.

Biological Resources: Biological impacts on the Music Academy site would be somewhat reduced as fewer trees would be removed, but only in the northwest corner of the property. Additional biological impacts associated with the off-site parking lot site would include impacts from tree removal and potential impacts to the Andree Clark Bird Refuge if increased runoff from the parking lot were to include contaminants such as oil and grease and these substances were to make their way to this surface water body.

Overall impacts to flora and fauna would be greater than for the proposed Master Plan

Fire Protection/Risk of Upset: Music Academy circulation, fire suppression and interior sprinklering requirements would still be implemented and the off-site parking lot would be required to comply with circulation and fire suppression requirements of the Fire Department. Impacts would be similar to the proposed project.

Geologic Processes: On-site grading and structural development would be slightly reduced as a result of the change from a two-level parking structure to surface parking in the northwest corner. The reduction in grading would be offset by grading necessary for the off-site parking lot. In addition, runoff from the off-site lot would potentially degrade water quality in the sensitive Andree Clarke Bird Refuge.

Historic Resources: Changes in views north from Anne's Garden and maintenance of more screening landscaping and sky-line trees in the northwest corner would reduce adverse, but less than significant historic impacts identified for this portion of the project. The off-site parking lot property contains a City Historic Landmark, the Charles Caldwell Park Memorial Trough, also known as the Lion's Head Fountain and Watering Trough, in the western portion of the site. The Santa Barbara Cemetery Association has been maintaining this landmark and would continue to do so after project implementation. With implementation of the City's likely requirement for protection and maintenance of the City Landmark and its landscaping, this impact would be mitigated to less than significant levels.

Land Use Compatibility: Land use impacts on the Music Academy site and in the immediate neighborhood would be similar to the proposed project, with the following exceptions:

- *Physical Changes/Aesthetics:* There would be slightly less structural development and some of the trees in the northwest corner would be retained. Greater flexibility would be offered for long-term screening options in the northwest corner as any windrow trees on the northern boundary could be accommodated outside of the sewer easement and within the surface parking area. At least in the western portion of the site, this would help

maintain existing views from the north of a landscaped estate. Therefore, aesthetic impacts from physical changes would be slightly reduced on-site. Development of the parking lot on the existing undeveloped lot would result in short-term impacts following tree removal and prior to establishment of mature replacement landscaping.

- *Traffic/Parking:* The change in traffic and parking impacts would be highly dependent on the successful use of the off-site parking lot and shuttle service to and from the Music Academy site. At this time, the actual data on use of off-site lots is limited to use by Music Academy faculty and a few students who do not take the bus from Cate School. It is not known whether guests would use the lot at the same rate as the former group. This would partly be a function of the timeliness of shuttle pick-ups and returns to the lot after Music Academy events. It would also be a function of attendees' personal perceptions of a shuttle service. For example, some guests may prefer to have their cars closer for a real or perceived easy exit and may park on neighborhood streets (e.g., cars parking on neighborhood streets around Earl Warren show grounds even though off-site parking and shuttle service is available during the annual fair). In addition, because less parking would be proposed on-site under this alternative than with the proposed Master Plan project, parking impacts in the neighborhood could be greater.

Overall vehicle trips could be reduced under this alternative, however there would be an increase in shuttle bus trips through the neighborhood. Unless shuttle vehicles are electric vehicles, which generate less noise and no emissions, it is not known which would be more noticeable to neighbors.

Noise: There are no sensitive receptors in the vicinity of the off-site parking lot. There would be a potential change to traffic noise in the neighborhood from a reduction in total vehicle trips, but an increase in shuttle vehicle trips. If electric shuttle vehicles are used traffic noise could decrease under this alternative. In addition, with a permanent off-site parking lot, noise impacts on residents near other temporary and off-site lots (e.g., Mount Carmel) would be reduced. Other noise impacts of this alternative would be similar to the proposed Master Plan project.

Public Facilities (Water, Sewer, And Solid Waste): The off-site parking lot would result in a minor increase in water demand for landscaping and in solid waste generation associated primarily with landscaping waste. The Solid Waste Management Plan could be revised to incorporate a program for green-waste reuse/recycling for the site to minimize the increase in solid waste generation for the off-site lot. Impacts to sewage treatment capacity would be the same as for the Master Plan. Impacts to water supply and solid waste would be slightly greater, but similar to the proposed project<sup>82</sup>.

This alternative would avoid impacts to the sewer lines in the area of the proposed parking lot.

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<sup>82</sup> Although demand would be slightly greater under this alternative, impacts to water supply and sewage treatment capacity would remain less than significant.

Also see discussion of water quality impacts under Geology section above.

Transportation/Circulation: Transportation impacts are primarily associated with short-term construction traffic and long-term, project-related vehicle trips.

The reduction in short-term construction impacts on-site would likely be offset by construction impacts at the off-site parking lot, particularly at the local intersections. Therefore, short-term transportation impacts would be similar or greater under this alternative.

Long-term impacts include intersection, roadway and parking impacts.

The current CUP requires provision of off-site parking and shuttle service “if necessary” for events where more than 300 people are expected. The CUP conditions do not specify the location, distance from the site, or any other details for the required off-site parking. The Music Academy has historically used off-site lots that are located east of the project site, including Mt. Carmel, ARCO Conference Center and the former Miramar Hotel. Because the proposed off-site lot is located to the west of the project site, City of Santa Barbara staff have expressed concern that permanent use of the proposed off-site lot on Channel Drive could alter the project’s traffic distribution and increase the number of vehicle trips on Cabrillo Boulevard and related area intersections. ATE prepared additional traffic analyses which address this change to the distribution of project traffic on the area street network. Use of the off-site lot would potentially increase already identified project-specific impacts and cumulative impacts at the Cabrillo/Highway 101 ramps and the Cabrillo/Los Patos/Channel intersections. ATE recommends mitigation which limits attendance at events during the p.m. peak hour to historic levels, until such time as necessary intersection improvements are completed. Traffic on neighborhood streets could be reduced subject to the success of the off-site lot shuttle program. Traffic at Cabrillo area intersections would be potentially greater under this alternative. However, impacts could be reduced by incorporation of mitigation that limits the number of large events and attendance levels during the peak hour as suggested by ATE.

Parking impacts on neighborhood streets may also increase due to loss of on-site parking (two-level parking structure to surface level only in northwest corner). This is in part due to different parking demand rates assumed by the County versus the ATE reports. The County has recommended use of a more conservative 0.76 space/attendee parking demand rate to ensure sufficient parking supply for early afternoon events when parking on neighborhood streets is already limited (recommended based on actual rates experienced for several afternoons surveyed). The ATE report uses a less conservative rate which averages in parking rates for later in the day, when parking demand rates were consistently lower. In addition, if some of the guests, faculty or others designated to park in the off-site lot choose to park elsewhere, this would exacerbate parking demand on neighborhood streets. Alternatively they may choose to be dropped off and picked up at the Music Academy site, which would double their expected vehicle trips (two round-trips instead of one). Approval of a feasible shuttle program and more frequent use of the off-site lot (for smaller attendance days than proposed) would reduce parking related impacts similar to the proposed Master Plan project.

#### **8.4 Residential (12 Units) On-Site/Relocation of Music Conservatory to Off-Site [Residential A Alternative]**

This alternative assumes relocation of the music conservatory off-site and subdivision of the subject property into 12 clustered residential lots. This is based on the site's existing zoning density of one unit per acre, plus a 25% bonus density for provision of 3 affordable units on-site<sup>83</sup>. The music conservatory uses would be relocated to a more centrally located existing facility or institutional setting (e.g., UCSB, City College, St. Anthony's Seminary, etc.) or the proposed new performing arts center in downtown Santa Barbara.

##### Impacts of Residential (12 Units) On-Site/Relocation of Music Conservatory Off-Site Versus the Proposed Project

The impacts of the off-site component of this alternative would be dependent on the off-site location. However, it is assumed that the off-site location would be either an existing, centrally located facility and/or the promoted new Santa Barbara performing arts center. In either case, the off-site location is assumed to be on the South Coast, in an existing commercial or institutionally zoned location or on property that has otherwise been used for these purposes historically. Any new facility would be subject to additional discretionary review, including CEQA, design review and publicly noticed decision-maker hearings.

Aesthetics/Visual Resources: No additional driveways would be required onto Butterfly Lane or Fairway Road. Development would be required to utilize existing structures on-site or involve modifications or additions to these structures. No additional structures would be constructed on the property perimeter and maintenance of perimeter landscaping and minimized loss of other landscaping, including trees in the interior portions of the site would be required. This alternative could be implemented with minimal change to the existing setting when viewed from off-site locations. Impacts to the visual character of the site and the immediate area would be less under the Off-site Location/Residential A Alternative.

Air Quality: Air quality impacts are primarily associated with short-term construction impacts and project-related vehicle emissions. There would be substantially less grading or construction for new buildings and altered roadways, therefore, short-term air quality impacts would be reduced. Vehicle emissions in the immediate area would be substantially less under this alternative with approximately 144 average daily trips and 15 peak hour trips.

Relocation of the conservatory, rental, and resale activities to a more centrally located commercial or institutional setting would essentially relocate proposed project traffic demand. Given a more central location, it is anticipated that not all of the project traffic would be separate new vehicle trips. At least some of the project traffic would already be using the affected streets (pass-by trips)

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<sup>83</sup> In order to minimize tree removal, the construction of new structures, and the need for substantial additional grading, it is assumed that the site would be rezoned to DR- 1.0 (Design Residential, 1 unit per acre). This zoning maintains the same density as the existing 1-E-1 zoning, but allows for clustering to avoid environmental impacts and allows for conversion of existing structures into single or multi-family housing.

or would be visiting the relocated project site in combination with other vehicle trips in the immediate vicinity (linked trips). Linked trips may involve shopping, dining, work, or child-care related vehicle trips in a commercial area. A more central location would also facilitate greater use of public transportation and possibly alternative modes of transportation to conservatory events (e.g., a greater population living within walking/biking distance compared to the Music Academy site) which would potentially further reduce project-related vehicle emissions.

Archaeological Resources: As new grading would be minimized under this alternative, impacts to archaeological resources would be considered less under the Off-site Location/Residential A Alternative.

Biological Resources: Tree removal to accommodate changes to circulation, parking and structural development on-site would be less under this alternative and the butterfly enhancement plan could still be implemented as part of the housing development, given the Music Academy's incremental contribution to the demise of habitat in the northwest corner. Overall impacts to flora and fauna would be less with the Residential A Alternative.

Fire Protection/Risk of Upset: Conversion of existing structures to residences would require compliance with current requirements of the Montecito Fire Protection District and Uniform Fire Code, including, but not limited to construction and access design. Due to the reduced number of people, vehicles and rummage on-site, and the need to comply with current standards for residential structures (including access design), impacts related to fire protection/risk of upset would be reduced.

Geologic Processes: New grading, structural development, and increased impervious surfaces would be substantially reduced under this alternative. This would reduce impacts associated with erosion/sedimentation from grading. This alternative would likely still be conditioned to include implementation of bio-filtration on-site or the installation of water quality filters to comply with current policies. Therefore, impacts from grading and run-off water quality would be less under this alternative.

Historic Resources: Use of historic Miraflores, Treasure House, The Rack, and the existing single family dwelling for residential or common facility purposes could occur without the need for substantial changes to the exterior of these structures. While most of the residential structures in the area are larger than the latter three structures, there are comparably sized, attached condominiums located immediately to the west of the site. In addition, one or all of these structures may be used for common area purposes, such as a clubhouse, recreation or reading room. Other changes to the historic landscaping and access roadway are expected to be minimal to accommodate this alternative and enhancement of existing historic gardens on-site would be part of the alternative. Although it is anticipated that this alternative would not result in significant impacts to historical resources, recommended project conditions would require that any changes to historical resources on-site must be reviewed and approved by a architectural historian. This alternative would result in reduced impacts to historic resources.

Land Use Compatibility: Use of the site for 12 residences would be compatible with the surrounding neighborhood's predominantly residential zoning, which ranges from a zoning density of 10 units/acre for the adjacent condominium development to the west, to a density of one unit per acre for the residential parcels to the south and east. Use of the site for 12 residences would reduce the level of activity on the site compared to the proposed project. This alternative would reduce the visibility of site development and the loss of existing vegetation, including specimen trees. Development under this alternative would generate noise levels typical of the other residential uses. It is acknowledged that future residents would not be subject to the limits on outdoor amplification, however this is not typically an impact associated with residential units. Traffic and parking demand would also be substantially reduced under this alternative. Overall, land use impacts would be reduced.

Noise: The Noise section of this EIR discusses the potential for *on-site* noise impacts in interior areas and the new outdoor dining area and *off-site* impacts from the proposed use of (limited) amplification, increased traffic noise, short-term construction noise, and noise from the new outdoor dining area above Butterfly Lane. This Residential A Alternative would utilize existing interior spaces, therefore on-site noise impacts would be the same as for the proposed Master Plan project. If the Rack or Treasure House were used for residences, it would be possible for their associated private outdoor living area space to be exposed to excessive noise levels exceeding the County's 65 dBA CNEL threshold. Therefore, provision of common outdoor play/recreation areas, accessible to all residents, would be required in the central portion of the site, where noise levels do not exceed 65 dBA CNEL. This would also serve to minimize project-generated noise in the neighborhood. Continued use of the existing residence as a residence would not alter the existing setting, so outdoor noise exposure at this location would not be considered a new project impact. Off-site noise impacts from short-term construction noise, vehicle traffic and the new outdoor dining area and balconies would be reduced or eliminated under this alternative.

Public Facilities (Water, Sewer, And Solid Waste): This alternative would generate less demand on water supplies, sewage treatment capacity and landfill space. No parking structure or new maintenance building would be constructed near the northern property line. Therefore, there would be no impacts to operation or maintenance of the existing sewer lines in the on-site easement.

Transportation/Circulation: Under the Off-site Location/Residential A Alternative, there would be substantially less grading and construction for new buildings and altered roadways than under the proposed Master Plan. Therefore, short-term construction traffic impacts would be reduced. Traffic in the neighborhood would be substantially less under this alternative with approximately 144 average daily trips and 15 peak hour trips. These estimates utilize a conservative, estate residential generation rate, even though some of the units would be attached, rather than separate estates.

Relocation of the conservatory, rental, and resale activities would essentially relocate project traffic. Given a more central location or an established institutional setting, it is anticipated that not all of the project traffic would be separate new vehicle trips. At least some of the project traffic would

already be using the affected streets (pass-by trips) or would be visiting the new project site in combination with other vehicle trips in the immediate vicinity (linked trips). Linked trips may involve shopping, dining, work, or child-care related vehicle trips in the downtown area. Finally, a downtown or institutional location would facilitate greater use of public transportation and possibly alternative modes of transportation to conservatory events (e.g., a greater population lives in walking/biking distance of downtown Santa Barbara, City College, UCSB, St. Francis, etc. than to the existing Music Academy site) further reducing project-related traffic.

Housing: Because of its affordable component, this alternative would result in beneficial impacts to provision of affordable housing.

This alternative does not achieve the applicant's goals for the established music conservatory use on-site.<sup>84</sup>

### **Modified Residential On-Site/Off-Site Relocation of Music Conservatory Alternative:**

#### **8.4A Increased Housing Units:**

A modification to the above alternative could include provision of a greater number of housing units, including more affordable housing units on-site. This could be accomplished by extending the adjacent DR-10 zoning (10 units per acre) to the Music Academy property, allowing for development of up to 90 units on-site or some other number of units between the 9 identified in the previous alternative to the 90 units allowed under DR-10 zoning. Development of 90 units on-site would result in many project impacts that would be similar to the proposed project at this density. While greater residential density would provide housing benefits, increased housing would not serve to further reduce project impacts below those identified for the 12-Unit On-Site Residential Alternative.

This alternative does not achieve the applicant's goals for the established music conservatory use on-site.

#### **8.4B Assisted Living Facility:**

Another modification to Alternative 7.3 includes converting the site to a senior housing/assisted living facility, similar to Casa Dorinda for up to 40 residents along with relocation of MAW conservatory uses. Impacts associated with this alternative would be similar to the 12-Unit Residential On-Site Alternative. Traffic associated with this alternative would include the additional vehicle trips associated with employees, deliveries and visitors.

This alternative would not achieve the applicant's goals for the established music conservatory use on-site.

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<sup>84</sup> In their Draft EIR comment letter, the applicant indicated that this alternative and alternative 8.4B, "do not advance the primary purpose of the project."

## 8.5 Project Redesign I

This on-site redesign would include the following modifications to the proposed Master Plan:

- The parking structure would be moved south and extended eastward to provide enough room for replacement of existing trees if they are lost due to natural or project-related causes. The parking structure relocation would also allow for additional spaces as well as potential future access for project access (1-way or 2-way) via the Montecito Sanitary District (MSD) property. **The MSD submitted a letter in response to the Draft EIR (comment letter R) which requests that alternative access through their site be removed from the EIR as this would conflict with their Mission. The access option has been retained for disclosure purposes, but it is acknowledged that the MSD is not interested in allowing this type of access through their property at this time.** Redesign of the parking structure would result in removal of the existing maintenance building and Harger Studio and would eliminate the proposed new storage building. The proposed maintenance building would be relocated to the east, just north of the existing single family residence or a maintenance area could be included in the lower level of the parking structure. Storage and brass practice studio uses could be relocated to portions of other existing or proposed structures (e.g., storage could be accommodated in the parking structure, the new instructional building, or the new student services building; the Harger practice studios could be relocated to either Claeysens Studio or the new instructional building). **The project revisions submitted in response to the Draft EIR incorporate some of these changes, including relocating the parking structure and re-orienting the structure to allow some area to plant outside of the MSD easement. The revised plan similarly results in removal of Harger Studio and the existing storage building and previously proposed new maintenance building. If a future access through the MSD property were ever mutually agreeable, access to the revised parking structure could be accommodated near the structure's southwest corner.**
- The size and seating capacity of the recital hall shall be reduced to a maximum of 400 and the structure shall be pulled back slightly from the north and east. The reduced seating capacity would reduce parking demand and peak traffic periods associated with the start and end times of events and classes. Any-given-time attendance limits would be reduced consistent with the new seating capacity of the replacement recital hall. The minor reduction in size and/or relocation is proposed to avoid removal of screening trees on the north side of the building and historic trees on the west side. **The project revisions submitted in response to the Draft EIR incorporate some of these changes, including retaining the existing recital hall, but with additions on the sides of the building to allow increased seating capacity as originally proposed to 480 attendees. The trees along the west side of the building would be preserved.**
- Because the revision to the recital hall provides additional area for structures, the instructional building would be slightly revised, or at least shifted away from the area of its currently proposed northeast corner. The new service driveway to the new student services building would be similarly revised to avoid oaks impacted by grading for this feature. This would allow preservation of most of the oaks proposed for removal on-site as well as retention of other important skyline trees that screen the site and future

development from the north and from Butterfly Lane.

- The new outdoor patio area would be replaced by incorporating an eating area into the new interior “cloistered” patio. This area would be designed as more of a central plaza or gathering area for the campus.
- Access for vehicles leaving the Music Academy would include both the Butterfly Lane driveway and potentially the Montecito Sanitary District drive. **As described above, the MSD has not expressed interest in this circulation option to date and has in fact requested that consideration of this option be removed from the EIR. While this alternative does not assume actual provision of access through MSD, it assumes that the project circulation design could accommodate a potential future circulation option via the MSD property, subject to future consideration and approval by Montecito Sanitary District.** Access to the MSD driveway would be generally in the northwest corner of the property, between Monte Cristo Lane and the northern property line. The MSD driveway access would be designed and used for one-way access only (for vehicles leaving the Music Academy site) to avoid use of this roadway by others driving between Cabrillo Boulevard and the Butterfly Beach area. This would provide a more direct route for Santa Barbara or Goleta bound cars leaving the site. It would also reduce departing vehicle trips on neighborhood streets. Use of the MSD driveway could be limited by use of a gate on the Music Academy property to half-hour periods following the end of concerts or other events on-site (gate otherwise closed). This would ensure minimal non-Montecito Sanitary District activity on this access road, while reducing peak project related traffic on neighborhood streets.
- On-site storage of rummage and resale store items would be limited to the Treasure House and The Rack,. The exception to this would be allowance for on-site storage of rummage one month prior to May Madness. Music Academy would provide for pick-up of donated items if there is no room at Treasure House or The Rack or if donors did not wish to bring items to the off-site storage location.
- The site driveway/access road shall be modified to accommodate a kiosk on or near the Fairway Road entrance. The kiosk personnel shall be present during activities on-site and at other times when the main entrance gates are open. Kiosk personnel or a scanning device shall track the number of vehicles entering the site and whether they are associated with students/performers, faculty/employees, board members or others participating in administrative activities on-site, guests, or cut-throughs. When the kiosk is un-staffed and the gates are closed, other MAW personnel responsible for opening the gates (using existing intercom for confirmation of MAW related vehicle) shall control which vehicles enter the site. **The project revisions submitted in response to the Draft EIR incorporate a cut-through traffic reduction program with two alternative programs. One of these programs incorporates a kiosk at the fork in the drive, similar to the above recommendation.** In addition to the cut-through reduction program idea, this alternative also assumes that the customers of The Rack and Treasure House would access the site from Butterfly Lane only (for both ingress and egress). This idea has been suggested (in a public comment) to better control cut-through traffic, as the reason the Fairway entrance gate is open in the afternoons (when considerable cut-through traffic sometimes occurs) is to provide access for resale shop customers.

## **Impacts of the Project Redesign I Versus the Proposed Master Plan Project**

**Aesthetics/Visual Resources:** Additional trees could be retained in the northern part of the property and on the north side of the new instructional building and new service driveway. This would provide more screening in the short-term. Views of the site would remain substantially the same, except in the short-term (until the new trees north of the parking structure reach sufficient height to provide screening) and primarily limited to views of perimeter landscaping and interior sky-line trees. Maintaining additional trees immediately south of the east-west internal road would minimize short-term impacts by maintaining some screening trees in place during construction activities and until the new trees north of the parking structure are mature. Impacts to the visual character of the site and the immediate area would be less under this alternative.

**Air Quality:** Air quality impacts are primarily associated with short-term construction impacts and project-related vehicle emissions. Grading and related short-term air quality impacts would be somewhat less, but similar under this alternative. Vehicle emissions would be similar as the annual and seasonal attendance limits are not proposed to be modified. Therefore, long-term air quality impacts of this alternative would be the same as with the proposed project.

**Archaeological Resources:** As grading would be similar under this alternative, impacts to archaeological resources would be considered the same as for the proposed project.

**Biological Resources:** Tree removal to accommodate changes to circulation, parking and structural development on-site would be less under this alternative and the butterfly enhancement plan could still be required under this alternative, given the Music Academy's incremental contribution to the demise of habitat in the northwest corner. Overall impacts to flora and fauna would be less with this Project Redesign Alternative.

**Fire Protection/Risk of Upset:** The alterations proposed to the Master Plan under this alternative could continue to accommodate Montecito Fire Protection District requirements related to access, sprinklering, and fire suppression water. Impacts associated with fire protection would be considered the same as for the proposed Master Plan project.

**Geologic Processes:** New grading and structural development would be slightly reduced under this alternative. This alternative would still require implementation of bio-filtration on-site or the installation of water quality filters to comply with current policies. The greater amount of impermeable surfaces on-site would require increased maintenance to minimize oil, grease and other contaminants in run-off water, before it leaves the site. Therefore, impacts from grading and run-off water quality would be the same or slightly less under this alternative.

**Historic Resources:** The retention of more specimen trees on-site, particularly along the northern windrow and the north side of the new instructional building would reduce impacts of tree loss identified in the Phase III report. Given the reduction in the maximum one time attendance to 400 and the potential for the redesigned parking structure to accommodate more spaces, it would also reduce the need for event parking along the entrance alley. This alternative would result in slightly reduced impacts to historic resources.

Land Use Compatibility: The retention of more existing trees would reduce the extent of the short-term aesthetic impact until new screening trees reach sufficient screening heights.. Elimination of the proposed outdoor dining patio above Butterfly Lane would relocate this high intensity, non-residential use away from the periphery of the property to the new cloistered patio near the center of the site. Reducing storage of resale and rummage items to Treasure House and The Rack (with some exception for May Madness preparation) would minimize traffic and activity associated with collection and warehousing of this secondary commercial use on-site. Allowance for potential future egress from the site using the Montecito Sanitary District (MSD) driveway (subject to MSD approval) would greatly reduce traffic on neighborhood streets for vehicles leaving the site. A one-way design for this access would also inhibit this access from being used as a new cut-through option to the Butterfly Beach area. Provision of a staffed kiosk would provide a deterrent to traffic passing through the site and staffing the kiosk could be reduced by keeping the gate closed during resale shop hours (when there are not events also taking place). Overall land use impacts would be less under this Project Redesign alternative compared with the proposed Master Plan project.

Noise: The Noise section of this EIR discusses the potential for *on-site* noise impacts in interior areas and the new outdoor dining area and *off-site* impacts from the proposed use of (limited) amplification, increased traffic noise, short-term construction noise, and noise from the new outdoor dining area above Butterfly Lane. Impacts from amplification would be the same. Impacts from traffic noise would be reduced if vehicles were able to egress via the Montecito Sanitary District driveway. Short-term construction noise would be similar and noise from the outdoor dining patio would be eliminated. Therefore, overall noise impacts would be less than identified for the Master Plan project.

Public Facilities (Water, Sewer, And Solid Waste): This Project Redesign Alternative would generate similar demand on water supplies, sewage treatment capacity and landfill space. Due changes to the parking structure, maintenance and storage buildings, there would be no impacts to operation or maintenance of the existing sewer lines in the on-site easement. Overall impacts to public facilities would be less than the proposed Master Plan.

Transportation/Circulation: Peak traffic periods would be slightly reduced due to the change in the any-given-time attendance maximum of 400 versus 450 proposed under the Master Plan. Allowance for potential future egress from the site using the Montecito Sanitary District driveway (subject to MSD approval) would greatly reduce traffic on neighborhood streets for vehicles leaving the site. A one-way design for this access would also inhibit this access from being used as a cut-through option to the Butterfly Beach area, or as a means of bypassing Highway 101 congestion. Provision of a staffed kiosk would provide a deterrent to traffic passing through the site along with access for resale shoppers limited to the Butterfly Lane driveway for ingress and egress. Traffic impacts would be less under this alternative compared to the Master Plan project.

## **8.6 Off-site Location for 300 Attendees / Redesign**

This alternative would continue most activities at the project site and would maintain overall attendance at historic levels (50,465). However, recitals, concerts, and other performances involving more than 300 attendees would be required to be located off-site. (It is expected that this would involve a variety of locations as currently occurs for activities with over 382 attendees). Most of the Master Plan physical improvements would still be included with the following exceptions:

- Maximum attendance would be limited to 300 attendees (including concurrent events/venues).
- Replacement of Abravanel Hall would not occur. Instead, Abravanel Hall would be modified to improve acoustics and to accommodate the blocking of operas. It is acknowledged that some seating could be lost to accommodate such acoustical improvements, however, it is not expected that this would reduce the capacity allowed under the Uniform Building Code from the existing 382 to below 300 seats.
- The proposed parking structure would be eliminated. This area would be used for permanent surface parking and would be landscaped to ensure long-term screening of Music Academy facilities.
- The proposed outdoor dining patio would be eliminated.
- The proposed maintenance building would be eliminated and maintenance activities would be expanded into the existing Harger Studio building. Studio uses from the latter building would be relocated to either Claeysens Studio or to some of the many new studio spaces provided in the new instructional building.

### **Impacts of the Redesign II/Off-Site Relocation of 300+ Attendee Events Alternative Versus the Proposed Master Plan Project**

Aesthetics/Visual Resources: Additional trees could be retained in the northern part of the property and on the north side of the new recital hall structure. This would provide substantially more screening in the short-term and would allow for replacement of eucalyptus trees along most of the northern boundary, outside of the sewer easement, if they continue to be lost due to natural causes. Views of the site would remain nearly the same, primarily limited to views of perimeter landscaping and interior sky-line trees. Impacts to the visual character of the site and the immediate area would be reduced under this alternative compared to the proposed Master Plan.

Air Quality: Grading and related short-term air quality impacts would be somewhat less under this alternative. Vehicle emissions would be reduced as attendance would be maintained at historic levels. Although some faculty and students already leave the site between day-time classes and the larger evening performances and events over 382 attendees already take place off-site, this alternative would slightly increase the vehicle trips associated with faculty and students moving between the Music Academy site and the off-site venue. Overall, long-term air quality

impacts of this alternative would be the less than with the proposed Master Plan project.

Archaeological Resources: Grading would be reduced under this alternative. Impacts to archaeological resources would be considered the same or less than for the proposed project.

Biological Resources: Tree removal would be less under this alternative and the butterfly enhancement plan could still be required under this alternative, given the Music Academy's incremental contribution to the demise of habitat in the northwest corner. Overall impacts to flora and fauna would be less with this alternative.

Fire Protection/Risk of Upset: The alterations proposed to the Master Plan under this alternative could continue to accommodate Montecito Fire Protection District requirements related to access, sprinklering, and fire suppression water. Impacts associated with fire protection would be considered the same as for the proposed Master Plan project.

Geologic Processes: New grading and structural development would be reduced under this alternative. This alternative would likely still be conditioned to include implementation of bio-filtration on-site or the installation of water quality filters to comply with current policies. There would also be less of an increase in impermeable surfaces on-site. Therefore, impacts from grading and run-off water quality would be less under this alternative.

Historic Resources: The retention of more specimen, sky-line trees on-site, particularly along the northern windrow and the north and west sides of the new recital hall would reduce impacts of tree loss identified in the Phase III report. This alternative would result in reduced impacts to historic resources. Given the reduction in the maximum one time attendance to 300, it may also be possible to eliminate some of the parking along the entrance allee, again reducing impacts.

Land Use Compatibility: The retention and allowance for replacement of trees along the northern windrow and north of the new recital hall would provide continued vegetative screening of the site from public views. Elimination of the proposed outdoor dining patio above Butterfly Lane would relocate this high intensity, non-residential use away from the periphery of the property to the new cloistered patio near the center of the site. Reducing storage of resale and rummage items to Treasure House and The Rack (with identified exception for May Madness preparation) would minimize traffic and activity associated with collection and warehousing of this secondary commercial use on-site. Surface parking in the northwest corner maintains an option for some future use of the Montecito Sanitary District driveway for access, which could greatly reduce traffic on neighborhood streets (subject to MSD approval). A one-way design for this access would also inhibit this access from being used as a cut-through option to the Butterfly Beach area and use of the access road could be limited by use of a gate on the Academy property to allow its use for limited duration after completion of Academy events/activities. Overall land use impacts would be less under the Project Redesign alternative compared with the proposed Master Plan project.

Noise: The Noise section of this EIR discusses the potential for *on-site* noise impacts in interior areas and the new outdoor dining area and *off-site* impacts from the proposed use of (limited)

amplification, increased traffic noise, short-term construction noise, and noise from the new outdoor dining area above Butterfly Lane. Impacts from amplification would be the same. Impacts from peak event traffic noise would be reduced. Traffic noise could be further reduced if vehicles are able to egress via the Montecito Sanitary District driveway. The duration of short-term construction noise would be reduced and noise from the outdoor dining patio would be eliminated. Therefore, overall noise impacts would be the same or less than identified for the Master Plan project.

Public Facilities (Water, Sewer, And Solid Waste): Impacts to demand on water supplies, sewage treatment capacity and landfill space would be similar to the Master Plan. Due to changes to the parking structure and maintenance buildings, there would be a reduction in potential impacts to operation and maintenance of the existing sewer lines in the on-site easement. Impacts to public facilities would be less than the proposed Master Plan.

Transportation/Circulation: Peak traffic periods would be slightly reduced due to the change in the any-given-time attendance maximum under the Master Plan to 300 under this alternative. Allowance for potential future option of egress using the Montecito Sanitary District driveway (subject to MSD approval) would further reduce traffic on neighborhood streets for vehicles leaving the site. **The MSD submitted a letter in response to the Draft EIR (comment letter R) which requests that alternative access through their site be removed from the EIR as this would conflict with their Mission. The access option has been retained for disclosure purposes, but it is acknowledged that the MSD is not interested in allowing this type of access through their property at this time.** A one-way design for this access would also inhibit this access from being used as a cut-through option to the Butterfly Beach area. Parking is expected to be accommodated on-site under this alternative. Annual traffic would be greater than existing levels under this alternative. However, summer traffic and peak traffic periods (start and end times for all large events, not just limited to 4-6 pm) would be reduced. Overall, traffic impacts would be less under this alternative compared to the Master Plan project.

**The applicant has indicated that this alternative is not feasible due to the following: The Music Academy is a school and cannot operate its conservatory program if many of its events must be held off campus. This would interfere with student instruction (because of transportation required to off-site venues) and would prevent the Music Academy from maintaining the superior quality of its educational program.**

#### **8.7 Other Off-site Locations:**

A number of other off-site locations were considered. However, these sites included “fatal flaws” which resulted in a decision to discontinue further analysis of their relative impacts compared with the proposed project.

Some of these or other sites could also be considered in combination with Alternatives 7.4, 7.4A and 7.4B and 7.6.

Cate School: Use of this site is limited to the summer only (when school is not in session). In addition, this site lacks sufficient and appropriate facilities for instrumental practice studios or

recitals, a basic requirement. Its location in a high fire hazard, rural area, with narrow, winding roads, and its greater distance from many attendees would exacerbate traffic and land use compatibility impacts. This would also eliminate the many musical opportunities and programs provided at the Fairway campus during the rest of the year.

St. Francis Hospital: It is unknown what the final plans will be for this site. Use of this site for Music Academy activities would require major remodeling efforts to address space and acoustical issues. Neighborhood issues would also likely be similar to those associated with the existing site, although impacts would likely be reduced due to the proximity of St. Francis to public transportation and easier accessibility for non-motor vehicle options (walking, biking).

Granada Building: Practice Studio and Recital Hall Space: Use of the Granada building for practice studios and a recital hall would involve extensive remodeling. In addition, it is not expected that conversion to practice studios would be an attractive option to existing office uses currently and historically located in the non-theater portions of the building.

The applicant has indicated that, in their opinion, these alternatives do not advance the primary purpose of the project and involve property not within the control of the applicant.

**Table 21**  
**Impacts of Alternatives Compared to the Impacts of the Proposed Master Plan**

Alternative #	Aesthetics	Air Quality Short-term /Long-term	Archaeology	Biology	Fire	Geology	Historic	Land Use	Noise	Public Services	Traffic Short-Term/ Long-term
8.1 No Project	<	</ +	<	<	+	< =	<	<+	< +	= <	</ +
8.2 No Project w/ Off-Site Lot	<	</ +	+	=	+	< +	<	<+	=	=	+
8.3 Master Plan w/ Off-Site Lot	<	=	+	+	=	= +	<	=	=	=	=
8.4 Residential 12 Units On-Site/Off-Site Music Conservatory*	<	<	<	<	<	<	<	<	<	<	<
8.4A Residential 90 Units/ Off-Site Music Conservatory**											
8.4B Assisted Living Facility/ Off-Site Music Conservatory*	<	<	<	<	<	<	<	<	<	<	<
8.5 Redesign I	<	=	=	<	=	=	<	<	<	<	<
8.6 Redesign II/ 300+ Attendee Events Off-Site*	<	<	=	<	=	<	<	<	<	= <	<

\*Off-site impacts would vary depending on the specific off-site location. However, given the assumed central location (downtown or other existing institutional setting) and fewer residential neighbors, changes to the air quality, biological, visual, fire safety, geology, land use, noise, public facilities and traffic settings are expected to be minimal.

\*\*This alternative not studied further. Although it could provide beneficial impacts associated with affordable housing, it would not reduce any other impacts to a greater extent than would be provided by the 12 residential unit alternative.

Because Alternatives 7.4, 7.4A, and 7.4B would relocate music conservatory uses off-site, these alternatives would not achieve the applicant's goals for the site.

Environmentally Superior Alternative: Alternative 7.5, Redesign I, is considered the environmentally preferred alternative. However, Alternative 7.6 would achieve close to the same reduction in impacts.



## **8.8 Environmentally Superior Alternative**

In addition to the discussion and comparison of alternatives to the proposed project, CEQA requires that an environmentally superior alternative be selected and the reasons for such selection be disclosed. In general, the environmentally superior alternative is the alternative that would generate the least number of adverse impacts and meets the basic project objectives.

The Residential 12-Unit Alternative would generate the least environmental impacts. However, this alternative would not meet the basic project objectives. This alternative could be combined with one of the off-site locations (for relocation of music conservatory uses), such as the former St. Francis Hospital site. However, many of the impacts avoided by the Residential Alternative on-site would be relocated to an off-site location (primarily traffic, land use, and noise impacts).

The Project Redesign I Alternative (Alternative 7.5) would result in the greatest reduction in project impacts, while still achieving the primary goals of the applicant. Therefore, the Project Redesign I Alternative is considered the Environmentally Superior Alternative.

## 9.0 REPORT PREPARERS/REFERENCES

This report was prepared by:

Natasha Heifetz Campbell, Contract Planner, Planning & Development

Cindy Moore, Planner III, Planning & Development

Sub-consultants:

David Stone, SAIC - Archaeological Resources

Dan Meade, Althouse & Meade - Monarch Butterflies

John Storrer, Storrer Environmental Services – Biological Resources

Joe Power, Rincon Consultants – Acoustical

Mitch Stone, Judy Triem San Buenaventura Research Associates – Historic Resources

Susan Chamberlin – Historic Resources

Ken Doud, Videoscapes - Visual Simulation

### *Persons Contacted*

**Almy, Anne, S.B. County Planning & Development**

**Brown, Peter, Hatch and Parent**

**Cunningham, Bob, Arcadia Studio**

**Dayton, Rob City of Santa Barbara**

**Degasis, Martha, Arcadia Studio**

**Eaton, Rob S.B. County Public Works Department**

**Eilertson, Court, S.B. County Public Works Department**

**Elledge, Suzanne, Suzanne Elledge Permit Processing Services**

**Fowler, Harry, Penfield & Smith Engineers**

**Harris, Julie, S.B. County Planning & Development**

**Kennedy, Kathleen, City of Santa Barbara**

**Langhorne, Jim, Montecito Fire Protection District**

**Lee, Catherine, Montecito Association**

**Metsch, Steve, Phillips, Metsch, Sweeney, Moore Architects**

**Miller, Patty, S.B. County Planning & Development**

**Radle, Autumn, S.B. County Planning & Development**

**Robertson, Will, S.B. County Public Works**

**Shelton, Barbara, City of Santa Barbara**

**Slutzky, Mary Anne, S.B. County Counsel**

**Smith, Jerry, Montecito Sanitary District**

**Stewart, Bret, S.B. County Public Works Department**

**Weber, Dale, S.B. County Flood Control District**

**Wilson, Stacey, City of Santa Barbara**

## *References*

**Montecito Community Plan**  
**Montecito Architectural Guidelines and Development Standards**  
**Santa Barbara County, Environmental Thresholds and Guidelines Manual**  
**Montecito Community Plan EIR**  
**Santa Barbara County, Coastal Land Use Plan**  
**Bill Spiewak Arborist Report January 30, 2003**  
**Dan Meade Monarch Butterfly Inspection Letter dated January 14, 2002**  
**Dan Meade Monarch Butterfly Report dated April 24, 1999**  
**Dan Meade Monarch Butterfly Report dated January 6, 1999**  
**Garcia & Associates Raptor Survey Report May 24, 2000**  
**Garcia & Associated Raptor Survey Report January 11, 2000**  
**CFS Engineering Geology Inc. Geologic Hazard Study dated April 1999**  
**Penfield & Smith Drainage Study Excerpt October 12, 1999**  
**San Buenaventura Research Associates Addendum dated May 12, 2003**  
**San Buenaventura Research Associates Update dated April 21, 2003**  
**San Buenaventura Research Associates Phase III Report dated March 26, 2003**  
**San Buenaventura Research Associates Peer Review dated September 21, 2002**  
**Lex Palmer Update Letter dated April 6, 2000**  
**Lex Palmer Phase I/II Historic Report dated January 7, 2000**  
**artNTEK Acoustical Report dated January 19, 2000**  
**Rincon Consultants Acoustical Report Peer Review and Additional 24-Hour Noise Measurement dated September 30, 2002**  
**Notice Of Preparation (NOP) / EIR Scoping**  
**Notice of Availability of NOP/EIR Scoping Document**  
**Comments Received on NOP/EIR Scoping Document**  
**ATE Traffic Study for Master Plan dated March 14, 2003**  
**ATE Traffic Report for Off-Site Parking Lot dated May 22, 2003**  
**ATE Traffic Report for Off-Site Parking Lot dated April 23, 2003 (Includes Responses to City of Santa Barbara 30-day Letter for Off-Site Lot Project)**  
**City of Santa Barbara Letter dated April 14, 2003 for Off-Site Lot Project**  
**Santa Barbara Highway 101 Operational Improvement Project Draft EA/EIR**

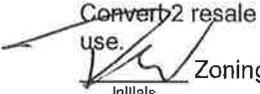
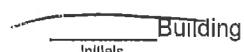
ATTACHMENT E

MONTECITO WATER DISTRICT  
CERTIFICATE OF WATER SERVICE AVAILABILITY

DEVELOPMENT/IMPROVEMENTS (EXISTING WATER SERVICE)

To the County Planning and Building Departments of Santa Barbara:

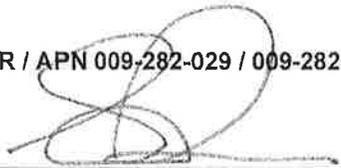
Montecito Water District (District) has received the following application for water service availability:

Date of Application	02/24/2022
Name of Applicant/Agent	Haley Kolosieke, SEPPS, INC.
Name of Property Owner	Music Academy of the West c/o Scott Reed, President & CEO
Service address	1070 Fairway Road
Assessor's Parcel Number(s) to be served	009-282-029 / 009-282-030
Parcel/property size	6.31 acres
Brief Project description	Convert 2 resale shops into residential/guest use.
Permits Authorized for Approval:	 Zoning  Building
	<small>Initials</small> <small>Initials</small>

Based on the information provided including the application, architectural plans by PMSM Architects, dated 01/03/2022, the District hereby notifies the County that the District can make service available to the subject property in accordance with, and subject to, the District's current ordinances and regulations including water limitation Ordinance 89 and other conditions as specified below.

1. This Certificate pertains only to the currently proposed development or improvements specifically identified above. This Certificate does not extend to future projects, improvements, development or land use modifications. Any changes to the proposed development or improvements are subject to additional review and approval by the District.
2. The District's provision of water shall be contingent upon the property owner's completion of all obligations to the District associated with the Project identified herein and shall remain subject, at all times, to the District's ordinances, regulations and requirements. Water service shall be subject to all rules, regulations, and fees required by the District.
3. Water Use Limitation. The parcel on which the Project is being completed is subject to a water use limitation of 5.4 AFY per Ordinance 89 and is subject to future water use limitation ordinances superseding Ordinance 89. Applicant agrees to install state-of-the-art water-saving technologies both indoors and outdoors and to use no more water than is authorized under this Certificate.
4. Projects on Parcels with Existing Meters. Existing water service through the parcel's two 2-inch meters shall supply the property and proposed Project.

OWNER / APN 009-282-029 / 009-282-030

By 

Date 3-15-22

Music Academy of the West c/o Scott Reed, President & CEO

MONTECITO WATER DISTRICT

By 

Date 3/14/2022

Nick Turner, General Manager

DW for NT



# Montecito Sanitary District

1042 Monte Cristo Lane  
Santa Barbara, CA 93108  
General Manager: Bradley Rahrer, P.E.

*A Public Service Agency*

PHONE: (805) 969-4200  
[www.montsan.org](http://www.montsan.org)  
[brahrer@montsan.org](mailto:brahrer@montsan.org)

## SEWER AVAILABILITY LETTER

March 1, 2022

County of Santa Barbara  
Planning and Development Department  
123 East Anapamu Street, 3<sup>rd</sup> floor  
Santa Barbara, CA 93101

SUBJECT: Sanitary Sewer Availability for Residential Development at **1070 Fairway Drive** (APN 009-282-029/030)

This letter is to notify the County of Santa Barbara that sanitary sewer service is available for the parcel located at 1070 Fairway Drive. This letter does not constitute approval of any proposed project. Construction plans for any and all proposed development on this parcel must be submitted to the District for review. Following our plan review, the District will issue a Certification Letter containing the specific requirements that the District has for the proposed project.

At this time, the District has made the following findings regarding this property:

- The property is located within the District boundaries
- The property is currently owned The Music Academy of the West
- The property owner has submitted plans to County Planning & Development for a change of use of The Treasure House and The Rack shops located on the property into temporary residential housing to be utilized for festival related housing for personnel, guest artists, alumni and faculty members
- It has been confirmed there is a public sewer easement on the property

***The following information is solely for the property owner and does not certify approval of the above mentioned project;***

If the project moves forward as proposed, the District will receive a set of plans with an assigned building permit application number from the County Building & Safety Department for review.

From the preliminary review, it has been determined that there will be no requirements by the District for project approval.

Sincerely,

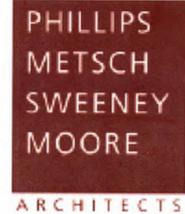
Caroline Martin  
Acct/Administrative Assistant

cc: Haley Kolosieke at [Haley@sepps.com](mailto:Haley@sepps.com)

ATTACHMENT G

Music Academy			
#	Building Name (2004)	Building Name (Current)	Notes
1	Abravenel	Hahn Hall	
2	Claeyssens Hall	Claeyssens Hall	
3	Harger Studio	Marjorie Crispin Annex	This was used for storage for the Rack & Treasure House. Currently used for general administrative storage.
4	Main House	Marilyn Horne Main House	
5	Residence	Residence	Student use. Change from Cate School to Westmont
6	The Rack	The Rack	Discontinued retail use; proposed Casitas West
7	Treasure House	Treasure House	Discontinued retail use; proposed Casitas East
8	Wood 1	Hind Hall	Demo and replacement with 2004 CUP - now Hind Hall
9	Wood 2	Hind Hall	Demo and replacement with 2004 CUP - now Hind Hall
10	Practice Studio Building/Instructional Center	Lehrer Studios	2nd Floor Lehrer existing caretaker apartment.
11	Student Services	Luria Education Center	
13	N/A	New Maintenance/Storage	Approved, not constructed.
14	N/A	New Storage	Approved, not constructed.
15	N/A	New Residence/Storage	Approved, not constructed.
17	Stewart Hall	Yzurdiaga Hall	
18	Lehmann Hall	Lehman Hall	

# MUSIC ACADEMY OF THE WEST

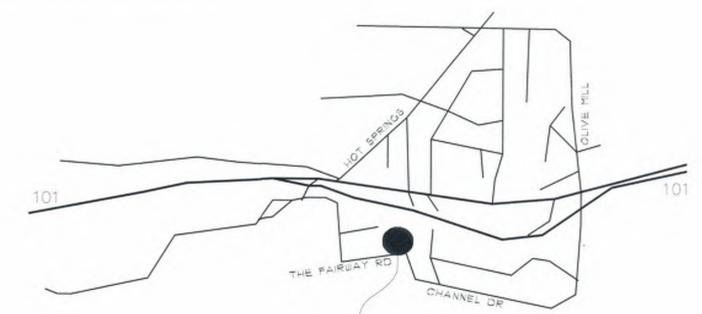


2020 ALAMEDA PADRE SERRA, SUITE 220  
 SANTA BARBARA, CA 93103  
 TEL 805 963 1955 FAX 805 564 8582



PROPOSED SITE PLAN

## VICINITY MAP



**MUSIC ACADEMY OF THE WEST**  
 1010 THE FAIRWAY ROAD  
 MONTECITO, CA 93108  
 APN. 009-282-029 & 030

## ARCHITECTURAL

- SHEET 1 TITLE SHEET
- SHEET 2 EXISTING SITE PLAN
- SHEET 3 COMPOSITE SITE PLAN
- SHEET 4 FLOOR PLANS
- SHEET 5 FLOOR PLANS
- SHEET 6 ELEVATIONS & SECTIONS
- SHEET 7 ELEVATIONS & SECTIONS
- SHEET 8 PROPOSED SITE

## CIVIL

- SHEET 1 GRADING PLAN

## LANDSCAPE

- SHEET TP-1 EXISTING TREE DISPOSITION PLAN
- SHEET PL-1 MASTER LANDSCAPE PLAN
- SHEET PL-2 AREA ENLARGEMENT PLAN

# MUSIC ACADEMY OF THE WEST

SHEET 1 OF 8

PMSM# 9605309 DATE: WEDNESDAY, MAY 19TH, 2004

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*BOS Approved 10/26/04*



**GROSS ACREAGE** 393,600 S.F. = 9.04 ACRE

EXISTING BLDGS. in Sq. Ft.	FOOT PRINT	FLOOR AREA
ABRAVANEL	1,290	11,340
CLAEYSSENS	4,650	4,650
HARGER STUDIO	1,690	1,690
MIRAFLORES	11,250	14,980
RESIDENCE	1,270	1,270
THE RACK	1,200	1,400
TREASURE HOUSE	940	940
WOOD 1	1,920	1,920
WOOD 2	4,520	5,980
<b>EXISTING BLDGS</b>	<b>34,730</b>	<b>44,370</b>

**PAVEMENT in Sq. Ft.**  
EXISTING 80,380

**LANDSCAPING / OPEN SPACE in Sq. Ft.**  
EXISTING 259,278

**WALKWAYS in Sq. Ft.**  
EXISTING 18,612

**PARKING SPACES**  
EXISTING 214

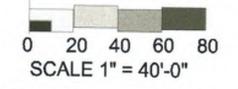
Curve number 1  
Radius= 344.48  
Delta= 131°50'  
Arc= 79.81  
Tangent= 40.08  
Chord= 78.43  
Chord Brg. N.04°10'07"E

Curve number 4  
Radius= 314.48  
Delta= 131°50'  
Arc= 72.90  
Tangent= 36.41  
Chord= 72.74  
Chord Brg. N.04°10'07"E

Curve number 2  
Radius= 250.19  
Delta= 45°14'43"  
Arc= 284.10  
Tangent= 140.14  
Chord= 249.76  
Chord Brg. S.41°45'30"E

Curve number 3  
Radius= 405.40  
Delta= 113°34'00"  
Arc= 189.35  
Tangent= 91.44  
Chord= 183.03  
Chord Brg. N.74°41'04"E

**EXISTING SITE PLAN**



**MUSIC ACADEMY OF THE WEST**

**SHEET 2 OF 8**

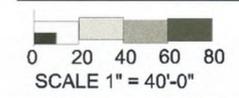
PMSM# 9605309 DATE: WEDNESDAY, MAY 19TH, 2004

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GROSS ACREAGE		393,600 S.F. = 9.04 ACRE	
EXISTING BLDGS. in Sq. Ft.	FOOT PRINT	FLOOR AREA	
ABRAYANEL	7,290	11,340	
CLAEYSSENS	4,450	4,450	
HARGER STUDIO	14,900	14,900	
MIRAFLORES	11,250	14,980	
RESIDENCE	1,270	1,270	
THE RACK	1,200	1,400	
TREASURE HOUSE	940	940	
WOOD 1	1,920	1,920	
WOOD 2	4,520	5,980	
EXISTING BLDGS	34,730	44,310	
REPLACED BLDGS	8,130	9,950	
REMAINING BLDGS	26,600	34,360	
PROPOSED BLDGS in Sq. Ft.	FOOT PRINT	FLOOR AREA	
NEW PRACTICE STUDIO BLDG./INSTRUCTIONAL CENTER	13,610	39,180	
NEW STUDENT SERVICES	3,980	14,530	
NEW ABRAYANEL (ADD'S.)	2,790	2,790	
NEW MAINT./STORAGE	1,410	1,470	
NEW STORAGE	1,080	950	
NEW RESIDENCE/STORAGE	900	1,920	
PROPOSED BLDGS	24,030	61,140	
EX) REMAINING BLDGS	26,600	34,360	
TOTAL BLDGS	50,630	95,920	
EXISTING BLDGS	34,730	44,310	
INCREASE OF	15,900	51,610	
PAVEMENT in Sq. Ft.		12.6% of GROSS	
EXISTING	80,380		
REMOVED	48,390		
RESURFACED	31,990		
PROPOSED	83,410		
TOTAL	115,410	29.4% of GROSS	
INCREASE OF	35,280		
TURF BLOCK	7,100		
LANDSCAPING / OPEN SPACE in Sq. Ft.		50.1% of GROSS	
EXISTING	259,280		
REMOVED	75,240		
PROPOSED	13,000		
TOTAL	191,040		
DECREASE OF	62,240		
WALKWAYS in Sq. Ft.		7.0% of GROSS	
EXISTING	18,610		
REMOVED	9,000		
PROPOSED	17,810		
TOTAL	27,420		
INCREASE OF	8,810		

**COMPOSITE SITE PLAN**

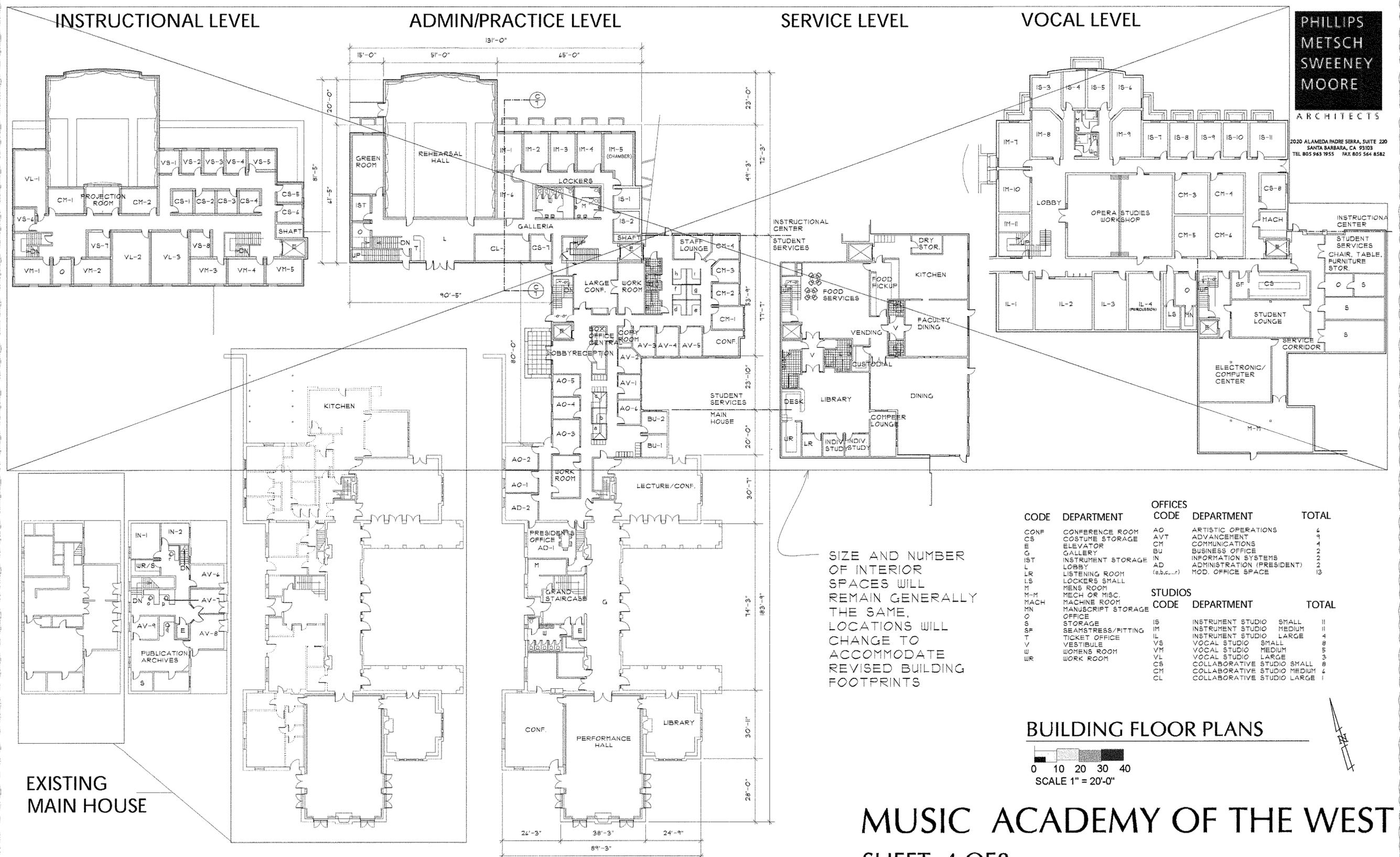


**MUSIC ACADEMY OF THE WEST**  
**SHEET 3 OF 8**

**PHILLIPS  
METSCH  
SWEENEY  
MOORE**

ARCHITECTS

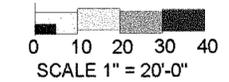
2020 ALAMEDA PADRE SERRA, SUITE 220  
SANTA BARBARA, CA 93103  
TEL. 805 963 1955 FAX. 805 564 8582



SIZE AND NUMBER OF INTERIOR SPACES WILL REMAIN GENERALLY THE SAME. LOCATIONS WILL CHANGE TO ACCOMMODATE REVISED BUILDING FOOTPRINTS

CODE	DEPARTMENT	OFFICES CODE	DEPARTMENT	TOTAL
CONF	CONFERENCE ROOM	AO	ARTISTIC OPERATIONS	4
CS	COSTUME STORAGE	AVT	ADVANCEMENTS	4
E	ELEVATOR	CM	COMMUNICATIONS	4
G	GALLERY	BU	BUSINESS OFFICE	2
IST	INSTRUMENT STORAGE	IN	INFORMATION SYSTEMS	2
L	LOBBY	AD	ADMINISTRATION (PRESIDENT)	2
LR	LISTENING ROOM	(a,b,c,...)	MOD. OFFICE SPACE	13
LS	LOCKERS SMALL			
M	MENS ROOM			
M-H	MECH OR MISC.			
MACH	MACHINE ROOM			
MN	MANUSCRIPT STORAGE			
O	OFFICE			
SF	STORAGE	IS	INSTRUMENT STUDIO SMALL	11
SF	SEAMSTRESS/FITTING	IM	INSTRUMENT STUDIO MEDIUM	11
T	TICKET OFFICE	IL	INSTRUMENT STUDIO LARGE	4
V	VESTIBULE	VS	VOCAL STUDIO SMALL	8
W	WOMENS ROOM	VM	VOCAL STUDIO MEDIUM	5
WR	WORK ROOM	VL	VOCAL STUDIO LARGE	3
		CS	COLLABORATIVE STUDIO SMALL	6
		CM	COLLABORATIVE STUDIO MEDIUM	4
		CL	COLLABORATIVE STUDIO LARGE	1

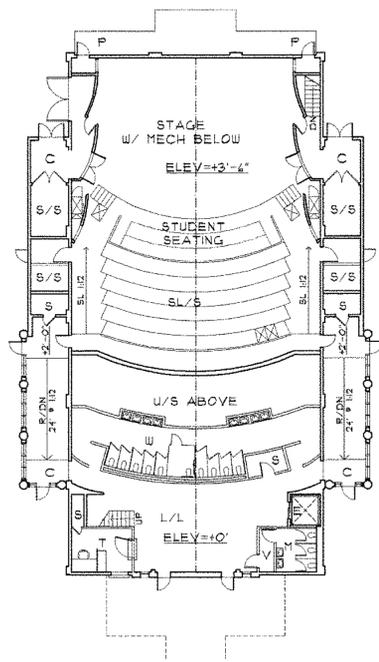
**BUILDING FLOOR PLANS**



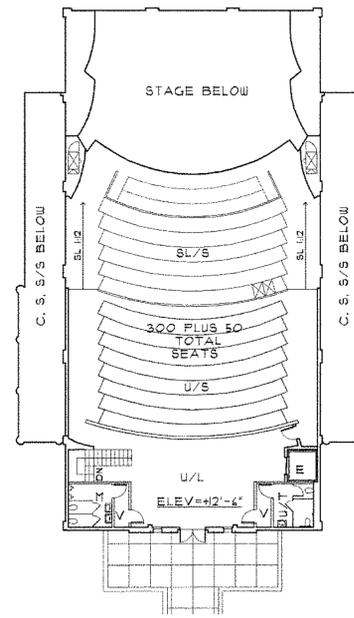
**MUSIC ACADEMY OF THE WEST**

**SHEET 4 OF 8**

EXISTING  
MAIN HOUSE



**ABRAVANEL HALL**  
FIRST FLOOR

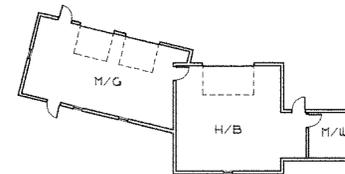


**ABRAVANEL HALL**  
SECOND FLOOR

CODE	DEPARTMENT
C	CIRCULATION
DN	DOWN
E	ELEVATOR
ELEV	ELEVATION
H/B	HIGH BAY STORAGE
L/L	LOWER LOBBY
M	MEN'S ROOM
M/G	MAINTENANCE & GARDENING STORAGE
M/M	MAY MADNESS STORAGE
F	FATIO
P/S	PROPS & SETS STORAGE
R/DN	RAMP DOWN
R/S	REMOVABLE SEATS
S	STORAGE
SL	SLOPE
SL/S	SLOPED SEATING AREA
S/S	SUPPORT STORAGE
ST	STAGE
T	TICKET OFFICE
T/H	TREASURE HOUSE STORAGE
U/L	UPPER LOBBY
U/S	UPPER SEATING AREA
U/T	UNISEX TOILET
V	VESTIBULE
W	WOMEN'S ROOM

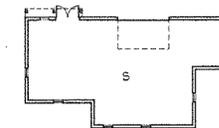
CODE	DEPARTMENT
BR	BED ROOM
LR	LIVING ROOM
K/D	KITCHEN / DINETTE

STUDIOS		TOTAL
CODE	DEPARTMENT	
IS	INSTRUMENT STUDIO - SMALL	4
IM	INSTRUMENT STUDIO - MEDIUM	10
IL	INSTRUMENT STUDIO - LARGE	2



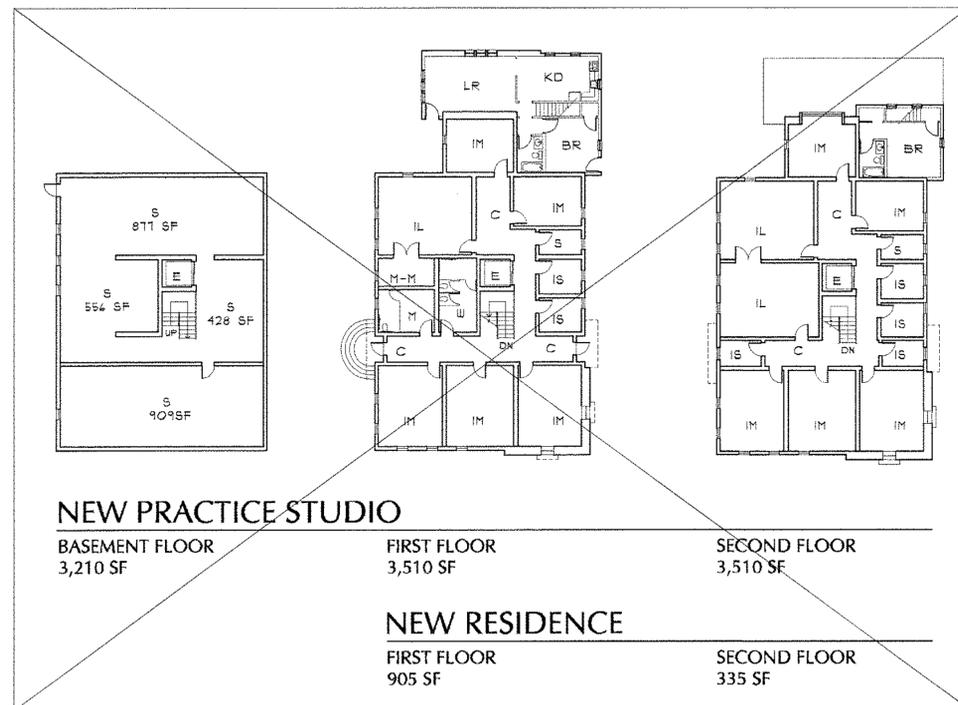
**NEW MAINTENANCE/ STORAGE BUILDING**

GROUND FLOOR  
1,610 SF



**NEW STORAGE BUILDING**

GROUND FLOOR  
1,080 SF



**NEW PRACTICE STUDIO**

BASEMENT FLOOR  
3,210 SF

FIRST FLOOR  
3,510 SF

SECOND FLOOR  
3,510 SF

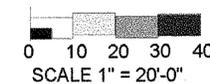
**NEW RESIDENCE**

FIRST FLOOR  
905 SF

SECOND FLOOR  
335 SF

SIZE AND NUMBER  
OF INTERIOR  
SPACES WILL  
REMAIN GENERALLY  
THE SAME.  
LOCATIONS WILL  
CHANGE TO  
ACCOMMODATE  
REVISED BUILDING  
FOOTPRINTS

**BUILDING FLOOR PLANS**

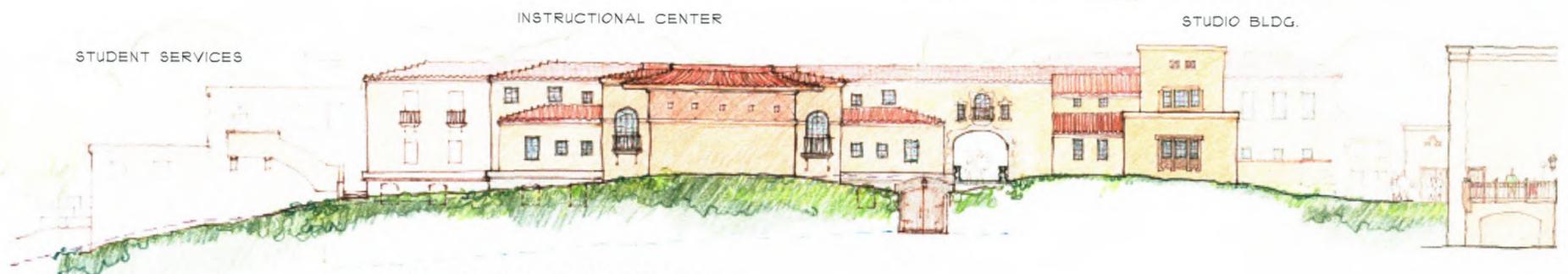


**MUSIC ACADEMY OF THE WEST**

**SHEET 5 OF 8**



**EAST ELEVATION**



**NORTH ELEVATION**



**EAST ELEVATION**



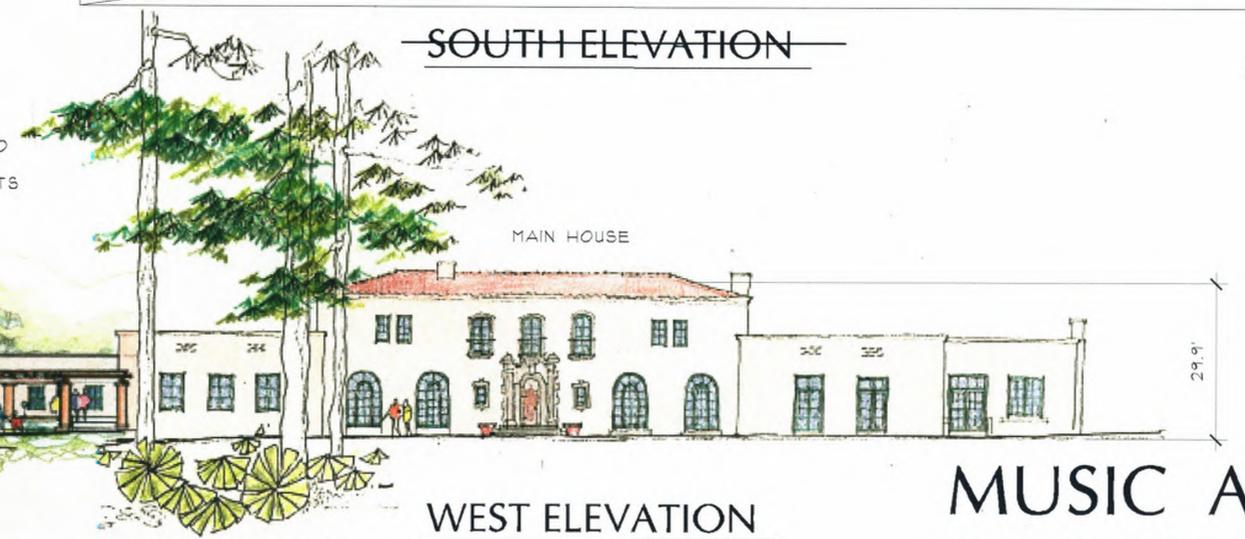
**WEST ELEVATION**



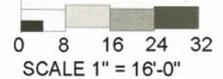
**SOUTH ELEVATION**



**SECTION 'C'**



**WEST ELEVATION**



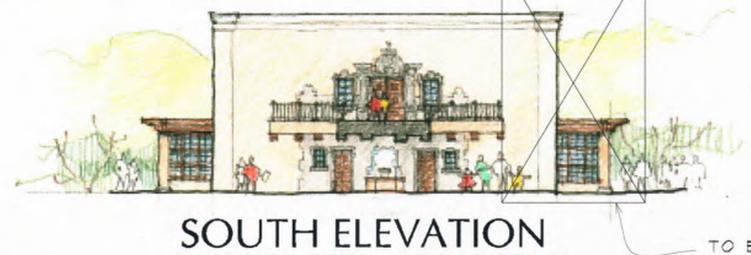
**MUSIC ACADEMY OF THE WEST**  
**SHEET 6 OF 8**

RECONSTRUCTED RECITAL HALL



WEST ELEVATION

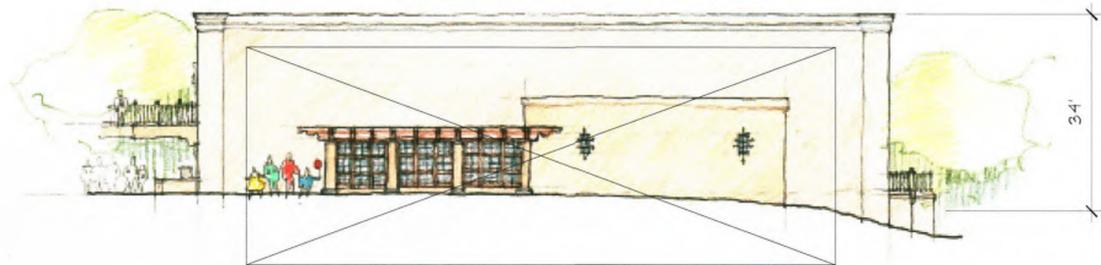
RECONSTRUCTED RECITAL HALL



SOUTH ELEVATION

TO BE UPDATED TO  
REFLECT REVISED  
FOOTPRINTS OF  
ADJOINED BUILDINGS

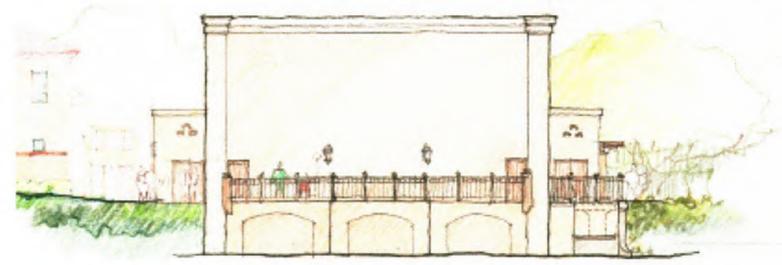
RECONSTRUCTED RECITAL HALL



EAST ELEVATION

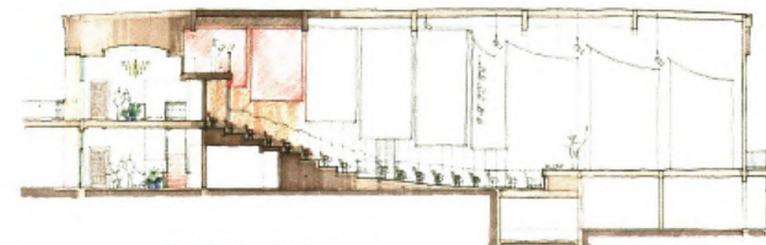
TO BE UPDATED TO  
REFLECT REVISED  
FOOTPRINTS OF  
ADJOINED BUILDINGS

RECONSTRUCTED RECITAL HALL



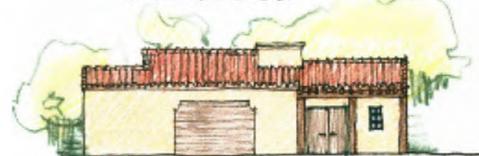
NORTH ELEVATION

RECONSTRUCTED RECITAL HALL



SECTION 'A'

STORAGE BLDG.



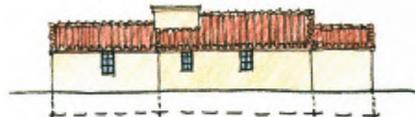
NORTH ELEVATION

MAINTENANCE/ STORAGE BLDG.



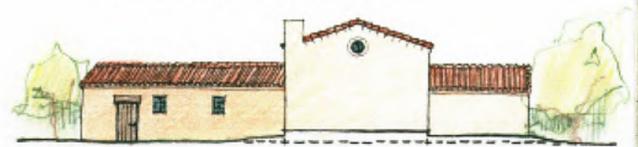
NORTH ELEVATION

STORAGE BLDG.



SOUTH ELEVATION

MAINTENANCE/ STORAGE BLDG.



SOUTH ELEVATION

STORAGE BLDG.



EAST ELEVATION

STORAGE BLDG.



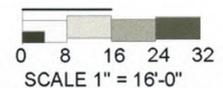
WEST ELEVATION

MAINTENANCE/ STORAGE BLDG.



EAST ELEVATION

WEST ELEVATION



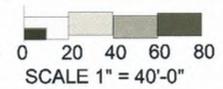
# MUSIC ACADEMY OF THE WEST

SHEET 7 OF 8

PMSM# 9605309 DATE: WEDNESDAY, MAY 19TH, 2004 COPYRIGHT © 2004



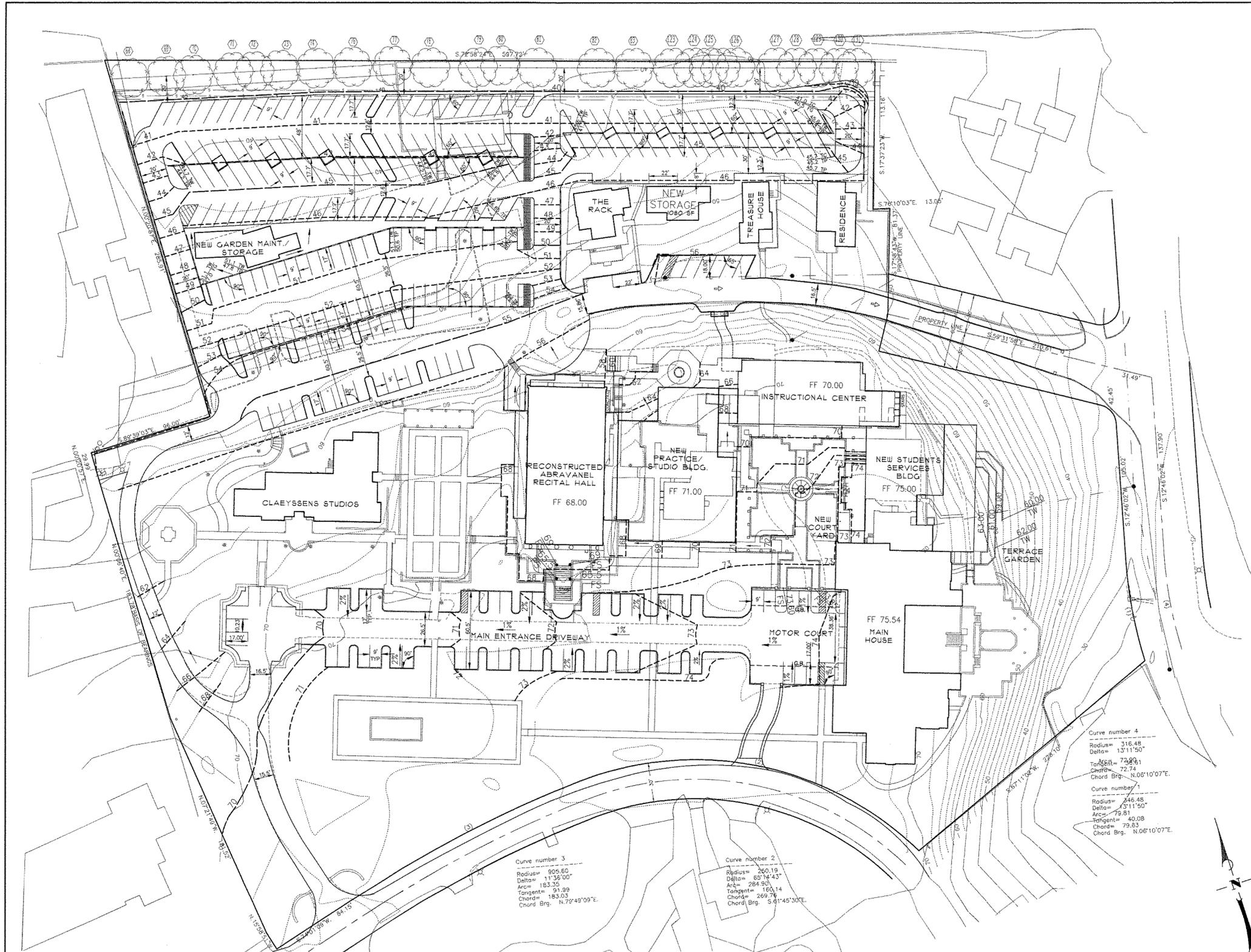
PROPOSED SITE PLAN



MUSIC ACADEMY OF THE WEST

SHEET 8 OF 8

PMSM# 9605309 DATE: WEDNESDAY, MAY 19TH, 2004 COPYRIGHT © 2004



**EARTHWORK SUMMARY**

PHASE	CUT (C.Y.)	FILL (C.Y.)	NET (C.Y.)
1A NEW PARKING LOT GRADING	2,031	9,049	7018 FILL
TOTAL PHASE 1A			7018 FILL
1B MAIN ENTRANCE DRIVEWAY	626	246	
TOTAL PHASE 1B			380 CUT
2 NEW STUDENT SERVICES BLDG	7,950	1,100	
NEW PRACTICE/STUDIO BLDG			
TOTAL PHASE 2			6,850 CUT
3 NEW PRACTICE/STUDIO BLDG	300	230	
TOTAL PHASE 3			70 CUT
4 ABRAVANEL HALL ADDITIONS	182	45	
TOTAL PHASE 4			137 CUT
<b>TOTAL</b>	<b>11,089</b>	<b>10,670</b>	<b>419 CUT</b>

THE ABOVE QUANTITIES ARE APPROXIMATE IN PLACE VOLUMES CALCULATED FROM THE EXISTING GROUND TO THE PROPOSED FINISH GRADE OR SUBGRADE. EXISTING GROUND IS DEFINED BY THE TOPOGRAPHIC CONTOURS AND/OR SPOT ELEVATIONS ON THE PLAN. PROPOSED FINISH GRADE IS DEFINED AS THE DESIGN SURFACE ELEVATION OF EARTH TO BE CONSTRUCTED. PROPOSED SUBGRADE ELEVATION IS DEFINED AS THE DESIGN SURFACE ELEVATION OF EARTH TO BE CONSTRUCTED BENEATH PAVEMENTS OR STRUCTURES.

THE ABOVE QUANTITIES ARE FOR BUILDING PERMIT PURPOSES ONLY AND HAVE NOT BEEN FACTORED TO INCLUDE ALLOWANCES FOR BULKING, CLEARING AND GRUBBING, SUBSIDENCE, SHRINKAGE, OVER EXCAVATION AND RECOMPACTION, UNDERGROUND UTILITY AND SUBSTRUCTURE SPOILS AND CONSTRUCTION METHODS.

THE CONTRACTOR SHALL PERFORM AN EARTHWORK ESTIMATE FOR THE PURPOSE OF PREPARING A LUMP SUM BID PRICE FOR EARTHWORK. THE BID PRICE SHALL INCLUDE COSTS FOR ANY NECESSARY IMPORT AND PLACEMENT OF EARTH MATERIALS OR THE EXPORT AND PROPER DISPOSAL OF EXCESS EARTH MATERIALS.

PROPOSED PARKING:	290
MAIN DRIVE PARKING LOT	51
PARKING LOT	217
OTHER NEW STACKED PARKING	17
	5
<b>TOTAL PROVIDED</b>	<b>290</b>
EXISTING	214
<b>INCREASE OF (290 - 214)</b>	<b>76</b>

Curve number 4  
 Radius= 316.48  
 Delta= 13°11'50"  
 Tangent= 73.81  
 Chord= 72.74  
 Chord Brg. N.06°10'07"E.

Curve number 1  
 Radius= 246.48  
 Delta= 31°11'50"  
 Tangent= 73.81  
 Chord= 40.08  
 Chord Brg. N.06°10'07"E.

Curve number 3  
 Radius= 905.60  
 Delta= 11°36'00"  
 Arc= 284.93  
 Tangent= 91.99  
 Chord= 183.03  
 Chord Brg. N.72°49'09"E.

Curve number 2  
 Radius= 260.19  
 Delta= 85°14'43"  
 Arc= 269.76  
 Tangent= 160.14  
 Chord= 269.76  
 Chord Brg. S.41°45'30"E.



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REFERENCES:  
 DRAWING FILE: 13486-GP-5-6-04.DWG  
 DATA FILE:  
 PROJECT FILE:  
 VIEW NAME:  
 XREF NAME(S):  
 DATE: 5-10-04

NO.	DATE	REVISIONS	APPD.

**Penfield & Smith**  
 ENGINEERS • SURVEYORS  
 PS\_CITY PS\_STATE PS\_ZIP  
 PS\_STREET PS\_PHONE  
 PS\_MAIL  
 DESIGN: HPF CHECKED: \_\_\_\_\_  
 DRAWN: PAS  
 HARRY P. FOWLER DATE: 5-6-04  
 PROJECT ENGINEER  
 R.C.E. 38,143 (EXP. 3-31-05)

CITY—OR—COUNTY  
 APPROVED BY: REV. BY \_\_\_\_\_  
 DATE \_\_\_\_\_

**GRADING PLAN**  
**MUSIC ACADEMY OF THE WEST**  
 SANTA BARBARA, CALIFORNIA



WORK ORDER  
 13486.01  
 SHEET  
 1 OF 1  
 S.B. COUNTY FILE

**TREE TRANSPLANTING NOTES**

- Transplant four existing Coast Live Oak trees. The trees are identified on the Existing Tree Disposition Plan as numbers 67, 94, 101 and 111.
- Hand prune any roots larger than 2" diameter with sharp and sterile tools designed for the purpose.
- Partially excavate on one side of each tree at a time, and allow the tree to rest and recover for three months prior to subsequent work. Cover the exposed side of the root ball with a triple layer of burlap and keep moist at all times. This process takes one year.
- Three months after the fourth side is cut, the root ball is undercut, and the tree is completely boxed for moving.
- Other demolition activities must be coordinated with the transplant work in order to facilitate access where required.
- The work must be performed under the direction of a certified arborist.
- Store boxed trees in location away from other construction activities.
- Brace trees as required to keep upright in all weather conditions.
- Space boxes a sufficient distance apart to avoid branches of adjacent trees touching.
- Water and fertilize as required to maintain health and vigor.
- Replace trees that are irreparably damaged or that die.
- Adhere to tree protection guidelines in January 25, 2003 report prepared by Bill Spiewak, registered consulting arborist #381.

**INVENTORY NOTES**

"no longer extant" indicates the tree has died since the 1999 Master Plan submittal  
 Trees 110 through 122 have been added to the list in July 2002  
 Trees 123 through 131 have been added to the list in October 2002  
 Trees 132 through 164 have been added to the list in January 2003  
 Trees 165 through 170 have been added to the list in January 2003  
 Tree 172 was added to the list in August 2003  
 Trees 173 through 183 were added to the list in March 2004  
 Trees 184 through 187 were added to the list in April 2004

NO.	BOTANICAL NAME	COMMON NAME	CALIPER	DISPOSITION
182	Acacia melanoxylon	Blackwood Acacia	30"	Remove
183	Quercus agrifolia	Coast Live Oak	6" double	Protect
184	Acacia melanoxylon	Blackwood Acacia	7" cluster	Protect
185	Acacia melanoxylon	Blackwood Acacia	7" double	Protect
186	Acacia melanoxylon	Blackwood Acacia	10"	Remove
187	Quercus agrifolia	Coast Live Oak	8"	Transplant

NO.	BOTANICAL NAME	COMMON NAME	CALIPER	DISPOSITION
173	Acacia melanoxylon	Blackwood Acacia	cluster 4"-6"	Protect
174	Cedrus deodara	Deodar Cedar	6"	Protect
175	Eucalyptus sideroxyylon	Red Ironbark	10"	Protect
176	Quercus agrifolia	Coast Live Oak	12"	Protect
177	Quercus agrifolia	Coast Live Oak	16"	Protect
178	Quercus agrifolia	Coast Live Oak	12"	Protect
179	Melaleuca styphelioides	Prickly Paperbark	14"	Protect
180	Quercus agrifolia	Coast Live Oak	14"	Protect
181	Pinus radiata	Monterey Pine	36"	Protect

NO.	BOTANICAL NAME	COMMON NAME	CALIPER	DISPOSITION
130	Eucalyptus globulus	Blue Gum	40"	Protect
131	Eucalyptus globulus	Blue Gum	36"	Protect
132	Tipuana tipu	Tipu Tree	-	Protect
133	Tipuana tipu	Tipu Tree	-	Protect
134	Quercus agrifolia	Coast Live Oak	18"	Protect
135	Quercus agrifolia	Coast Live Oak	6"	Protect
136	Pinus radiata	Monterey Pine	6"	Remove
137	Quercus agrifolia	Coast Live Oak	6"	Protect
138	Quercus agrifolia	Coast Live Oak	6"	Protect
139	Eucalyptus robusta	Swamp Mahogany	30"	Protect
140	Quercus agrifolia	Coast Live Oak	10"	Protect
141	Eucalyptus robusta	Swamp Mahogany	30"	Protect
142	Cupressus macrocarpa	Monterey Cypress	6"	Protect
143	Cupressus macrocarpa	Monterey Cypress	14"	Protect
144	Cupressus macrocarpa	Monterey Cypress	8"	Protect
145	Quercus agrifolia	Coast Live Oak	14"	Protect
146	Cupressus macrocarpa	Monterey Cypress	16"	Protect
147	Cupressus macrocarpa	Monterey Cypress	6"	Protect
148	Cupressus macrocarpa	Monterey Cypress	10"	Protect
149	Cupressus macrocarpa	Monterey Cypress	14"	Protect
150	Cupressus macrocarpa	Monterey Cypress	16"	Protect
151	Cupressus macrocarpa	Monterey Cypress	16"	Protect
152	Quercus agrifolia	Coast Live Oak	16"	Protect
153	Quercus agrifolia	Coast Live Oak	16"	Protect
154	Quercus agrifolia	Coast Live Oak	14"	Protect
155	Quercus agrifolia	Coast Live Oak	10"	Protect
156	Cupressus macrocarpa	Monterey Cypress	18"	Protect
157	Quercus agrifolia	Coast Live Oak	14"	Protect
158	Cupressus macrocarpa	Monterey Cypress	8"	Protect
159	Cupressus macrocarpa	Monterey Cypress	15"	Protect
160	Quercus agrifolia cluster	Coast Live Oak	12", 16", 16", 10"	Protect
161	Quercus agrifolia	Coast Live Oak	16"	Protect
162	Quercus agrifolia	Coast Live Oak	10"	Protect
163	Quercus agrifolia cluster	Coast Live Oak	5-4-6" trunks	Protect
164	Quercus agrifolia cluster	Coast Live Oak	5-4-6" trunks	Protect
165	Eucalyptus globulus	Blue Gum	two 36"	Protect
166	Eucalyptus globulus	Blue Gum	two 42"	Protect
167	Cupressus macrocarpa	Monterey Cypress	60"	Protect
168	Acacia melanoxylon	Blackwood Acacia	36"	Protect
169	Acacia melanoxylon	Blackwood Acacia	24"	Protect
170	Melaleuca styphelioides	Prickly Melaleuca	36"	Protect
171	Melaleuca styphelioides	Prickly Melaleuca	2-10"	Remove
172	Quercus agrifolia	Coast Live Oak	30"	Protect

**INVENTORY OF TREES IN AREAS OF PROPOSED CONSTRUCTION**

NO.	BOTANICAL NAME	COMMON NAME	CALIPER	DISPOSITION
1	Eucalyptus globulus	Blue Gum	30"	Remove
2	Eucalyptus globulus	Blue Gum	24"	Remove
3	Eucalyptus globulus	Blue Gum	48"	Remove
4	Eucalyptus globulus	Blue Gum	48"	Remove
5	Eucalyptus globulus	Blue Gum	10"	Remove
6	Eucalyptus globulus	Blue Gum	28"	No longer extant
7	Eucalyptus globulus	Blue Gum	18"	No longer extant
8	Eucalyptus globulus	Blue Gum	10"	Remove
9	Eucalyptus globulus	Blue Gum	24"	Remove
10	Eucalyptus globulus	Blue Gum	36"	Remove
11	Eucalyptus globulus	Blackwood Acacia	10"	Remove
12	Eucalyptus globulus	Blue Gum	30"	Remove
13	Eucalyptus globulus	Blue Gum	20"	Remove
14	Acacia melanoxylon	Blackwood Acacia	6"	Remove
15	Acacia melanoxylon	Blackwood Acacia	8"	Remove
16	Acacia melanoxylon	Blackwood Acacia	6"	Remove
17	Acacia melanoxylon	Blackwood Acacia	10"	Remove
18	Acacia melanoxylon	Blackwood Acacia	10"	Remove
19	Acacia melanoxylon	Blackwood Acacia	10"	Remove
20	Acacia melanoxylon	Blackwood Acacia	10"	Remove
21	Pinus radiata	Monterey Pine	14"	Remove
22	Pinus radiata	Monterey Pine	20"	Remove
23	Pinus radiata	Monterey Pine	12"	Remove
24	Acacia melanoxylon	Blackwood Acacia	10"	Remove
25	Pinus radiata	Monterey Pine	16"	Remove
26	Pinus radiata	Monterey Pine	14"	Remove
27	Pinus radiata	Monterey Pine	12"	Remove
28	Pinus radiata	Monterey Pine	12"	Remove
29	Pittosporum undulatum	Victorian Box	10"	Remove
30	Cupressus macrocarpa	Monterey Cypress	12"	Remove
31	Cupressus macrocarpa	Monterey Cypress	6"	Remove
32	Acacia melanoxylon	Blackwood Acacia	10"	Remove
33	Acacia melanoxylon	Blackwood Acacia	8"	Remove
34	Acacia melanoxylon	Blackwood Acacia	8"	Protect
35	Acacia melanoxylon	Blackwood Acacia	10"	Protect
36	Acacia melanoxylon	Blackwood Acacia	10"	Remove
37	Jacaranda mimosifolia	Jacaranda	24"	Remove
38	Eucalyptus robusta	Swamp Mahogany	32"	Protect
39	Eucalyptus robusta	Swamp Mahogany	18"	Protect
40	Eucalyptus robusta	Swamp Mahogany	18"	Protect
41	Olea europaea	Olive	6"	Protect
42	Eucalyptus robusta	Swamp Mahogany	20"	Remove
43	Eucalyptus robusta	Swamp Mahogany	36"	Protect
44	Eucalyptus robusta	Swamp Mahogany	14"	Protect
45	Eucalyptus robusta	Swamp Mahogany	48"	Protect
46	Eucalyptus robusta	Swamp Mahogany	44"	Protect
47	Eucalyptus robusta	Swamp Mahogany	32"	Protect
48	Eucalyptus robusta	Swamp Mahogany	12"	Protect
49	Eucalyptus robusta	Swamp Mahogany	20"	Protect
50	Eucalyptus robusta	Swamp Mahogany	20"	Protect
51	Eucalyptus robusta	Swamp Mahogany	18"	Protect
52	Eucalyptus robusta	Swamp Mahogany	32"	Protect
53	Eucalyptus robusta	Swamp Mahogany	20"	Protect
54	Eucalyptus robusta	Swamp Mahogany	18"	Protect
55	Quercus agrifolia	Coast Live Oak	10"	Protect
56	Quercus agrifolia	Coast Live Oak	12"	Protect
57	Aracaria cunninghamii	Hoop Pine	18"	Protect
58	Acacia melanoxylon	Blackwood Acacia	12"	Remove
59	Acacia melanoxylon	Blackwood Acacia	30"	Remove
60	Pinus radiata	Monterey Pine	42"	Remove
61	Acacia melanoxylon	Blackwood Acacia	( )	Remove
62	Italian Stone Pine	Italian Stone Pine	32"	no longer extant
63	Acacia baileyana	Bailey's Acacia	12"	Protect
64	Quercus agrifolia	Coast Live Oak	12"	Protect
65	Eucalyptus sideroxyylon	Red Ironbark	18"	Remove
66	Quercus agrifolia	Coast Live Oak	16"	Remove
67	Quercus agrifolia	Coast Live Oak	8"	Transplant
68	Eucalyptus globulus	Blue Gum	( )	Protect
69	Eucalyptus globulus	Blue Gum	( )	Protect
70	Eucalyptus globulus	Blue Gum	( )	Protect
71	Eucalyptus globulus	Blue Gum	( )	Protect
72	Eucalyptus globulus	Blue Gum	( )	Protect
73	Eucalyptus globulus	Blue Gum	( )	Protect
74	Eucalyptus globulus	Blue Gum	( )	Protect
75	Eucalyptus globulus	Blue Gum	( )	Protect
76	Eucalyptus globulus	Blue Gum	( )	Protect
77	Eucalyptus globulus	Blue Gum	( )	Protect
78	Eucalyptus globulus	Blue Gum	( )	Protect
79	Eucalyptus globulus	Blue Gum	( )	Protect
80	Eucalyptus globulus	Blue Gum	( )	Protect
81	Eucalyptus globulus	Blue Gum	( )	Protect
82	Eucalyptus globulus	Blue Gum	( )	Protect
83	Eucalyptus globulus	Blue Gum	( )	Protect
84	Eucalyptus globulus	Blue Gum	( )	Remove
85	Eucalyptus globulus	Blue Gum	( )	Remove
86	Eucalyptus globulus	Blue Gum	( )	Remove
87	Brachycton discolor	Coast Flame Tree	48"	Protect
88	Pinus pinea	Italian Stone Pine	72"	no longer extant
89	Ficus macrocarpa	Moreton Bay Fig	96"	Protect
90	Quercus agrifolia	Coast Live Oak	30"	Protect
91	Pinus radiata	Monterey Pine	24"	Protect
92	Pinus radiata	Monterey Pine	24"	no longer extant
93	Pittosporum undulatum	Victorian Box	4-8"	Protect
94	Quercus agrifolia	Coast Live Oak	8"	Transplant
95	Eucalyptus sideroxyylon	Red Ironbark	( )	Protect
96	Eucalyptus sideroxyylon	Red Ironbark	( )	Protect
97	Acacia melanoxylon	Blackwood Acacia	18"	Protect
98	Acacia melanoxylon	Blackwood Acacia	24"	Protect
99	Acacia melanoxylon	Blackwood Acacia	18"	Protect
100	Eucalyptus globulus	Blue Gum	24"	Remove
101	Quercus agrifolia	Coast Live Oak	5"	Transplant
102	Quercus agrifolia	Coast Live Oak	6"	Protect
103	Quercus agrifolia	Coast Live Oak	6"	Protect
104	Quercus agrifolia	Coast Live Oak	6"	Protect
105	Syzygium paniculatum	Eugenia	10"	Remove
106	Pittosporum undulatum	Victorian Box	12"	Remove
107	Aracaria sp.	Star Pine	12"	Remove
108	Aracaria sp.	Star Pine	12"	Remove
109	Acacia melanoxylon	Blackwood Acacia	6"	Protect
110	Eucalyptus robusta	Swamp Mahogany	8"	Protect
111	Quercus agrifolia	Coast Live Oak	10"	Protect
112	Eucalyptus sideroxyylon	Red Ironbark	(cluster)	Protect
113	Eucalyptus sideroxyylon	Red Ironbark	(double)	Protect
114	Acacia melanoxylon	Blackwood Acacia	28"	Remove
115	Acacia melanoxylon	Blackwood Acacia	24"	Remove
116	Acacia melanoxylon	Blackwood Acacia	24"	Remove
117	Acacia melanoxylon	Blackwood Acacia	18"	Remove
118	Acacia melanoxylon	Blackwood Acacia	18"	Remove
119	Acacia melanoxylon	Blackwood Acacia	36"	Remove
120	Acacia melanoxylon	Blackwood Acacia	24"	Remove
121	Acacia melanoxylon	Blackwood Acacia	12"	Remove
122	Acacia melanoxylon	Blackwood Acacia	12"	Remove
123	Eucalyptus globulus	Blue Gum	36"	Protect
124	Eucalyptus globulus	Blue Gum	20"	Protect
125	Eucalyptus globulus	Blue Gum	12"	Protect
126	Eucalyptus globulus	Blue Gum	60"	Protect
127	Eucalyptus globulus	Blue Gum	48"	Protect
128	Eucalyptus globulus	Blue Gum	36"	Protect
129	Eucalyptus globulus	Blue Gum	42"	Protect

**SUMMARY OF TREE DISPOSITION BY SPECIES IN AREAS OF PROPOSED CONSTRUCTION: 4.16.2004**

<b>TREE REMOVALS</b>	23
ARACARIA HETEROPHYLLA	2
CUPRESSUS MACROCARPA	2
EUCALYPTUS GLOBULUS	15
EUCALYPTUS ROBUSTA	15
FICUS MACROCARPA	1
EUCALYPTUS SIDEROXYLON	1
JACARANDA MIMOSIFOLIA	1
MELALEUCA STYPHELOIDES	1
PINUS RADIATA	9
PITTOSPORUM UNDULATUM	2
QUERCUS AGRIFOLIA	1
SYZYGIUM PANICULATUM	1
<b>TOTAL REMOVALS</b>	<b>60</b>
<b>TREES PROTECTED</b>	<b>118</b>
ACACIA BAILEYANA	1
ACACIA MELANOXYLON	11
ARACARIA CUNNINGHAMIANA	1
BRACHYCTON DISCOLOR	1
CEDRUS DEODARA	1
CUPRESSUS MACROCARPA	13
EUCALYPTUS GLOBULUS	28
EUCALYPTUS ROBUSTA	18
EUCALYPTUS SIDEROXYLON	1
FICUS MACROCARPA	1
MELALEUCA STYPHELOIDES	2
OLEA EUROPAEA	1
PINUS RADIATA	1
PITTOSPORUM UNDULATUM	30
QUERCUS AGRIFOLIA	2
TIPUANA TIPU	2
<b>TOTAL TREES PROTECTED</b>	<b>118</b>
<b>TREES TO BE TRANSPLANTED</b>	<b>4</b>
QUERCUS AGRIFOLIA	4
<b>TOTAL TRANSPLANTS</b>	<b>4</b>
<b>TREES THAT HAVE EXPIRED SINCE INVENTORY INITIATED</b>	<b>5</b>
PINUS PINEA	2
PINUS RADIATA	1
EUCALYPTUS GLOBULUS	2
<b>TOTAL TREES NO LONGER EXTANT</b>	<b>5</b>
<b>TOTAL INVENTORIED</b>	<b>187</b>

**SPECIFICATIONS FOR PRESERVATION OF EXISTING TREES**

- All work within the drip lines of Oak trees shall be hand and be performed only as approved or directed by the Landscape Architect or a qualified Arborist.
- All roots encountered during trenching operations shall be clearly cut. Roots over two inches in diameter shall be sealed with approved tree seal. Trenches for all curbs and walls adjacent to Oak trees shall be back-filled with porous topsoil from onsite.
- Where walls or curbs are to be built within six feet of the trunk of any Oak tree, a root control barrier (Deep Root or equal) shall be placed between the tree and the wall or curb. Barrier shall extend from ground surface to bottom of new structure.
- Any curb or wall adjacent to a tree shall be built with footings directed outward

**MONARCH BUTTERFLY AGGREGATION SITE**

In the southeast corner of the site adjacent to Butterfly Lane, a careful planting program will be undertaken which could likely result in an aggregation site in the relatively near future, provided appropriate modifications are made. Modifications will include removal of a specimen *Pittosporum undulatum* tree and *Vinca major* groundcover, and addition of several species of trees, shrubs and groundcovers selected to provide nectar as well as cover for the butterflies. The plants listed below constitute a palette from which final selections will be drawn. It is intended that the majority of the plantings be native. All plantings will be installed under the supervision of a qualified Monarch butterfly specialist and the project landscape architect.

**TREES**  
(N) signifies native plant

- Acacia baileyana*/Bailey Acacia
- Cupressus macrocarpa*/Monterey Cypress (N)
- Grevillea robusta*/Silk Oak
- Hymenoporum flavum*/Sweetshade
- Lyonothamnus floribundus asplenifolius*/Catalina Ironwood (N)
- Pittosporum phillyraeoides*/Willow Pittosporum
- Platanus racemosa*/California Sycamore (N)
- Umbellularia californica*/California Bay (N)

**GROUNDCOVERS & SHRUBS**

- Anisodonta hypomandaram*/Dwarf Pink Hibiscus
- Arctostaphylos densiflora* cultivars/Manzanita (N)
- A. nockeri*/Monterey Manzanita (N)
- A. uva-ursi* & cultivars/Bearberry (N)
- Cassia artemisioides*/Feathery Cassia
- C. nemophila*/Desert Cassia
- Ceanothus griseus* cultivars/Camel Ceanothus (N)
- C. maritimus* & cultivars/Maritime Ceanothus (N)
- C. megacarpus*/Bigpod Ceanothus (N)
- C. thyrsiflorus*/Blue Blossom (N)
- Correa sp.* & cultivars/Correa
- Coloanthes lacteus*/Red Clusterberry
- Heteromeles arbutifolia*/Toyon (N)
- Ribes indecorum*/White currant (N)
- R. malvaecum*/Chaparral Currant (N)
- R. viburnifolium*/Evergreen Currant (N)

**KEY TO LANDSCAPE ELEMENTS**

- 1 BLACKWOOD ACACIA TREES & LOW FORMAL HEDGE ALONG DRIVEWAY AS FORMAL ALLEE TO BE REESTABLISHED
- 2 GROUNDCOVER PLANTING AT EDGES OF FORECOURT
- 3 BROAD SPREADING, SELF-ATTACHING VINES TO BE INSTALLED AT NEW BUILDING AND RETAINING WALLS FACING OFF-SITE VIEWS.
- 4 4'-5" TALL HEDGE BEHIND DRIVEWAY TREE ALLEE AND WOOD FOUNTAIN TO BE PRESERVED AND SUPPLEMENTED *Pittosporum undulatum* / Victorian Box
- 5 GRASSPAVE OR GRAVELPAVE IN PARKING SPACES
- 6 EXISTING BOXWOOD HEDGES TO BE RENOVATED
- 7 EXISTING PLANTINGS IN A BUFFER AREA 25' FROM EDGE OF FAIRWAY ROAD AND DRIVEWAY TO REMAIN; TOPS OF VICTORIAN BOX PRUNED TO PROMOTE BUSHINESS
- 8 LOWER GROWING WOODLAND SHRUBS TO REPLACE OVERGROWN VICTORIAN BOX  
*Abutilon hybridum* / Flowering Maple  
*Anemone hybrida* / White Japanese Anemone  
*Azalea 'Anaska'* / White Azalea  
*Mahonia repens* / Prostrate Oregon Grape  
*Pittosporum tobira 'Variegata'* / Variegated Tobira  
*Ribes viburnifolium* / Catalina Perfume  
*Woodwardia fimbriata* / Giant Chain Fern
- 9 CEDARS OR OTHER SKYLINE TREES TO REPLACE EXISTING MONTEREY PINES  
*Calocedrus decurrens* / Incense Cedar  
*Cedrus atlantica 'Glauca'* / Blue Atlas Cedar  
*Cedrus deodara* / Deodar Cedar  
*Metasequoia glyptostroboides* / Dawn Redwood
- 10 SKYLINE TREE @ ENTRY TO REFLECTING POOL GARDEN TO REPLACE DEAD MONTEREY PINE TREES  
*Eucalyptus citriodora* / Lemon Gum  
*Melaleuca styphelioides* / Prickly-leaved Paperbark
- 11 CANOPY TREES TO MATCH EXISTING NEAR MIRAFLORES  
*Magnolia grandiflora* / Southern Magnolia
- 12 ENCORE SOCIETY GARDEN
- 13 EXISTING SOUTHERN MAGNOLIA TREES
- 14 NARROW SHRUB PLANTING TO SUPPLEMENT VICTORIAN BOX HEDGE TO SCREEN THE FAIRWAY  
*Nandina domestica* / Heavenly Bamboo  
*Mahonia lomariifolia* / Chinese Holly Grape  
*Pittosporum tenuifolium* / Kohuhu
- 15 EVERGREEN CANOPY TREES  
*Quercus agrifolia* / Coast Live Oak
- 16 EXISTING COAST LIVE OAKS
- 17 JAPANESE THEME GARDEN PLANTINGS  
*Azalea 'Alaska'* / White Azalea  
*Juniperus chinensis* proc 'Nana' / Japanese Garden Juniper  
*Liriodendron muscari* / Lily Turf  
*Magnolia loebneri* / Star Magnolia  
*Nandina domestica* / Heavenly Bamboo  
*Ophiopogon japonica* / Mondo Grass  
*Pinus densiflora 'Umbraculifera'* / Tanyosho Pine
- 18 EXISTING EUCALYPTUS TREES
- 19 FORMAL DWARF HEDGE AND ACCENT PLANTINGS  
*Buxus japonica microphylla* / Boxwood  
*Camellia sasanqua 'Yuletide'* / Red Sun Camellia  
*Liriope gigantea* / Giant Lily Turf  
*Strelitzia reginae* / Bird of Paradise
- 20 EXISTING MAGNOLIA ESPALIERS
- 21 VICTORIAN BOX TO BE PRUNED DOWN TO ALLOW LIGHT AND VIEW INTO SOUTH WING OF MIRAFLORES AND TO OPEN VIEW TO OCEAN  
PROTECT OAK AND BLACKWOOD ACACIA TREES
- 22 SLOPE PLANTING  
*Agapanthus orientalis* / Lily of the Nile  
*Amaryllis belladonna* / Naked Lady  
*Ceanothus griseus horizontalis* / Prostrate California Lilac  
*Cistus purpureus* / Rockrose  
*Clivia miniata* / Kaffir Lily  
*Hemerocallis species* / Daylily  
*Myoporum Pacificum* / Prostrate Myoporum  
*Ribes viburnifolium* / Catalina Perfume  
*Romneya coulteri* / Matilija Poppy  
*Watsonia pyramidata* / Watsonia
- 23 REPLACE GRAVEL WITH LAWN IN PANELS
- 24 PROTECT MONTEREY CYPRESS TREES ALONG BUTTERFLY LANE
- 25 EXISTING REDWOOD TREE
- 26 EXISTING AND PROPOSED DEODAR CEDAR TREES
- 27 EXISTING MAYTENS AND TEA TREES
- 28 30- 5 GAL QUERCUS AGRIFOLIA / OAK TREES PLANTED ON SLOPE
- 29 NATIVE SKYLINE TREES  
*Platanus racemosa* / California Sycamore
- 30 TALL SCREENING TREES  
*Tristania conferta* / Brisbane Box
- 31 TALL ESPALIERS  
*Magnolia grandiflora* / Southern Magnolia
- 32 PRICKLY LEAVED PAPERBARK TREES  
*Melaleuca styphelioides*
- 33 EXISTING TIPU TREES
- 34 BROAD SPREADING CANOPY TREES  
*Tipuana tipu* / Tipu Tree
- 35 NARROW CANOPY TREES  
*Hymenoporum flavum* / Sweetshade
- 36 LAWN PANELS IN CLOISTERED COURTYARD
- 37 FORMAL GROVE OF SMALL SCALE TREES  
*Leptospermum petersonii* / Peterson's Tea Tree
- 38 VINES ON ARBOR  
*Wisteria sinensis* / Chinese Wisteria
- 39 SCREEN SHRUBS AROUND PARKING  
*Rhus integrifolia* / Lemonadeberry  
*Heteromeles arbutifolia* / Toyon  
*Prunus lyonii* / Catalina Cherry  
*Pittosporum undulatum* / Victorian Box
- 40 SCREEN SHRUBS ALONG WEST PROPERTY LINE  
*Prunus lyonii* / Catalina Cherry  
*Pittosporum undulatum* / Victorian Box
- 41 FLOWERING VINES ON FENCE
- 42 VICTORIAN BOX HEDGE TO SCREEN PARKING  
*Pittosporum undulatum* / Victorian Box
- 43 EMERGENCY ACCESS DRIVE
- 44 EXISTING FIGUS TREE TO BE PROTECTED
- 45 EXISTING ARAUCARIA TREE TO BE PROTECTED
- 46 EXISTING BRACHYCHITON TREE TO BE PROTECTED
- 47 ITALIAN STONE PINE TO REPLACE ORIGINAL TREE DESTROYED BY STORM
- 48 BAMBOO SCREEN PLANTING
- 49 ROSE PLANTERS IN ANNE'S GARDEN
- 50 EXISTING PLANTING SURROUNDING TERRACE TO BE PROTECTED
- 51 SKYLINE TREES  
*Eucalyptus citriodora* / Lemon Gum
- 52 BUTTERFLY HABITAT RESTORATION AND ENHANCEMENT

**KEY TO TREE SYMBOLS SHOWN @ 50%**

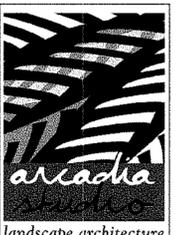
- Acacia melanoxylon* / Blackwood Acacia
- Citrus sinensis* / Orange
- Cedars, Redwoods, Pine
- Leptospermum petersonii* / Lemon-Scented Tea Tree
- Hymenoporum flavum* / Sweetshade
- Eucalyptus citriodora* / Lemon Gum, or *Melaleuca styphelioides* / Prickly-Leaved Paperbark
- Magnolia grandiflora* / Southern Magnolia (New)
- Magnolia grandiflora* / Southern Magnolia (Existing)
- Vines
- Platanus racemosa* / California Sycamore
- (New) *Quercus agrifolia* / Coast Live Oak
- (Existing) *Quercus agrifolia* / Coast Live Oak
- Tristania conferta* / Brisbane Box



**PROPOSED TREE REPLACEMENT**

**MINIMUM QUANTITIES PROJECTED**

QUAN.	SIZE	BOTANICAL NAME	COMMON NAME
3	15 gal	<i>Eucalyptus citriodora</i>	Lemon Gum
4	24" box	<i>Cedrus deodara</i>	Deodar Cedar
4	15 gal to 24" box	<i>Citrus sinensis</i>	Orange Tree
6	15 gal	<i>Leptospermum petersonii</i>	Lemon Tea Tree
15	15 gal to 24" box	<i>Hymenoporum flavum</i>	Sweetshade
6	24" box	<i>Melaleuca styphelioides</i>	Prickly-leaved Paperbark
7	24" box	<i>Magnolia grandiflora</i>	Southern Magnolia
1	36" box	<i>Pinus pinea</i>	Italian Stone Pine
16	15 gal to 24" box	<i>Platanus racemosa</i>	California Sycamore
72	15 gal to 24" box	<i>Quercus agrifolia</i>	Coast Live Oak
34	5 gal	<i>Quercus agrifolia</i>	Coast Live Oak
11	15 gal, 24" - 48" box	<i>Quercus agrifolia</i>	Coast Live Oak
22	24" box	<i>Tristania conferta</i>	Brisbane Box
		<i>Acacia melanoxylon</i>	Blackwood Acacia
<b>203 MINIMUM TOTAL PROPOSED</b>			



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- Revisions**
- 1.30.04 PARKING
  - 2.19.04 Tree species corrected, trees added to inventory 2 trees changed to no longer exist
  - 3.3.04 Trees added to inventory driveway alignment revised
  - 3.24.04 Trees added to inventory
  - 4.16.04 SS and IB moved
  - 5.5.04 IB moved

**MUSIC ACADEMY OF THE WEST MONTECITO, CA**

**MASTER LANDSCAPE PLAN**

Date	Job Number
5/5/04	97.06
Drawn By	Checked by
MD, KK, LR	BC
Sheet 1	of 3 Sheets

**PL-1**

**SUPPLEMENTAL INFORMATION**

Additional proposed landscaping, and responses to the Environmental Impact Report, are described below:

**HISTORICAL RESOURCES**

While the use of the campus has resulted in changes to the original landscape design over the previous half-century, it is the Music Academy's intention to restore the landscape, to the degree it is feasible. Where not feasible, the design will either reproduce original designs with accommodation for current uses, or will include references to the original.

Screen planting between the Mira Flores terrace and the patio on the east side of the proposed Student Services building will consist of Bambusa multiplex 'Golden Goddess', a clumping Bamboo that will reach a height of 15'. An early photograph, assumed to have been taken from the Mira Flores terrace looking north, shows what appears to be Bamboo in this location.

Four Rose plants will be installed in Anne's Garden. These Roses will be selected from varieties that are known to have been available in the commercial market in the first and second decades of the twentieth century. A plaque commemorating the original Rose Garden will be placed near the southern entrance to Anne's Garden.

The main driveway, originally an alley of Blackwood Acacia trees, will be faithfully reproduced along the lines of the Paul Thieme landscape design.

Given the Academy's need, it is proposed that a revised design restore the visual and spatial continuity of the alley of Blackwood Acacia trees while at the same time accommodating the occasional parking.

The condition of the remaining Blackwood Acacia trees is such that restoring their health and vigor, as well as restoring them to the shapes in which they were originally trained, is impractical, if not impossible. It is therefore proposed that all existing Blackwood Acacia trees be removed and replaced with the same species in an arrangement matching the original layout as closely as possible. The groundcover plantings under the trees, and the hedge lining the outer edge of the driveway space, will also match the original plantings (to the extent possible based on observation of early design drawings). However, space will be provided between the trees for automobile parking. The parking spaces will be constructed with a structural grid suitable to support the weight of a parked car. The structural grid will be planted with a common turf grass, such as "Marathon" tall fescue, which will bear the abuse of occasional parking, and will remain green throughout the year. The edge of the pavement will be marked by the original sandstone curb (removed and re-set, after driveway grading and reconstruction). The curb will be set at a height sufficient to control drainage and to be visible as an edge, but will allow cars to drive over onto the parking stalls. Due to the relative speed at which the Blackwood Acacia grows, it is recommended that the proposed new trees be installed at the fifteen-gallon size. This will allow for healthy growth, while also enabling the Music Academy's arborist to train the trees into the shapes envisioned by Thieme.

While the "General Plan" by Thieme indicates 34 trees symmetrically placed along the sides of the driveway, it may be necessary to adjust spacing to accommodate the entry to Abravanel Hall, and to provide sufficient space for parking the required number of cars. The adjustment may result in less regularity than the original design drawing. In fact, the only photograph available for reference shows no more than 18 trees. Given this discrepancy, we believe the more accurate restoration would be based on the smaller number of trees. Regardless of the introduction of parking spaces, and the possible deviation from the regularity of tree spacing, this design will faithfully reconstruct the driveway based on the Thieme vision, with continuous green landscaping on either side of the driveway.

The new Blackwood Acacia trees will be installed at a minimum size of 24" box.

During design development and preparation of construction documents, pavement, pathway and landscape design will adhere faithfully to the original intent and theme of the Thieme plan, and where applicable, to that of Florence Yoch, with accommodation for current codes and standards (ADA).

At the northwest corner of the proposed Practice Studio, an Italian Stone Pine (Pinus pinea) will be installed. An Italian Stone Pine, assumed to have been planted as part of the original landscape, existed near this location until 2000, but had been severely damaged by storms and removed. The new tree will be installed as a 36" box specimen.

A maintenance outline for campus landscaping will be prepared to provide specific guidelines to preserve the original design intent and theme.

The proposed butterfly aggregation sites will be planted with a mix of native trees, with a faster-growing, temporary exotic Silk Oak tree to provide biomass and structure for the sites. The exotic trees will be selectively removed when native plants have achieved sufficient stature to provide the necessary structure and cover.

Trees proposed for the aggregation sites are:

- Grevillea robusta/Silk Oak (exotic)
- Lyonothamnus floribundus asplenifolius/Santa Cruz Ironwood (native)
- Platanus racemosa/California Sycamore (native)
- Quercus agrifolia/Coast Live Oak (native)
- Umbellularia californica/California Bay (native)

All native trees will be installed in the "natural" form, unstaked, with side branches intact.

50% of the proposed trees will be planted at a container size of 24" box.

The Music Academy will also develop a third site, not previously proposed, south of the existing Reflecting Pool Garden. This site has been considered by the Music Academy as a potential area for a "Quiet Garden" for informal use by individuals seeking opportunity for study or reflection away from the more active areas of the campus. Development of the Quiet Garden will involve a narrow loop path, connecting at both ends to the Reflecting Pool Garden, with a few benches set off the path. Existing vegetation in this area consists of Coast Live Oak and Victorian Box. In order to develop a proper aggregation site, most of the Victorian Box will be removed. As required to form the correct arrangement of trees, new plants, selected from the natives on the list described above, will be installed at the time the Quiet Garden is funded and developed.

Existing healthy Eucalyptus trees throughout the campus will be left in place where they are not subject to removal in order to implement the Master Plan. The Music Academy will remove Eucalyptus trees as they become weaker due to age, pests, or disease as recommended by the Arborist. Eucalyptus seedlings will be routinely removed. Eucalyptus debris will be routinely removed to promote healthy growth of new plantings.

Trees intended for screening purposes will be installed in a minimum container size of 24" box.

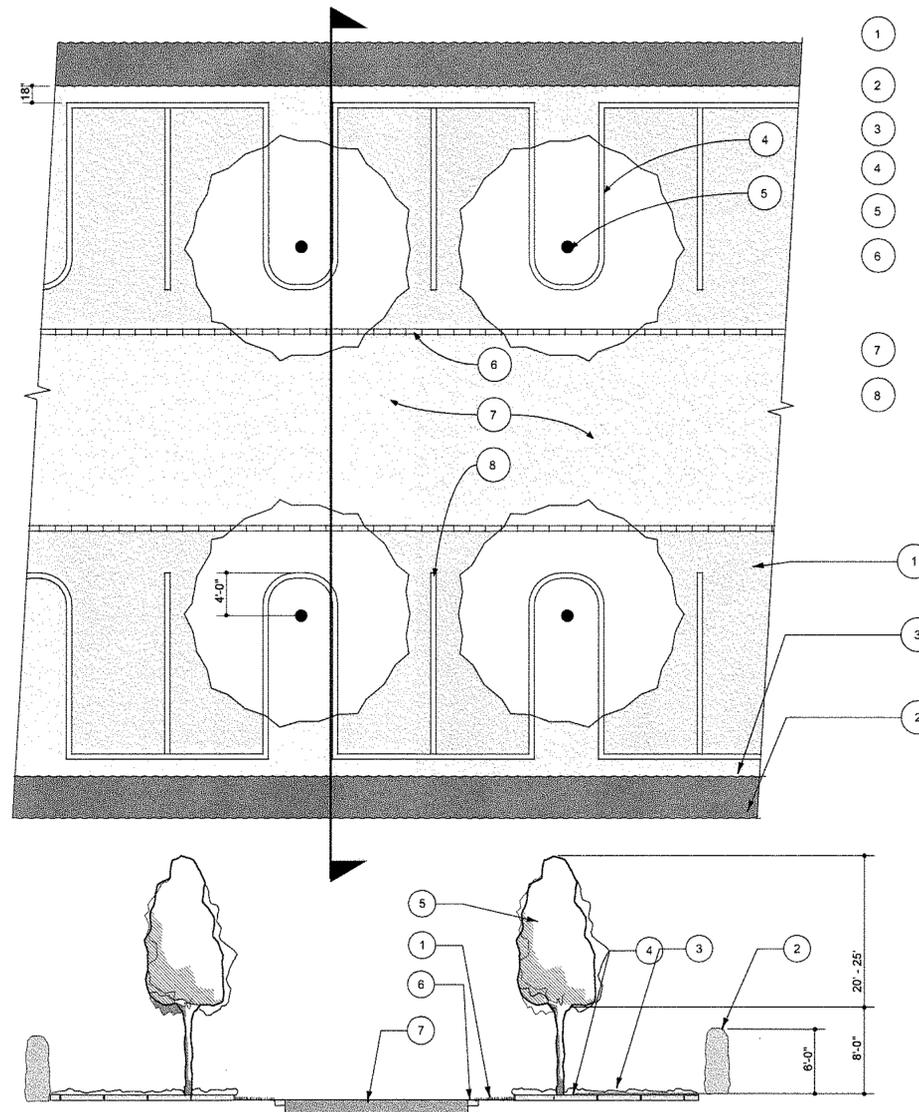
The Tree Disposition Plan indicates and describes only those trees in areas that will be affected by grading or construction of new facilities. It is not comprehensive, and does not attempt to describe all trees on the campus.

All trees indicated on the Tree Disposition Plan as "to remain/to be protected" are assumed to be out of the zone of impact of adjacent grading and/or construction. Should individual trees become threatened during development of final construction documents, replacement ratios of 10:1 for native trees, and 3:1 for exotic trees, will apply where feasible. Replacement trees will be located as near as possible to their original locations.

The Alternate Site Plan allows for more existing trees to be preserved, including the Araucaria cunninghamii west of Abravanel Hall.

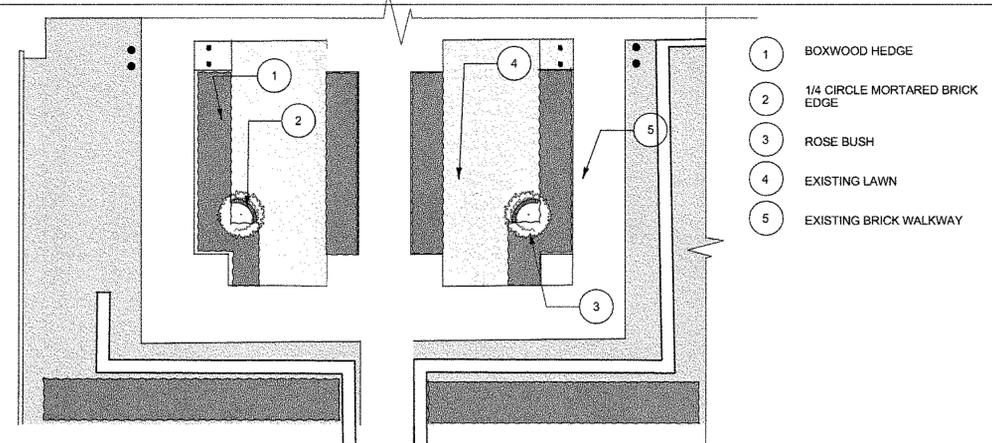
Existing trees will be protected in accordance with the following standards:

- a. All replacement trees shall be identified as to species, size and location on the final landscape plan. Any performance securities required for installation and maintenance of the replacement trees identified in the proposed landscape plan will be released by P&D after its inspection and approval of such installation. An irrigation system with a timer\* shall be installed. Trees shall be planted prior to occupancy clearance and irrigated and maintained until established (five years). The plantings shall be protected as necessary during the maintenance period.
    - \*The irrigation system installed will be as appropriate to the landscape design. In some cases, a drip irrigation system, as recommended in the EIR, may not be appropriate.
  - b. The landscape plan shall maximize the number of replacement trees to be replanted on-site as well as the size of the replacement trees. Non-native trees removed can also be replaced with natives, except in areas(s) proposed for restoration for monarch habitat or where specific non-native species have been identified as replacement trees to address specific aesthetic or historic impacts. If unanticipated damage or loss of trees results from construction activities, these trees shall be replaced at the standard ratios identified above.
  - c. Tree removal shall be timed to avoid the period of peak breeding activity for birds. Therefore tree removal shall be limited to late July through early February. This condition shall be re-visited in the unexpected event that monarch butterflies return to roost on-site. If this occurs, the site would need to be carefully monitored to determine the extent to which trees on-site are providing habitat for birds and monarch butterflies.
  - d. No grading or development shall occur within the driplines of protected oak trees that occur in the construction area, except as otherwise depicted on the Master Plan.\*\*
  - e. All protected trees within 25' of proposed ground disturbances shall be temporarily fenced with chain-link or other material satisfactory to P&D throughout all grading and construction activities. The fence shall be installed outside the dripline of each protected tree, and shall be staked every six feet.\*\*\*
  - f. No construction equipment shall be parked or stored within six feet of any protected tree dripline. No construction equipment shall be operated within six feet of any protected tree dripline, except as allowed pursuant to the approved final grading plan and tree protection plan (e.g., grading would occur within the dripline of several trees such as the Moreton Bay Fig tree as identified on the project plans). The tree protection plan shall identify which trees would fall within this exception.
  - g. No fill soil, rocks, or construction materials shall be stored or placed within six feet of the dripline of all protected trees unless such fill is identified on the final grading plan. The tree protection plan shall identify which trees would fall within this exception.
  - h. No artificial surface, pervious or impervious, shall be placed within six feet of the dripline of any protected tree, except as allowed pursuant to the approved final grading plan (e.g., grading would occur within the dripline of several trees such as the Moreton Bay Fig tree as identified on the project plans). The tree protection plan shall identify which trees would fall within this exception.
  - i. Any roots encountered that are one inch in diameter shall be cleanly cut under the direction of a P&D approved arborist/biologist.
  - j. Any trenching required within the dripline or sensitive root zone of any specimen tree shall be done by hand.
  - k. No permanent irrigation shall occur within the dripline of any existing oak tree, unless irrigation has historically occurred in this area.
  - l. Any construction activity required within three feet of a protected tree's dripline shall be done with rubber wheeled equipment or hand tools (the latter for oaks).
  - m. Only designated trees shall be removed.
  - n. Any trees which are unintentionally or accidentally removed and/or damaged (more than 25% of root zone disturbed) during construction activities shall, at a minimum, be replaced on a 10:1 (native trees) or 3:1 (non-native trees) basis with 5 gallon to 24 inch box saplings. Posting of a performance security may also be required as well as hiring of an outside consultant biologist to assess the damage and recommend mitigation. The required mitigation shall be done immediately under the direction of P&D prior to any further work occurring on site.
  - o. Maintenance of proposed replacement trees and shrubs shall be accomplished through water-conserving irrigation techniques.
  - p. The four oak trees scheduled for transplanting on the tree disposition plan shall be boxed and replanted as proposed on-site.\*\*\*
  - q. All trees located within 25 feet of proposed buildings shall be protected from stucco or paint during construction.
  - r. A P&D approved arborist shall be onsite throughout all grading and construction activities which may impact trees proposed for protection that are located near the northern property line, near the new secondary access road and in other locations where protected trees would be located within 25 feet of the edge of heavy equipment.
- \*\* Minimum distance requirements may be altered where proximity of trees and grading/construction activities occur within lesser distances pursuant to the Master plan as ultimately approved.
- \*\*\* The number of trees to be transplanted has been revised pursuant to the current Site Plan. Tree #111 will be protected, due to the project arborist's opinion that it has a greater chance of survival if left in place than if it were transplanted.



**ENLARGED DRIVEWAY PARKING PLAN: TYPICAL ARRANGEMENT OF STALLS FOR EVENT PARKING**

1/8" = 1'-0"



**ROSE PLANTERS IN ANNE'S GARDEN**

SCALE: 1/8" = 1'-0"



landscape architecture

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Revisions

**MUSIC ACADEMY  
OF THE WEST  
MONTECITO, CA**

**AREA ENLARGEMENTS  
NOTES**

Date 1/30/04	Job Number 97.06
Drawn By MD, KK, LR	Checked by BC
Sheet 1 of 3 Sheets	

**PL-2**

# ATTACHMENT G

# MUSIC ACADEMY OF THE WEST 1070 FAIRWAY ROAD, SANTA BARBARA CA 93108

**TAI C. YEH**

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1070 FAIRWAY RD  
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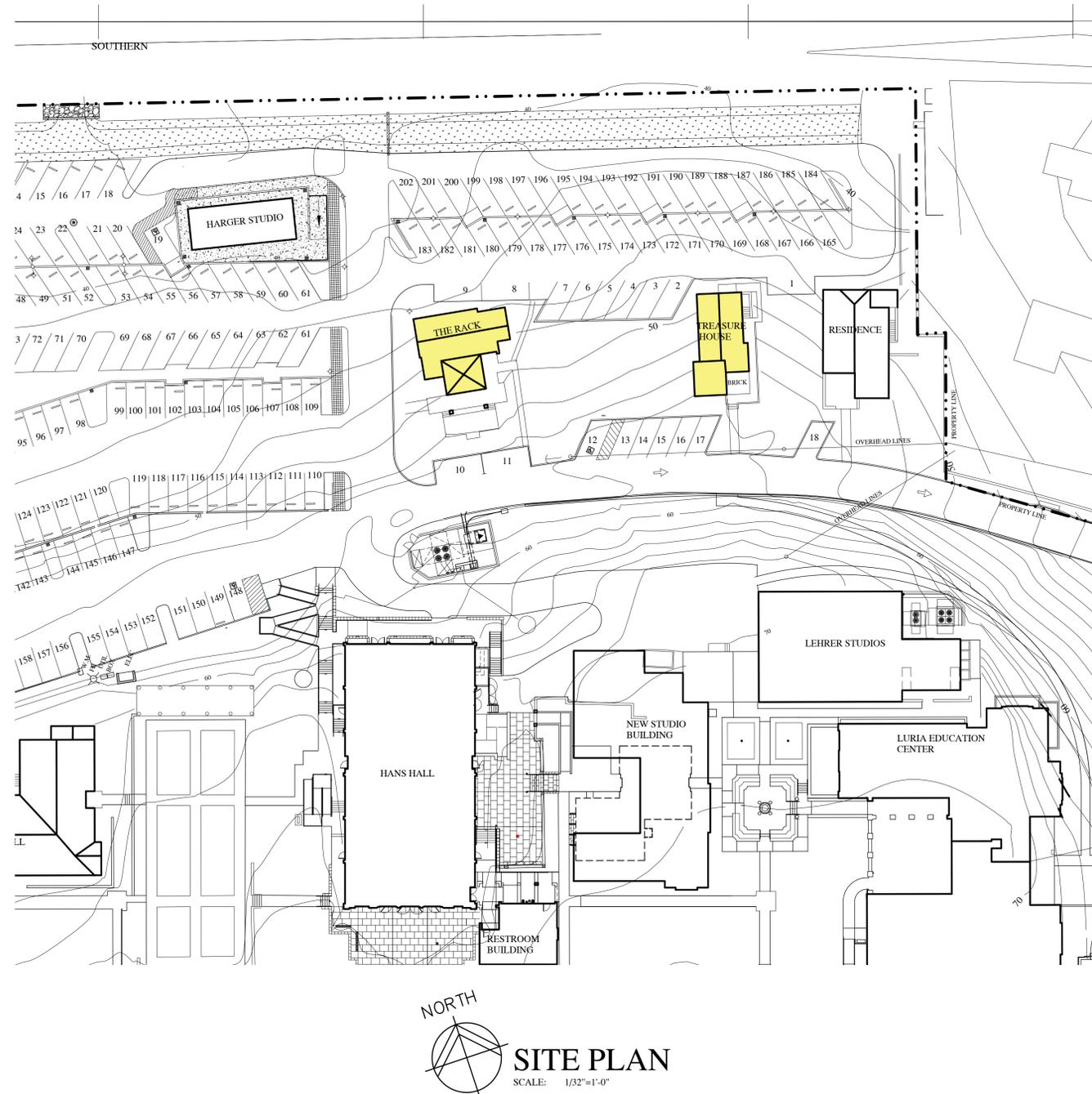
DATE  
3-9-2022

## GENERAL CONSTRUCTION NOTES

- A. APPLICABLE NOTES**  
ALL WORK ON THIS PROJECT SHALL COMPLY WITH ALL GOVERNING AGENCIES. APPLICABLE CODES, ORDINANCES, AND THEIR AMENDMENTS, CODES IN EFFECT ARE:  
2019 CALIFORNIA BUILDING CODE  
2019 CALIFORNIA GREEN BUILDING CODE  
2019 CALIFORNIA RESIDENTIAL CODES  
2019 CALIFORNIA FIRE CODES  
2019 CALIFORNIA MECHANICAL CODE  
2019 CALIFORNIA PLUMBING CODE  
2019 CALIFORNIA ELECTRIC CODE
- A. CONSTRUCTION NOTES**
1. THE CONTRACTOR SHALL PROVIDE ALL LABOR, MATERIALS AND EQUIPMENT NECESSARY TO COMPLETELY CONSTRUCT AND INSTALL THE WORK DEPICTED IN THE CONSTRUCTION DOCUMENTS.
  2. THE CONSTRUCTION MUST COMPLY WITH ALL LOCAL, STATE AND OTHER APPLICABLE CODES, ORDINATES AND STATUTES.
  3. THE CONTRACTOR SHALL PROVIDE ALL TOOLS, TRANSPORTATION, UTILITIES AND OTHER SERVICES REQUIRED FOR PROPER EXECUTION OF THE WORK.
  4. THE CONTRACTOR SHALL DETERMINE THE LOCATION OF UTILITY SERVICES IN AREAS TO BE EXCAVATED PRIOR TO BEGINNING EXCAVATION.
  5. THE CONTRACTOR SHALL PROCURE ALL PERMITS, FEES, LICENSES AND TAXES REQUIRED TO PERFORM THE COMPLETE SCOPE OF WORK.
  6. ANY REVISIONS OR ADDITIONAL WORK REQUIRED BY THE FIELD CONDITIONS OR LOCAL GOVERNMENTAL AUTHORITIES SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER BEFORE PROCEEDING WITH THIS WORK REGARDLESS OF COST, TIME, OR MATERIAL INVOLVED.
  7. THE CONTRACTOR SHALL INVESTIGATE, VERIFY AND BE RESPONSIBLE FOR ALL CONDITIONS AND DIMENSIONS ON THE PROJECT AND SHALL NOTIFY ARCHITECT ABOUT ANY CONDITION REQUIRING MODIFICATION OR CHANGES PRIOR TO START OF WORK. DIMENSIONS TAKE PRECEDENCE OVER THE SCALE OF THE DRAWINGS AND THE CONTRACTOR SHALL NOT SCALE OFF THE DRAWINGS.
  8. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS AT THE JOB SITE AND COORDINATING WITH THE STRUCTURAL, MECHANICAL, AND ELECTRICAL DOCUMENTS BEFORE CONSTRUCTION BEGINS. ANY DISCREPANCIES SHALL BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE OWNER BEFORE WORK BEGINS. ENTERING INTO AN AGREEMENT WITH THE OWNER INDICATES THAT THE CONTRACTOR HAS VISITED THE SITE AND BECOME FAMILIAR WITH EXISTING CONDITIONS AND REVIEWED THESE CONDITIONS WITH THE REQUIREMENTS OF THE CONSTRUCTION DOCUMENTS.
  9. PROTECT NEW AND EXISTING MATERIALS AND FINISHES FROM DAMAGE WHICH MAY OCCUR FROM CONSTRUCTION, DEMOLITION, DUST, WATER, AND ANY OTHER ELEMENTS WHICH MAY CAUSE DAMAGE. DAMAGE TO NEW AND EXISTING MATERIALS, FINISHES, STRUCTURE AND EQUIPMENT ARE TO BE REPAIRED OR REPLACED TO THE SATISFACTION OF THE OWNER AT THE EXPENSE OF THE CONTRACTOR. ALL MATERIALS ARE TO BE PROTECTED AT ALL TIMES AGAINST DAMAGE, UNTIL FINAL ACCEPTANCE BY THE OWNER.
  10. BEFORE ACCEPTANCE BY THE OWNER, THE COMPLETED CONSTRUCTION IS TO BE CLEARED, ANY APPLICABLE LABELS REMOVED AND ALL TOUCH UP WORK COMPLETED.
  11. ANY AND ALL REVISIONS ARE TO BE IN WRITTEN CHANGE ORDER FORM AND APPROVED AND AUTHORIZED BY THE OWNER BEFORE THE START OF THE REVISED WORK.
  12. THE CONTRACTOR SHALL MAINTAIN A COMPLETE SET OF CURRENT CONSTRUCTION DOCUMENTS ON THE JOB SITE DURING ALL PHASES OF CONSTRUCTION FOR THE USE OF ALL TRADES. ALL SUBCONTRACTORS SHALL BE PROVIDED WITH CURRENT CONSTRUCTION DOCUMENTS BY THE GENERAL CONTRACTOR AS REQUIRED.
  13. ALL WORK LISTED, SHOWN OR IMPLIED ON THE CONSTRUCTION DOCUMENTS SHALL BE SUPPLIED AND INSTALLED BY THE CONTRACTOR, UNLESS NOTED OTHERWISE.
  14. ALL NON-SPECIFIED MATERIAL ARE TO BE NEW AND UNUSED (UNLESS OTHERWISE NOTED) AND TO BE THE BEST OF THEIR RESPECTIVE TYPES AND ALL LABOR INSTALLATION IS TO BE PERFORMED IN THE BEST POSSIBLE MANNER BY THE WORKMEN.
  15. ALL DIMENSIONS ARE FROM FACE OF FINISH (FOF) TO FACE OF FINISH UNLESS NOTED OTHERWISE.
  16. STUD WALL FRAMING IS 2X4 AT 16" O.C. UNLESS NOTED OTHERWISE. PLUMBING WALLS TO BE 2X6 OR GREATER AT 16" O.C.
  17. DRYWALL SURFACES TO BE 5/8" TYPE 'X' GYPSUM BOARD, FINISHED TO BE SMOOTH WITHIN TOLERANCE OF 1/8" MAX.
  18. NO TRENCHING OR EXCAVATIONS 5 FEET OR MORE IN DEPTH INTO WHICH A PERSON IS REQUIRED TO DESCEND, OR OBTAIN NECESSARY PERMIT FROM THE STATE OF CALIFORNIA DIVISION OF INDUSTRIAL SAFETY PRIOR TO THE ISSUANCE OF BUILDING PERMIT.
  19. INSULATIONS IN NEW CONSTRUCTION TO BE R30 ROOF AND R11 WALLS AND SUB-FLOOR EXPOSED TO CRAWLSPACE.
  20. NO PIPES, DUCTS, SLEEVES, CHASES, ETC. SHALL BE PACED IN BEAMS OR WALLS UNLESS SPECIFICALLY SHOWN OR NOTED. NOR SHALL ANY STRUCTURAL MEMBER BE CUT FOR PIPES, DUCTS, ETC.
  21. ALL GAS APPLIANCE TO BE AGA APPROVED AND LABELED.
  22. ALL SHOWER ENCLOSURES, DOORS, AND PANELS TO BE OF AN APPROVED IMPACT RESISTANT MATERIAL AND SHALL BE OF A NONABSORBENT MATERIAL, MINIMUM 70" ABOVE FINISHED FLOOR.
  23. ALL WATER CLOSET COMPARTMENTS TO HAVE A CLEARANCE WIDTH OF 30".
  24. ALL TOILETS & SHOWERHEADS TO BE OF LOW WATER CONSUMPTION.
  25. STUCCO EXTERIOR SHALL BE MIN 7/8" THICK CONC. STUCCO OVER PAPER BACKED MATCH ADJACENT WALLS SUCH THAT NO VISIBLE JOINT BETWEEN EXISTING AND NEW FINISHED IS VISIBLE TO THE NAKED EYE. WHERE OPENINGS IN EXTERIOR WALLS ARE CLOSED, USE PLYWOOD/ NAILING PER THE NEAREST ADJACENT SHEAR WALL UNLESS OTHERWISE NOTED.
  26. ALL WINDOWS AND DOORS TO BE DUAL GLAZED, U.N.I. ALL GLAZING WITHIN 18" OF ADJACENT FLOOR OR 36" FROM DOOR TO BE TEMPERED.
  27. SEE STRUCTURAL NOTES FOR ADDITIONAL INFORMATION. WHERE QUESTIONS ARISE REGARDING STRUCTURAL MEMBER SIZES, PROCURE INFORMATION FROM THE STRUCTURAL ENGINEER PRIOR TO EXECUTION OF ANY RELATED WORK.
  28. MATERIALS/ EQUIPMENT AND OR FIXTURES PROVIDED BY THE OWNER ARE TO BE INSTALLED PER MANUFACTURERS REQUIREMENTS BY THE GENERAL CONTRACTOR. SEE SCHEDULES FOR MORE INFORMATION.
  29. INSTALL EARTHQUAKE SHUTOFF VALVES ON ALL GAS LINES PER CITY REQUIREMENTS.

## EXISTING CONDITION NOTE:

1. THE ENTIRETY OF EXISTING CONDITIONS IS NOT SHOWN. THE CONTRACTOR SHALL EXAMINE THE EXISTING CONDITIONS AND COMPARE THOSE CONDITIONS TO THE REQUIREMENTS SHOWN IN THE PLANS AND IN THE DRAWINGS.
2. THE CONTRACTOR SHALL ASSESS WHETHER OR NOT THE REQUIREMENTS CONTAINED HEREIN CAN BE INCORPORATED INTO THE FINAL CONSTRUCTED FORM THAT IS SHOWN.
3. THE CONTRACTOR SHALL NOTIFY THE OWNER WHERE REQUIREMENTS CONTAIN HEREIN CAN NOT BE ACCOMPLISHED AS A RESULT OF EXISTING CONDITIONS.
4. THE OWNER HAS MADE EVERY EFFORT TO ACHIEVE COMPLETE COORDINATION BETWEEN KNOWN AND UNKNOWN EXISTING CONDITIONS WITH THE FINAL CONSTRUCTED FORM OF THIS PROJECT.
5. IT SHALL BE UNDERSTOOD THAT FOR PRACTICAL PURPOSES, THE ENTIRETY OF EXISTING CONDITIONS WILL NOT BE COMPLETELY KNOWN. THE PROJECTS OWNER, DESIGNERS, ENGINEERS AND CONTRACTOR SHALL ACCOUNT FOR THIS WHILE WORKING ON THE PROJECT.



## PROJECT DATA

SCOPE OF WORK: CUP PURSUANCE

PROPERTY OWNER: MUSIC ACADEMY OF THE WEST  
NAME: MIMI DO  
CONTACT#: (805) 695-7902  
EMAIL: MDO@MUSIC.ACADEMY.ORG  
ADDRESS: 1070 FAIRWAY ROAD, SANTA BARBARA CA 93108

APN: 009-282-030  
ADDRESS: 1070 FAIRWAY ROAD, SANTA BARBARA, CA 93108  
ZONE: 1-E-1  
OCCUPANCY: R-3  
CONST TYPE: B-V  
SLOPE: 13%  
LOT AREA: 2.77 ACRES  
PARKING: EXISTING TO REMAIN

FLOOD PLAN: NO  
HIGH FIRE: NO  
HILLSIDE DESIGN DISTRICT: NO  
SWMP: N/A

FLOOR AREA:	GROSS	NET
EXISTING RACK STRUCTURE TO BE RESIDENTIAL		
1ST FLOOR:	1,182 SF	1,087 SF
2ND FLOOR:	336 SF	309 SF
TOTAL SQUARE FOOTAGE:	1,518 SF	1,396 SF

FLOOR AREA:	GROSS	NET
EXISTING TREASURE HOUSE TO BE RESIDENTIAL		
1ST FLOOR:	956 SF	880 SF
TOTAL SQUARE FOOTAGE:	956 SF	880 SF

PLUMBING FIXTURES:  
VERIFY / RETROFIT PLUMBING FIXTURES MEET LOW-FLOW RATES:  
WATER CLOSETS 1.28 GPF  
SHOWER HEADS 2.0 GPM  
KITCHEN FAUCETS 1.8 GPM  
LAVATORY SINK FAUCETS 1.2 GPM

CONSTRUCTION WASTE MANAGEMENT FACILITY  
MARBORG INDUSTRIES  
728 E YANOLANI SANTA  
BARBARA, CA 93103

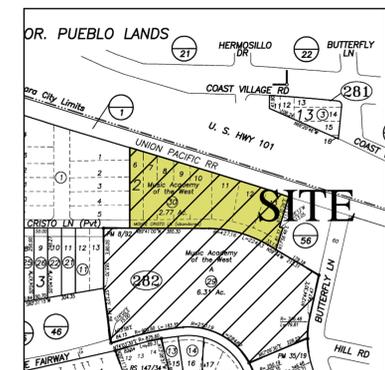
## APPLICABLE CODES

THIS PROJECT SHALL COMPLY WITH:  
2019 CBC, CRC, CMC, CPC  
2019 CEC, CFC  
2019 CALIFORNIA ENERGY STANDARDS  
2019 CALIFORNIA GREEN BUILDING STANDARDS CODE.

## SHEET INDEX

ARCHITECTURAL  
A1 SITE PLAN AND PROJECT DATA  
A1.1 SITE PLAN  
A2 EXISTING FLOOR PLANS  
A3 PROPOSED FLOOR PLANS

VICINITY MAP

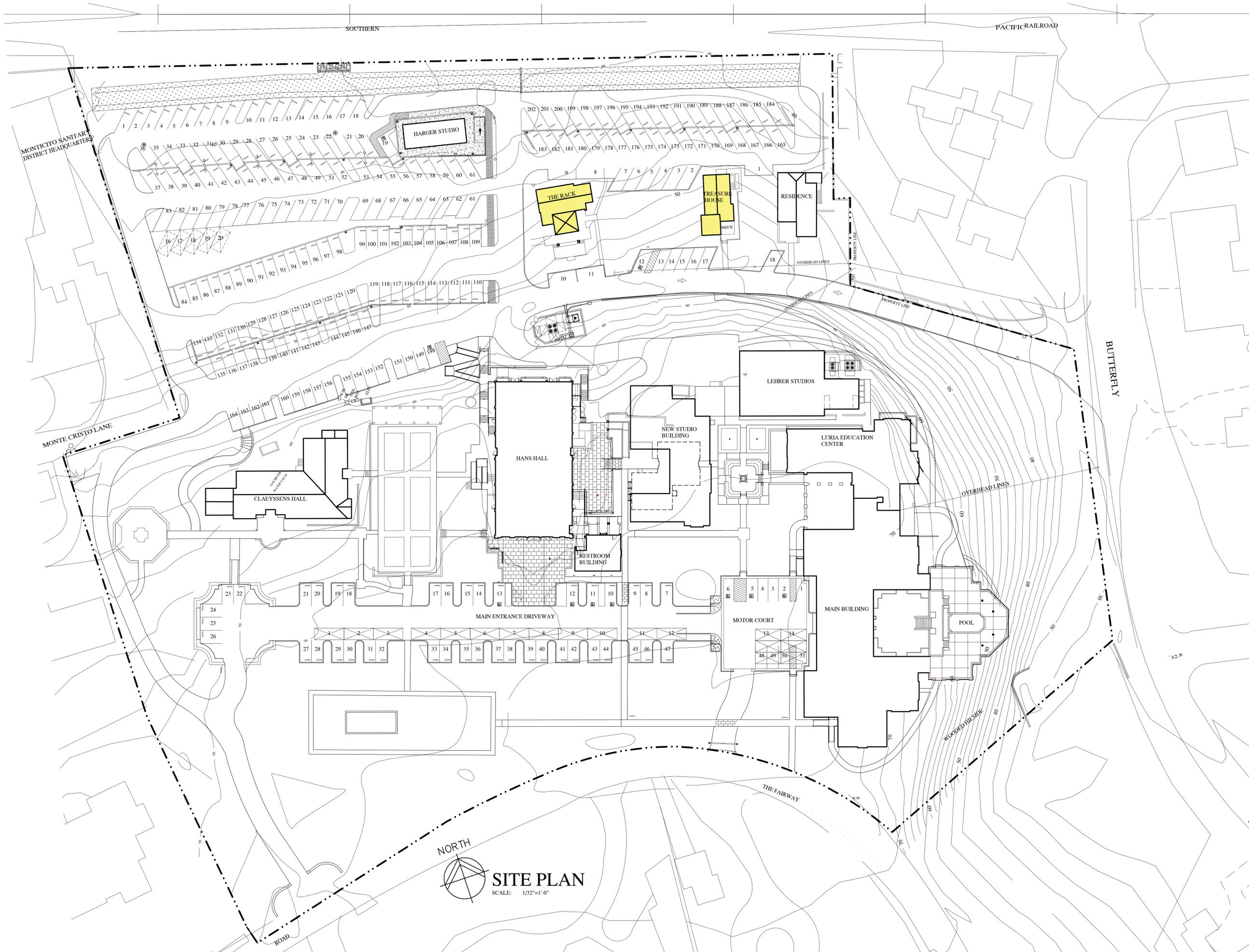


MUSIC ACADEMY OF THE WEST  
1070 FAIRWAY RD, SANTA BARBARA CA 93108

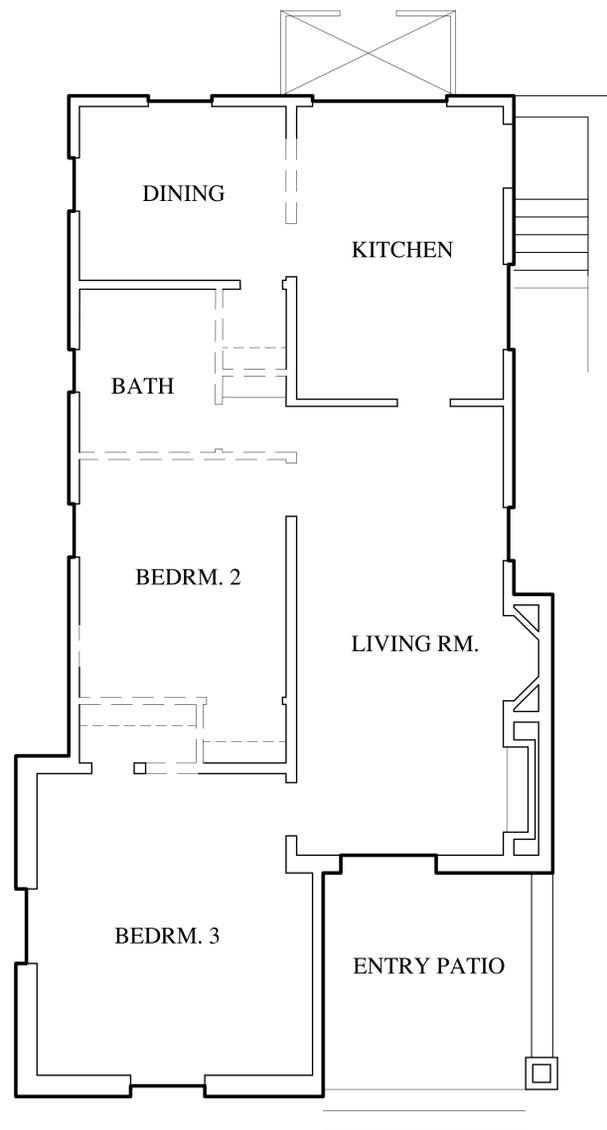
SHEET

A1





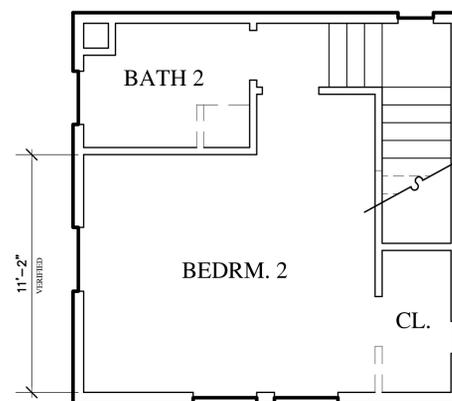
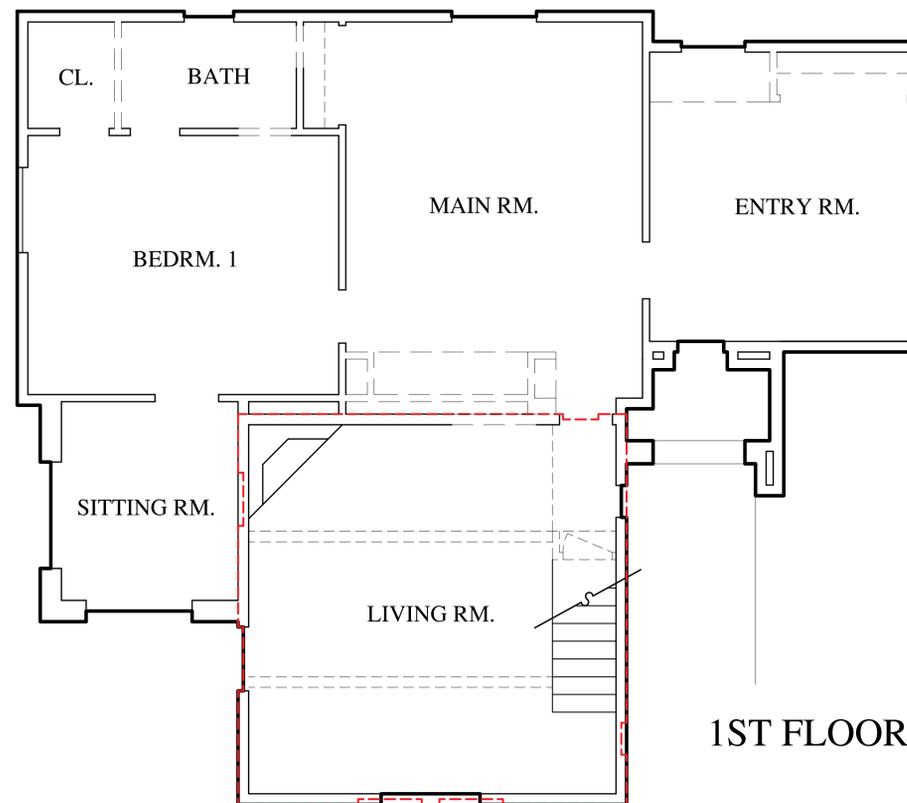
NORTH  
SITE PLAN  
SCALE: 1/32"=1'-0"



TREASURE HOUSE EXISTING FLOOR PLAN

SCALE: 1/4"=1'-0"

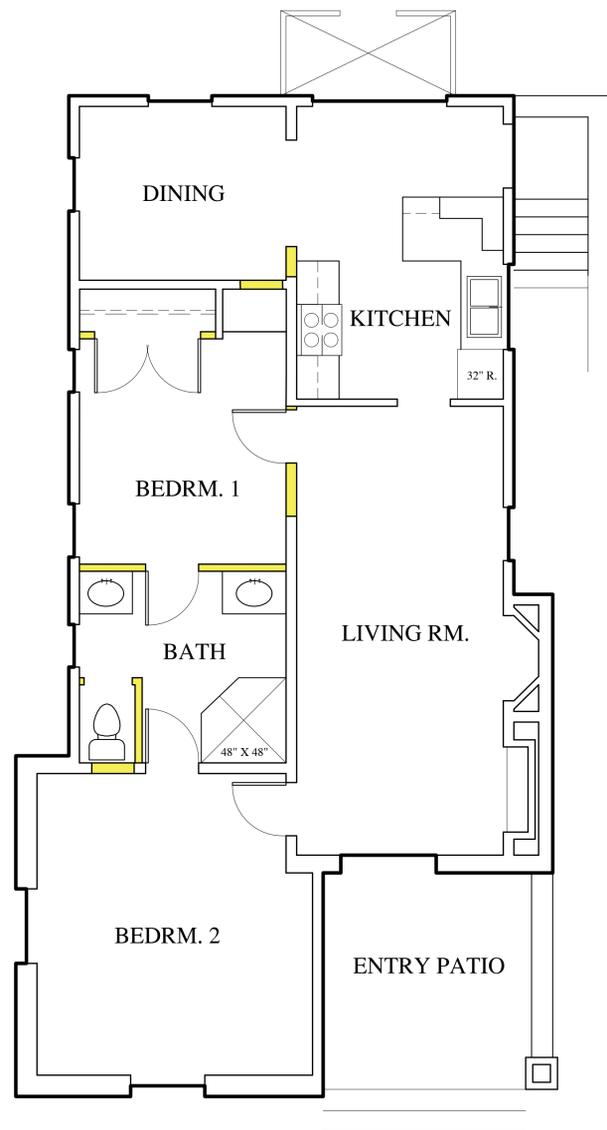
WALL LEGEND  
 ——— EXISTING WALL TO REMAIN  
 - - - EXISTING WALL TO BE REMOVED



THE RACK EXISTING FLOOR PLANS

SCALE: 1/4"=1'-0"

WALL LEGEND  
 ——— EXISTING WALL TO REMAIN  
 - - - EXISTING WALL TO BE REMOVED

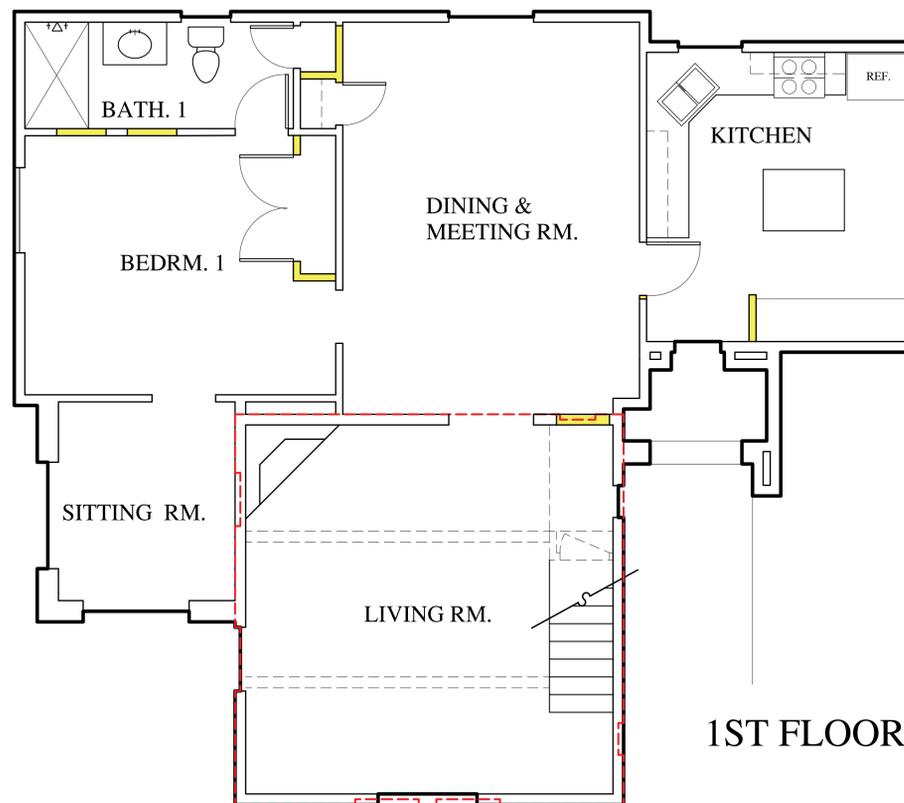


**TREASURE HOUSE PROPOSED FLOOR PLAN**

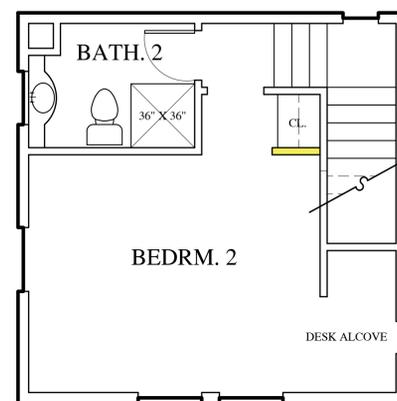
SCALE: 1/4"=1'-0"

**WALL LEGEND**

- EXISTING WALL TO REMAIN
- NEW 2X4 WALL



**1ST FLOOR**



**2ND FLOOR**



**THE RACK PROPOSED FLOOR PLANS**

SCALE: 1/4"=1'-0"

**WALL LEGEND**

- EXISTING WALL TO REMAIN
- NEW 2X4 WALL



# ASSOCIATED TRANSPORTATION ENGINEERS

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July 5, 2022

21026L02

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

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

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

### **PROJECT DESCRIPTION**

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

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

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

- Increase student population cap from 150 to 175 students (potential increase in traffic and parking demands).
- Increase student parking spaces from 10 to 20.

## PROJECT TRIP GENERATION

As noted above, the majority of the proposed MAW CUP revisions would be subject to the existing annual attendance cap of 47,000 public guests per year. These revisions would therefore not increase overall traffic at the campus on an annual basis as no new attendees would.

The two project components that would affect traffic are the increase in the number students (not subject to the attendance cap) and the change in use at the Rack and Treasure House from retail to residential. Pursuant to County policies, trip generation estimates were developed for these Project components using the rates presented in the Institute of Transportation Engineers (ITE) Trip Generation Manual.<sup>1</sup> The ITE rates for University/Colleges (Land Use Code #550), Multifamily Housing Low Rise (Land Use Code #220), and Department Store (Land Use Code #875) were used for the analysis. The analysis assumes that there could be a maximum of 25 new student; and that the Rack and Treasure House would be repurposed from retail to 2 residential units. A 70% reduction factor was applied to the traffic estimates for the Rack Treasure House to account for limited hours of operation (12:00 PM – 3:00 PM). Table 1 summarizes the trip generation estimates developed for the Project.

**Table 1**  
**Trip Generation Estimates**

Project Component	Size	ADT		AM Peak Hour		PM Peak Hour	
		Rate	Trips	Rate	Trips	Rate	Trips
Students	25 Students	1.56	39	0.15	4	0.15	4
Rack and Treasure House	2 Rental Units	6.74	13	0.40	1	0.51	1
Rack and Treasure House	4,680 SF	22.88	- 32(a)	0.00 (b)	0	0.00 (b)	0
<b>Total</b>			<b>+ 20</b>		<b>+ 5</b>		<b>+ 5</b>

(a) 70% reduction factor applied to trips to account for limited hours.

(b) No AM or PM peak hour trip generation as stores are closed during peak hour periods.

As shown in Table 1, the additional students allowed under the CUP amendment and the change of use proposed for the Rack and Treasure House would generate 20 average daily trips (ADT), 5 AM peak hour trips, and + 5 PM peak hour trips (PHT) during the summer periods when the academy is in session.

<sup>1</sup> Trip Generation, Institute of Transportation Engineers, 11<sup>th</sup> Edition, 2021.

## CONSISTENCY WITH COUNTY & CITY POLICIES

As reviewed above, the Project would generate 20 ADT, 5 AM PHT and 5 PM PHT during the summer months when the academy is in session. The addition of these trips to the study-area street network would not generate impacts or be inconsistent with the County of Santa Barbara's or the City of Santa Barbara's transportation policies related to traffic operations (less than significant percentage increase in roadway volumes and/or intersection delays). The study-area roadways currently carry volumes within the County's acceptable capacity policies and the Project's traffic additions would not cause an exceedance of the adopted capacities. The Project would add less than significant traffic increases at the key intersections in the City of Santa Barbara that accommodate Project traffic (Hot Springs Road/US 101 and Olive Mill Road/US 101 interchanges).

## PARKING

### Existing Parking Demands

There are currently 293 parking spaces (275 marked/18 stacked) provided at the MAW campus. As noted in the Project description, several of the CUP revisions could increase parking demands at the campus. In order to determine existing peak parking levels at the MWA, ATE researched the parking monitoring surveys that have been conducted at the campus over the last several years the academy was operational. This baseline parking data is presented in Table 2.

**Table 2**  
**Parking Demands – 2016 - 2019 MAW Summer Programs**

Date	Event	Time	Parked Vehicles	% Occupied (a)	Extra Spaces
08/05/2019	Collaborative Piano	2:15 PM	147	50%	146
08/05/2019	Solo Piano Final	4:45 PM	201	69%	92
<b>07/12/2017</b>	<b>Vocal Masterclass</b>	<b>3:15 P.M.</b>	<b>242</b>	<b>83%</b>	<b>51</b>
07/19/2017	Vocal Masterclass	3:15 P.M.	216	74%	77
07/05/2016	Vocal Masterclass	3:15 P.M.	107	37%	186
07/13/2016	Brass Fest	7:30 P.M.	152	52%	141

(a) Analysis based on available parking supply of 293 spaces.

The data presented in Table 2 show that parking demands at the MAW campus during summer concert and masterclass events ranged from 107 to 242 spaces with 51 to 186 reserve spaces available during peak periods.

### Parking Demand Estimates

Parking demand estimates were developed for the components of the CUP revisions that would generate additional parking demands (maximum attendance at one time increase, increase in the number of students, and the repurposing of retail to residential). The parking demand estimates for these components are presented in Table 3.

**Table 3**  
**MAW 2021 CUP Revisions – Parking Demand Estimates**

<b>CUP Component</b>	<b>Size Increase</b>	<b>Parking Demand (a)</b>
Public Attendance	+ 80 Guests	+ 49 Spaces
Students	+ 25 Students	+ 10 Spaces
Rack & Treasure House	2 Residential Units	+ 2 Spaces
Rack & Treasure House	Remove Retail	-10 Spaces
<b>Total</b>		<b>+ 51 Spaces</b>

(a) Parking demand for public guests assumes 1.63 guests per vehicle as presented in the Project EIR. Parking demand for students based on the proposed increase of 10 reserved spaces for students.

The data presented in Table 3 indicate that the proposed CUP revisions would generate a parking demand of 51 spaces. The reserve parking capacity provided on the MAW campus (51 to 186 spaces) would accommodate these additional demands.

### COMPARISON TO EIR ANALYSIS

The 2003 EIR completed for the approved project analyzed the potential traffic and parking impacts of the Project based on the summer and non-summer programs and attendance levels that were proposed at that time. County staff have requested that the current traffic and parking study include an analysis of the impacts of the proposed changes compared to the prior EIR impact determinations, and whether the prior mitigation measures are adequate or if any new mitigation measures are required. Table 4 summarizes the assumptions used to evaluate traffic and parking impacts in the 2003 EIR, shows the current CUP levels, and identifies the changes proposed in the revised CUP.

**Table 4**  
**MAW 2021 CUP Revisions vs Existing EIR Analysis**

<b>Component</b>	<b>2003 EIR analysis</b>	<b>Current CUP</b>	<b>Proposed CUP</b>	<b>Change from EIR</b>
Students	150 Students	150 Students	175 Students	+ 25 Students
Attendees at any given time	480 Attendees	330 Attendees	410 Attendees	- 70 Attendees
Yearly Attendance	57,291 Attendees	47,000 Attendees	47,000 Attendees	- 10,291 Attendees
Arts and Wellness Meetings/Seminars	57,291 Attendees	47,000 Attendees	47,000 Attendees	N/A (a)
Storage/Administration	Storage	Storage	Administration	No intensification of use, increase in staff, or change in allowed populations.
Rack and Treasure House (2 retail shops)	2 Retail Shops	2 Retail Shops	2 Residential Units	2 Retail Shops to 2 Residential Units
Cultural Events	Remove Events	No Events	Add 15 Events	+ 15 Events

(a) These operational changes do not exceed the existing at any given time or annual attendance caps proposed and compared to in the EIR.

## Students

The EIR traffic and parking analysis assumed 150 students during the summer program and the Project was approved with 150 students. The revised CUP is proposing to increase student levels to 175 students (net increase of 25 students). This increase, combined with the change in use at the Rack and Treasure House, would generate a net increase of 20 ADT, 5 AM PHT, and 5 PM PHT compared to the current CUP (see Table 1). The additional students and the change in the Rack and Treasure House uses would also increase the parking demand by a net of 2 spaces compared to the current CUP existing (see Table 3).

The EIR assumed a maximum attendance level of 480 attendees at any one time and a yearly attendance level of 57,291 attendees in evaluating the traffic and parking impacts of the Project. The trip generation and parking demands assumed in the EIR were therefore significantly higher than the levels that would be generated by the proposed CUP with 175 students, 410 attendees at any one time, and the yearly limit of 47,000 attendees. The impacts identified in the EIR would therefore be greater than those generated by the revised CUP and no new mitigation measures would be required.

**Attendees (Any Given Time)**

The EIR traffic and parking analysis assumed a maximum level of 480 attendees any given time and the Project was approved with 330 attendees any given time. The Project proposes a total of 410 attendees any given time, an increase of 80 from the approved Project. The parking analysis showed that the increase from 330 to 410 attendees any given time would increase parking demands by 49 spaces (see Table 3). The analysis also shows that there is adequate parking provided to accommodate 410 attendees any given time without needing off-site parking (see Tables 2 and 3).

The EIR parking analysis completed for the 480-attendee scenario indicated that the projected parking demand could exceed the proposed parking supply by 26 spaces. The EIR therefore included a mitigation measure requiring an off-site parking and shuttle program for events with more than 450 attendees. Given that the parking demands generated by the 410-attendee event would be met on-site, no new impacts or mitigation measures would be required for this change in the CUP.

**Meetings and Seminars/Arts and Wellness**

The EIR analyzed the limit of attendance at meetings and seminars to 175 participants per activity/event and the Project was approved with this limit. The Project proposes that the limit of attendance be increased to 350 participants consistent with the maximum seating capacity in Hahn Hall. The Project is also proposing to use practice studios for other artistic and wellness purposes (dance, yoga, meditation, visual, and performing arts, etc.). While an increase in attendance at individual events is proposed, the Project is not proposing to increase the annual maximum attendance of 47,000 attendees, therefore no new impacts or mitigations measures would be required for these changes in the CUP.

**Storage/Administration**

The EIR analyzed the existing 1,380 SF storage building, constructed during the Master Plan build-out, and located west of the Treasure House and Rack. The storage building was initially purposed for storage uses associated with the retail shops. With the proposed repurposing of those spaces, the MAW requests flexibility for that storage space use to allow for future use for MAW administrative offices. No intensification of use, increase in staff, or change in allowed populations is proposed with this change. In addition, no added square footage or changes to the existing configuration or footprint of this structure is proposed. Due to no change to the staff or building, no new impacts or mitigations measures would be required for this change in the CUP.

### **The Rack and Treasure House**

The EIR analyzed The Rack and Treasure House as 2 retail shops with a total of 4,680 SF and the Project was approved with these uses. The Project proposes to repurpose the two buildings into 2 residential units, which would reduce the daily Project trip generation by 19 ADT, increase peak hour trip generation by 1 AM PHT and 1 PM PHT, and reduce the overall site parking demand by 8 spaces. This element of the revised CUP would therefore not generate additional traffic or parking impacts compared to the EIR analysis and would not require new mitigation measures.

### **Cultural Events**

The EIR traffic analysis assumed that the cultural events previously held at the MAW would be discontinued. The revised CUP is proposing to reintroduce cultural ceremonies, with up to 15 per year and a maximum attendance up to 225 per event. Guests at these events would be subject to the annual attendance cap of 47,000 thus there would be no change in the overall traffic generation. The event guests would also be subject to the 410 attendees on-site at any one time and thus would not increase overall peak parking demands onsite.

The EIR analysis assumed a maximum attendance level of 480 attendees at any one time and a yearly attendance level of 57,291 attendees in evaluating the traffic and parking impacts of the Project. The trip generation and parking demands assumed in the EIR were therefore significantly higher than the levels that would be generated by the proposed CUP with 175 students, 410 attendees at any one time, and the yearly limit of 47,000 attendees (including event guests). The traffic and parking impacts identified in the EIR would therefore be greater than those generated by the revised CUP and no new mitigation measures would be required.

### **POTENTIAL CEQA IMPACTS – VEHICLE MILES TRAVELLED**

Santa Barbara County has adopted a new set of transportation analysis guidelines<sup>1</sup>, in compliance with Senate Bill 743, which are based on a Vehicle Miles Traveled (VMT) metric rather than the traditional Level of Service (LOS) metric. Per the State's Natural Resource Agency Updated Guidelines for the Implementation of the CEQA adopted in 2018, VMT has been designated as the most appropriate measure of transportation impacts. "Vehicle Miles Traveled" refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel. For land use projects, vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact.

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<sup>1</sup> Transportation Analysis Updates in Santa Barbara County, Santa Barbara County, Fehr & Peers, July 2020.

**VMT Impact Criteria and Analysis Requirements**

Table 5 provides a summary of the County’s VMT screening criteria for land use projects based on the OPR Technical Advisory. The table contains a separate row and columns that list each project type and the applicable screening criteria. A project that meets at least one of these screening criteria would have a less-than-significant impact and therefore would not require further VMT analyses.

**Table 5  
Santa Barbara County VMT Screening Criteria**

SCREENING CATEGORIES	PROJECT REQUIREMENTS TO MEET SCREENING CRITERIA
<b>Project Size</b>	A project that generates 110 or fewer daily trips.
<b>Local Serving Retail</b>	A project that has locally serving retail uses that are 50,000 square feet or less, such as specialty retail, shopping center, grocery/food store, bank/financial facilities, fitness center, restaurant, or cafe. If a project also contains a nonlocally serving retail use(s), that use(s) must meet other applicable screening criteria
<b>Project Located in a VMT Efficient Area</b>	A residential or employment project that is located in an area that is already 15 percent below the county VMT (i.e., “VMT efficient area”). The County’s Project Level VMT Calculator determines whether a proposed residential or employment project is located within a VMT efficient area.
<b>Transit Proximity</b>	<p>A project that is located within a ½ mile of a major transit stop or within a ½ mile of a bus stop on a high-quality transit corridor (HQTC). A major transit stop is a rail station or a bus stop with two or more intersecting bus routes with service frequency of 15 minutes or less during peak commute periods. A HQTC is a corridor with fixed route bus service with frequency of 15 minutes or less during peak commute periods. However, these screening criteria do not apply if project-specific or location-specific information indicates the project will still generate significant levels of VMT. Therefore, in addition to the screening criteria listed above, the project should also have the following characteristics:</p> <ul style="list-style-type: none"> <li>• Floor area ratio (FAR) of 0.75 or greater;</li> <li>• Consistent with the applicable SBCAG Sustainable Communities Strategy (as determined by the County);</li> <li>• Does not provide more parking than required by the County’s Comprehensive Plan and zoning ordinances; and</li> <li>• Does not replace affordable housing units (units set aside for very low income and low income households) with a smaller number of moderate or high-income housing units.</li> </ul>
<b>Affordable Housing</b>	A residential project that provides 100 percent affordable housing units (units set aside for very low income and low income households); if part of a larger development, only those units that meet the definition of affordable housing satisfy the screening criteria.

As shown in Table 5, one of the County's screening criteria for determining a less-than-significant VMT impact is "Project Size" with a screening level of 110 ADT. As shown in Table 1, the Music Academy of the West 2021 CUP Amendment is forecast to generate a net increase of 20 ADT during periods when the academy is open to students (approximately 3 months per year). Thus, the Project would have a less-than-significant CEQA impact based on the County's adopted guidelines since it would generate less than 110 ADT.

This concludes ATE's traffic, parking and VMT analysis for the Music Academy of the West 2021 CUP Amendment.

Associated Transportation Engineers

A handwritten signature in black ink, appearing to read "Scott A. Schell". The signature is fluid and cursive, with the first name "Scott" being the most prominent.

Scott A. Schell  
Principal Transportation Planner

SAS

July 6, 2022  
45dB Project # 21023

County of Santa Barbara Planning and Development, Review Division  
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123 E. Anapamu St  
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CC: Nicole Lieu [nmashore@countyofsb.org](mailto:nmashore@countyofsb.org)  
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**RE: Determination of Application Incompleteness Letter  
Music Academy of the West Conditional Use Permit Revision:  
Acoustics/Noise**

### Summary and Mitigations

This letter is provided in response to the County's Determination of Application Incompleteness letter for the Music Academy Conditional Use Permit Revision, dated April 26, 2022. The letter stated: *"Although Noise and Traffic studies were submitted, these analyses should be revised to build upon prior analysis that was included in the certified EIR. Specifically, the studies should be amended to include an analysis of the impacts of the proposed changes as compared to the prior EIR impact determinations, and whether the prior mitigation measures are adequate or any new mitigation measures are required."*

45dB Acoustics ("45dB") has reviewed the Noise portion of the EIR and the two previous supplemental acoustical reports—that of ArtNtek dated January 19, 2000, as well as that of Rincon Consultants, Inc. dated September 30, 2002. As requested, this letter discusses the differences between the noise analysis assumptions and outcomes of the two previous reports and our own report, most recent version dated September 1, 2021.

The Music Academy of the West's current CUP application, in which the applicant desired to have events with amplified speech and non-amplified music in more campus areas than previously, up to 15 times per year with up to 225 attendees. The previous reports assumed much larger events with up to 480 attendees, but only at locations further away from the campus' southern property line and further interior to the MAW campus, i.e., further away from off-campus residential land uses.

*This report (including any enclosures and attachments) has been prepared for the exclusive use and benefit of the addressee(s) and solely for the purpose for which it is provided. No part of this report shall be reproduced, distributed or communicated to any third party without written permission. We do not accept any liability if this report is used for an alternative purpose from which it is intended, nor to any third party.*

We note that the Kinnear Fountain location from our report was erroneously identified in Zone 11, when it is actually located in “Zone 5”; we have omitted “Zone 11” in our review evaluation of mitigations in this Addendum. The correct Zones are shown on the Miraflores Campus map in Figure 1.

We found that transportation noise levels modeled throughout the area are several decibels higher than measured 20 years ago. We also presumed sound levels for events could or would be approximately 10 dB higher than previously assumed. Given that assumption, we find that event sound levels at the four zones from the previous CUP application can support sound levels higher than the previous studies assumed, without exceeding the CNEL 65 sound level limit of the County’s Thresholds. Given our presumed event levels, we added time limit durations for events not previously prescribed, depending upon the event zone’s nearby local ambient sound levels.

Based upon our analysis, and considering the previous EIR study and reports, we recommend implementation of the following self-management tools to be incorporated in the applicant’s project description for this revised CUP to be:

- a) **At Zones 2/2.5, 7, and 9, i.e., event areas within the previous EIR:** Not more than four total<sup>1</sup> hours of unamplified acoustic music and/or amplified spoken word programming—*EIR Mitigation Measure 4. a)*
- b) **At Zones 1, 3, 4, and 5 i.e., new proposed event areas near the southern property lines:** not more than two total<sup>1</sup> hours of unamplified acoustic music and/or amplified spoken word programming—*EIR Mitigation Measure 4. a)*
- c) Levels attributable to MAW events not exceed 65 dBA at property line—*EIR Mitigation measure 4. d)*
- d) PA systems be pointed away from neighbors whenever and wherever possible;
- e) only to occur within the hours of 9am to 9pm;
- f) a MAW staff member to be designated as a point-of-contact for any potential neighbor concerns

We reconfirm the requirement within the original EIR of self-monitoring by trained MAW staff with a sound level measurement device capable of accurate measurements<sup>2</sup>.

With utilization of the above-described self-management tools, the County Threshold of CNEL 65 would not be exceeded at the property line. Additionally, the proposed/current CUP application is in compliance with the 2021 County Threshold criteria of not more than a 3 dB increase on existing CNEL at sensitive receptors with the above conditions in place. The proposed project is consistent with the prior Environmental Analysis and the mitigation measures therein applied to the project. Additional mitigation is not required.

The *Revised CUP Summary* by Suzanne Elledge Planning & Permitting Services, Inc. (SEPPS) from November 2021 confirms that MAW proposes to follow the self-management strategies that we recommended.

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<sup>1</sup> Total hours of music programming, to allow for intermissions/breaks

<sup>2</sup> ANSI S1.4 / IEC 61672 Class 1 or 2 sound level measurement device / meter, which can be periodically calibrated.

For those interested, Attachment A includes our discussion of the three analyses, which provides supporting information for the above conclusions regarding the mitigations. Please contact me with any questions.

for 45dB Acoustics, LLC



Sarah Taubitz, Mem.INCE, ASA  
Principal Consultant

Attachments:

- A: 45dB's Review of ArtNtek, Rincon Associates', and 45dB Acoustics' Analyses
- B: ArtNtek dated January 19, 2000
- C: Rincon Consultants, Inc. dated September 30, 2002
- D: 45dB Acoustics Report dated September 1, 2021
- E: EIR Noise Section Analysis Excerpt

**Figure 1: MAW Miraflores Campus (from SEPPS)**

MUSIC ACADEMY OF THE WEST  
**MIRAFLORES CAMPUS**



Gardens/Patio Cont.:  
8. Luria Court  
9. Lind Patio  
10. Leni Fe Bland Patio

**Garden/Patios:**

1. Anne's Garden
2. Holden Encore Society G.
- 2.5 President's Garden
3. Bock Garden
4. Williams Garden
5. Kuehn (keen) Court/Kinnear Fountain
6. Halstead Garden
7. Towbes Court



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- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li><span style="color: #008080;">■</span> <b>LEHRER STUDIOS</b> <ul style="list-style-type: none"> <li>• Practice studios</li> <li>• Restrooms</li> <li>• Locker rooms</li> </ul> </li> <li><span style="color: #000080;">■</span> <b>HAHN HALL</b> <ul style="list-style-type: none"> <li>• Orchestra Rehearsal</li> <li>• Picnic Concerts</li> <li>• Voice, Solo Piano, select Brass &amp; String, &amp; Percussion Masterclasses</li> <li>• Percussion Storage (basement)</li> </ul> </li> <li><span style="color: #0080C0;">■</span> <b>LEHMANN HALL</b> <ul style="list-style-type: none"> <li>• Select String, Wind &amp; Brass Masterclasses</li> <li>• Chamber Masterclasses</li> <li>• Collaborative Piano Masterclass</li> </ul> </li> <li><span style="color: #4B0082;">■</span> <b>WEINMAN HALL</b> <ul style="list-style-type: none"> <li>• Select String, Wind &amp; Brass Masterclasses</li> </ul> </li> <li><span style="color: #0080C0;">■</span> <b>MARILYN HORNE MAIN HOUSE</b> <ul style="list-style-type: none"> <li>• Administration Offices</li> <li>• Fellow and Faculty Mailboxes</li> <li>• Restrooms</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li><span style="color: #FFA500;">■</span> <b>HARGER STUDIOS</b> <ul style="list-style-type: none"> <li>• Brass &amp; Percussion Practice Studios</li> </ul> </li> <li><span style="color: #0080C0;">■</span> <b>YZURDIAGA HALL</b> <ul style="list-style-type: none"> <li>• Solo Piano Studio</li> </ul> </li> <li><span style="color: #FFD700;">■</span> <b>HIND HALL</b> <ul style="list-style-type: none"> <li>• Ensemble Rehearsals &amp; Coachings</li> </ul> </li> <li><span style="color: #4B0082;">■</span> <b>LURIA EDUCATION CENTER</b> <ul style="list-style-type: none"> <li>• Weber Lounge (upstairs)</li> <li>• Lind Dining Patio and Kitchen (upstairs)</li> <li>• Bock Lounge/ Computer Lab (downstairs)</li> <li>• Music Library (downstairs)</li> <li>• Practice studios (downstairs)</li> <li>• Instrument Lockers (downstairs)</li> <li>• Nelson Reed Room (downstairs)</li> </ul> </li> <li><span style="color: #FF8C00;">■</span> <b>CLAEYSSENS HALL</b> <ul style="list-style-type: none"> <li>• Faculty Studios</li> <li>• Ensemble Rehearsals and Coachings (# 4)</li> <li>• Restrooms</li> </ul> </li> <li><span style="color: #DC143C;">■</span> <b>TICKET OFFICE</b></li> </ul> |
|--|---|

## ATTACHMENT A: REVIEW OF ARTNTEK, RINCON ASSOC., and 45DB ACOUSTICS' ANALYSES

### Background/Ambient Levels

ArtNtek made short-duration sound measurements at four locations and calculated CNEL levels based on the relationship between the peak hourly level and CNEL which was based upon their own historical measurements of Highway 101 noise. We wonder if train noise could have been inadvertently omitted from the short-duration measurements, and therefore the subsequent calculated CNEL. For this area, train noise—particularly from the horn at grade crossing—has been shown in our own measurements near Butterfly Lane to significantly contribute to short-term and even CNEL levels.

Rincon Associates, Inc. (“Rincon”) measured sound in the area on Thursday, September 19, 2002 that were higher than the ArtNtek study levels, and this could be partly due to train noise as well as increased road traffic.

Our study included present-year traffic noise from Highway 101, local roads and the train, *calculated* using the FHWA’s Traffic Noise Model (TNM 3.0) and utilizing CalTrans-published average daily traffic counts (ADT), adjusted 1% per year from 2017 to 2022. Train noise levels, assuming 9 passenger trains and two freight trains per day, were included in our noise model. These were based upon our own previous measurements near Butterfly Lane and justified by our knowledge of the train speeds, horn levels, and schedule—most notably taking into account the train horns required at the grade crossing (a dominating noise source) at Butterfly Lane. The existing/background CNEL levels in our model, due to road and rail noise, are several decibels higher at locations near Highway 101 than those of the two previous studies. At the location of Rincon’s 24-hour measurement location in 2002, they measured CNEL 62, whereas our model shows a level of CNEL 70. It is unknown how many train pass-byes occurred in 2002, but the statistical levels shown suggest train noise was not as significant as present within our analysis/model. ArtNtek measured CNEL 65 at the “Monte Cristo” location near the northwestern corner of MAW campus, and our model, 20 years later, shows CNEL 68, which agrees rather well, considering a probable increase in road traffic from 20 years ago.

### Criteria

All three reports cited the Santa Barbara County Guidelines and Thresholds. This document has only a twenty-four-hour composite CNEL criteria of 65 dBA and no shorter-duration (e.g., hourly, L15, instantaneous Maximum, etc.) noise limit criteria. There are infinite level and duration combinations with the same resulting CNEL; as such, the CNEL is an inadequately defined criterion for definitive compliance when considering a new proposed noise source. Each consultant may theoretically determine their own criteria for a significant increase. The ArtNtek report defined significant increase requiring mitigation to be 5 dB on the CNEL—though they did note that an hourly increase could be within this CNEL criteria but may be annoying to neighbors. The Rincon report did not define any other criteria, and merely stated that the authors

“generally concur with the findings of the ArtNtek study”. An increase of 10 dB or more on an LAeq basis would generally be considered a significant increase.

### Presumed Event Sound Levels

The ArtNtek study assumed sound pressure levels from 480 attendees of 65 dBA at 100 feet, and an unamplified musical group (e.g., string/woodwind) levels of 55 dBA at 100 feet (i.e., 10dB lower than the voices of the attendees). For reference, 63 dBA at 100 feet is equivalent to 73 dBA at 10 feet, such as for someone standing within/at the event itself. With these durations, ArtNtek concluded that the Threshold of CNEL 65 dBA would not be exceeded for events of up to 10 daytime hours. Amplified voice over a portable PA system was assumed to be at least 70 dBA across the audience, with the nearest property line 280 feet away.

The approach that **45dB** typically employs for event analyses/studies is to start with a relatively high-decibel event emission level, and reduce the sound levels and/or duration only as needed to remain in compliance with the CNEL 65 criteria, or an hourly LAeq increase of approximately 10 dB or more. Our intention with studies of this nature is generally to find “how loud it could be” without triggering an exceedance of code/threshold/criteria, since we know that event sound levels can vary widely. Then, if initially presumed event sound levels predict potential exceedance of criteria/thresholds or probable annoyance due to a significant increase over ambient, mitigation measures can then be tailored.

The **45dB** study began with assuming event levels of 84 dBA at 10 feet, which is 11 dB higher—double the acoustic energy—than the levels assumed in the ArtNtek study. These sound levels would require that event attendees would need to raise or strain their voices to be heard but would not have to yell. These sound levels are consistent with, or perhaps on the high side, for cultural events with non-amplified music and amplified voice (for announcements, speeches, etc.). Although we don’t disagree that an event of 480 people with “background” or lower-level music and amplified speech could typically be approximately 70 dBA as ArtNtek assumed, we imagine there could be situations where the levels were significantly higher, such as for a wedding celebration; our analysis is therefore more conservative, or a “worse case” than previously assumed—even with 250 attendees rather than 480 attendees. **45dB** concluded that events of approximately 84 dBA at 10 feet could be held in Zones 2/2.5, 7, and 9 (Holden Encore Society and President’s Gardens, Towbes Court / Lind Patio, respectively) without exceeding the CNEL 65 Threshold at any MAW property line. A slightly lower level of approximately 79 dBA at 10 feet was in order for Zones 3/4 and 11, so shorter time limitations and prohibiting horns and drums is appropriate at those locations.

Brass/horn and percussion instruments can be played at the kind of levels we assumed in our study. We do not feel that these instruments should be prohibited by default, and doing so could be a knee-jerk but rather prejudiced stance to take, particularly considering that this is a Music Academy seeking to hold cultural events where wind instruments and drums are a part of many cultures, including classical music. This is why one of our tailored mitigation recommendations was to ensure self-monitoring of sound levels would be carried out in specific zones if horns or drums were present.

## Proposed Additional Event Locations

The two previous studies considered three outdoor event areas—Anne’s Garden, “New Courtyard”, and Miraflores Courtyard. The current study we analyzed included: Zone 2/2.5 Holden Encore Society/President’s Garden; Zone 3/4 Bock/Williams Gardens; Zone 5 Kuene Court; Zone 7 Towbes Court; Zone 9 Lind Patio; and Zone 11 Kinnear Fountain. Anne’s Garden is the same (Zone 1); the new courtyard is essentially a combination of Zones 7 and 9 Towbes Court and Lind Patio from our study; and Miraflores Courtyard is Zone 5 Kuene Court in our study.

So, the additional event areas of Zones 2/2.5, 3/4, and 11 are the new Zones included in the CUP Revision and our accompanying study. These three new zones are near/along the southern property line. As both the event zones and the sensitive receptors, i.e., residences, are further away from Highway 101 with lower ambient sound levels, events at these new Zones were found to require lower sound levels that what we assumed for the other Zones.

## Discussion and Mitigation

Many factors exist that make developing conditions of approval and mitigation strategies for event programs, not the least of which include the variation of ambient sound levels across the MAW and neighboring areas and a range of sound levels from various instrumentation for cultural and wedding events. The ArtNtek report found that unamplified music at the original locations would generally conform to County Thresholds and was not likely to create a 5 dB or greater increase in CNEL. They found that the amplified voice PA system would emit higher levels than would a music ensemble or 480 attendees conversing (in order to provide speech intelligibility), and recommended that a level limit mark/indicator on the PA’s volume control be determined through iterative sound level measurements at the nearest property line and marked on the equipment that corresponds to a sound pressure level Leq of 65 dBA over a period of at least 20 minutes. The ArtNtek report made an attempt to provide more detailed, duration-dependent mitigation measures on the PA system usage, not only because voice tends to draw one’s attention and is more likely to create annoyance, but also because amplification can so easily be adjusted up or down with a knob. Rincon did not refute the event sound level assumptions, but merely pointed out that this “may be too complex for effective enforcement”, and instead suggested “simply limiting amplified sound at the property line to 65 dBA [at any given time].” However, using an oversimplified 65dB-at-any-time limitation at all property lines such as Rincon suggested could erroneously preclude MAW from holding an event at all, through no fault of their own, due to ambient levels from transportation sources already reaching or exceeding that level.

ArtNtek’s suggestion of marking the volume knob on a PA system may be technically proficient; Rincon’s review pointed out that it may be “too complex to enforce” . However, Rincon’s suggestion of a simple 65 dBA at the property line at any time is too simplistic, in that some

property lines may already be at or above this level due to the ambient (transportation) noise, and that criteria would become unenforceable.

Because sound levels can vary so widely, because the public generally do not have a feel for specific decibel levels and how “loud” a given scenario is, and because PA systems can so easily be turned up or down, mitigation strategies are challenging. Self-monitoring of sound levels promotes awareness and understanding of the sound levels being produced by events, and we support this as an important mitigation tool to assist in preventing excessive sound levels from events and minimizing the risk of neighbor annoyance. We feel the self-management of event sound levels is the most *feasible*, most effective way to mitigate event sounds, given the variation in ambient levels across the campus at various neighbor locations and the lack of hourly or short-duration maximum sound level limits as usually present in other City and County Codes.

The EIR allowed amplified spoken voice on-site, under the conditions that it be: a) limited to the “cloistered” outdoor courtyard; b) four times per year; c) not more than four hours per event; c) not to exceed 65 dBA at the MAW property lines, and e) only occur within the hours of 9am to 9pm.

The EIR stated: “The greatest change to overall noise levels in the area is expected to result from anticipated increases in traffic volumes on Highway 101.” We concur that this has most likely happened in the last two decades, as our noise study based upon average daily traffic counts bears out. This means that some sensitive receptor areas closer to the highway and train tracks may experience hourly and CNEL levels greater than 65 dBA.

*ENVIRONMENTAL NOISE ASSESSMENT  
FOR PROPOSED IMPROVEMENTS AT THE*

**MUSIC ACADEMY OF THE WEST  
SANTA BARBARA, CALIFORNIA**

**19 January 2000**

***Prepared for:***

Music Academy of the West  
1070 Fairway Road  
Santa Barbara, CA 93108-2899

***Prepared by:***

**artNTEK**  
4794 Calle Camarada  
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Matthew Brooke, Ph.D., INCE  
Principal

## INTRODUCTION

The proposed project includes improvements to the existing Music Academy of the West (MAW) campus. The site and its nearest neighbors are currently exposed to vehicular traffic noise from Highway 101 and train noise from the Union Pacific Railroad, both to the north. The site is bounded to the east by Butterfly Lane, and to the south and west by The Fairway and several private residence lots. The topography of the area is such that the site generally increases in elevation from north to south. The east side of the campus is significantly higher than the adjacent properties along Butterfly Lane, whilst the west and south sides are at similar elevation to the adjacent properties.

Since MAW operations and activities may change after the improvements are complete, this environmental noise assessment was carried out to determine whether outdoor activities at MAW, and/or vehicular traffic accessing MAW will cause a significant impact on nearby sensitive receptors (as defined by the Santa Barbara County Noise Element), and to provide mitigation recommendations where appropriate.

## ACOUSTICAL TERMINOLOGY

Appendix A provides a description of the acoustical terminology used in this report. Unless otherwise stated, all sound levels reported are A-weighted sound pressure levels in decibels (dBA). A-weighting de-emphasizes the lowest and highest frequencies of sound in order to imitate the response of the human ear. Most community noise standards utilize A-weighting, since it provides a high degree of correlation with human annoyance and health effects.

When interpreting the noise levels presented in this report, the following subjective descriptions should be noted:

- An increase/decrease of **1dB** is typically **not audible** in field conditions. (A 1dB difference may be audible to some individuals under controlled laboratory conditions).
- An increase/decrease of **3dB** is generally accepted as being the smallest change that is "**just noticeable**" in field conditions.
- An increase/decrease of **5dB** is **distinctly audible**
- An increase/decrease of **10dB** is perceived as being **twice/half as loud**.

## APPLICABLE CRITERIA: SANTA BARBARA COUNTY NOISE THRESHOLDS

The County of Santa Barbara "Noise Thresholds" document includes the following relevant criteria:

- "3.a. *A proposed development that would generate noise levels in excess of 65dB CNEL and could affect sensitive receptors would generally be presumed to have a significant impact.*"
- "3.c. *A project will have a significant effect on the environment if it will increase substantially the ambient noise levels for noise-sensitive receptors [in] adjoining areas. Per item a., this may generally be presumed when ambient noise levels affecting noise sensitive receptors are increased to 65dB(A) CNEL or more. However, a significant effect may also occur when ambient noise levels affecting sensitive receptors increase substantially but remain less than 65dB(A) CNEL, as determined on a case-by-case level"*

The County Thresholds document does not quantify a "substantial increase" in ambient noise levels. However, with reference to the "Acoustical Terminology" section, above, and also with reference to other principalities' Noise Threshold requirements (for example: City of Carpinteria, City of Los Angeles), we would consider an increase of **more than 5 CNEL points** (ie more than 5dBA) to constitute a "substantial increase" for the purpose of this analysis.

It should be noted that the County's Thresholds are mainly concerned with assessment of traffic noise, and calculation of the CNEL descriptor involves averaging noise levels over a 24-hour period. The averaging process means that even if short-duration events significantly exceed the existing hourly ambient noise levels, it is still possible that they meet the overall 24-hour CNEL requirement. Furthermore, noise from outdoor events is of a very different nature to traffic noise, and such event-noise may be readily distinguishable against the constant "rumble" of freeway traffic, even if the events do not exceed the above County CNEL thresholds.

### EXISTING NOISE ENVIRONMENT (AMBIENT NOISE)

Presently, the dominant source of noise impacting the project site and the adjacent sensitive receptors is vehicular traffic noise from Highway 101. Secondary noise sources include the railroad to the north, vehicular traffic on Butterfly Lane and The Fairway, and small-aircraft overflights.

Existing ambient noise levels were measured on Thursday 9 December, Saturday 18 December and Wednesday 22 December 1999, at various times of day - see Table 1A. The measurement locations are shown in Figure 1.

Noise measuring equipment consisted of a Bruel & Kjaer (B&K) Model 2236-007C precision integrating and logging sound level meter fitted with a B&K type 4188 microphone. This equipment complies with the specifications of the American National Standards Institute (ANSI) and the International Electrotechnical Commission (IEC) for Type I (Precision) sound level meters. The measurement system was calibrated in the field prior to and after the measurements, using a B&K acoustical calibrator (Model 4231) to ensure the accuracy of the data. The microphone was supported by a tripod, 5 feet above the ground, and protected by a B&K 3-1/2" windscreen, type UA0237. Noise measurements were conducted for time periods considered representative of the hourly noise environment.

In addition to the measurements shown in Table 1A, in-house data (from previous 24-hour noise-monitoring at the San Ysidro exit on Hwy 101) was used to determine the hourly distribution of noise levels at each of the sensitive receptor locations. (Representative hourly distribution data is shown in Appendix B.)

From this noise distribution data, it is apparent that the CNEL is equal to the peak hour Leq plus 1dB in areas dominated by noise from this segment of Hwy 101. Therefore, in order to provide a worst-case analysis, the CNEL at each measurement location has been calculated using the lowest measured peak-hour Leq. The resulting CNEL figures which form the basis of the following analysis are shown in Table 1B.



**TABLE 1A**

**MEASURED AMBIENT NOISE LEVELS (LEQ) AT  
 MEASUREMENT LOCATIONS SHOWN IN FIGURE 1**

Date	Measurement Period	(1) Butterfly Lane	(2) The Fairway	(3) SW Comer of MAW	(4) West Boundary (at Monte Cristo)
9 December 1999 (Thursday evening)	4:00pm - 5:30pm	55dBA	59dBA <i>(includes local traffic on Fairway)</i>	57dBA	64dBA
18 December 1999 (Saturday Afternoon)	1:00pm - 2:30pm	54dBA	-	55dBA	-
22 December 1999 (Wednesday evening)	5:00pm - 6:00pm	56dBA	54dBA <i>(not including local traffic on Fairway)</i>	-	-

**TABLE 1B**

**ANTICIPATED EXISTING AMBIENT NOISE EXPOSURE (CNEL) AT  
 NEAREST SENSITIVE RECEPTORS (SEE FIGURE 1)**

Location #	Location Name	Existing CNEL
Loc 1	Butterfly	56
Loc 2	Fairway	55
Loc 3	SW Comer	56
Loc 4	Monte Cristo	65

## IMPACT ANALYSIS FOR FUTURE OUTDOOR EVENTS

Since there was no opportunity to make noise measurements at outdoor events during the time period available for preparation of this report, it has been necessary to use published and in-house noise data as the basis of the following calculations. The assumptions and data used represent a "worst case" analysis - it is anticipated that actual event noise would not exceed the levels presented here, provided details regarding attendance and sound sources correspond to the assumptions made below.

### Outdoor Non-Conservatory Functions (Weddings, Parties, Pre-Concert Picnics etc)

Under the CUP conditions, no amplification of voice or musical instruments will be permitted for non-conservatory functions outdoors. This analysis is therefore limited to noise from non-amplified ("acoustic") instruments and conversation at such events. Furthermore, the current application limits the number of attendees to 480 for any event or concurrent combination of events. For the purpose of this analysis, therefore, we will use 480 people as the absolute maximum for "worst case" analysis.

**SPEECH:** Assuming 480 attendees at a function, and on average 50% of the attendees speaking with normal vocal effort at any given time, and assuming that 50% of those speaking are male, the average sound pressure level at a distance of 100 feet would be approximately 63dBA.

**MUSIC:** Average sound pressure level for a string quartet playing music at an outdoor function (with no amplification) would be approximately 55dBA at 100ft, which is significantly lower than the anticipated speech levels; the speech (approx. 63dBA at 100ft) would therefore dominate.

This speech level can be extrapolated to different distances by use of the following equation:

$$Leq \text{ at receptor location} = 63 - 20 \log \frac{\text{distance from source to receptor}}{100} \quad \text{Equation 1}$$

Table 2 shows the resulting predicted noise levels at the nearest sensitive receptors due to full-capacity, non-conservatory functions centered at Anne's Garden (eg pre-concert picnics), the Miraflores Courtyard (eg weddings), and the New Courtyard Area between Abravnel Hall and Miraflores (eg pre-concert functions). These "noise-source" locations are shown in Figure 1.

***Based on the above information and the data shown in Table 2, any outdoor event which is attended by 480 or fewer people should conform with County Threshold requirements at any nearest sensitive receptor, provided such events do not exceed 10 hours' duration and do not take place between the hours of 10pm and 7am.***

### Portable Public Address (PA) System Noise

According to the existing Conditional Use Permit (90-CP-111cz), amplification/PA equipment is at present not permitted at any outdoor events. However, the current proposal includes the use of portable microphone and PA equipment, for conservatory events only. Furthermore, we understand that the use of such equipment is proposed only within the New Courtyard Area between Abravnel Hall and Miraflores.

**TABLE 2**

**PREDICTED "WORST-CASE" NOISE LEVELS AT NEAREST SENSITIVE RECEPTORS DUE TO NON-CONSERVATORY FUNCTIONS (SEE FIGURE 1 FOR LOCATIONS)**

Event Location (See Figure 1)	Nearest/most-impacted sensitive receptor location	Distance from source to sensitive receptor	Predicted Leq at sensitive receptor location**	CNEL at receptor location, resulting from 5-hour outdoor wedding function**
Anne's Garden	West Property Line	210ft	57dBA	57CNEL
Miraflores Courtyard	Butterfly Lane	107ft	62dBA	59CNEL
New Courtyard Area between Abravnel Hall and Miraflores	South of The Fairway	180ft	58dBA	57CNEL

\*\* NOTE: Predicted levels do not account for additional attenuation from buildings, vegetation or topography. Actual levels may be lower than those presented here.

Assuming a worst-case ambient noise level of approximately 60dBA within the Courtyard, the PA system would need to generate a sound pressure level of approximately 70dBA over the audience area in order to achieve good speech-intelligibility. If two loudspeakers are used, oriented to point south from the Wood 2 building, and assuming an average sound pressure level of 70dBA at the rear of the audience (south side of New Courtyard, 80 feet from the loudspeakers), then the resultant average sound pressure level at the nearest property line (south of The Fairway, i.e. 280ft from the loudspeakers) would be approximately 60dBA. The 1-hour Leq due to this 20-minute level of 60dBA would be approximately 57dBA (since the 1-hour averaging time includes 40 minutes with no PA system noise), and the overall noise exposure at the nearest receptor location would still be 55CNEL (ie no significant increase in CNEL).

Indeed, if PA use was limited to 20 minutes within any 24-hour period, levels of up to 75dBA would be allowable at the property line without causing a significant increase in the existing ambient CNEL value. However, levels as high as this would probably be annoying to neighbors, even though they would not exceed County Thresholds.

***Based on the above assumptions and the limitations listed in the "Summary and Mitigation Measures" section below, amplified speech would not exceed County Thresholds (although it may be audible at neighboring residences). Annoyance can be reduced by limiting PA System output to lower levels (see Mitigation Section, below).***

#### Traffic Noise

The following vehicular traffic noise-exposure analysis is based on the Federal Highway Administration (FHWA) Traffic Noise Prediction Model (FHWA-RD-77-108).

Table 3 shows the existing and projected traffic volumes for the busiest (ie worst-case) period during the Summer Festival series (mid-July). According to the FHWA noise model, increased noise is related to increases in traffic volumes (ADT) by the following equation:

$$\text{Increase in CNEL} = 10 \log \frac{\text{future ADT}}{\text{current ADT}} \quad \text{Equation 2}$$

Based on Equation 2, therefore, a doubling of traffic volume would cause an increase of only 3dBA in the CNEL value. The last column in Table 3 shows the calculated increase in CNEL values caused by the anticipated increase in traffic flow due to this project. It can be seen that ***the ADT increases anticipated for this project will not cause any noticeable increase in 24-hour noise exposure (CNEL).***

**TABLE 3**

**TRAFFIC-COUNT DATA (CURRENT AND AFTER PROJECT COMPLETION)  
 AND RESULTING CNEL INCREASES**

Roadway Segment	Current Peak Summer ADT Volume	Project-Added ADT	Peak Summer volume after Project Completed	Increase in CNEL due to Project (Peak Summer)
The Fairway west of MAW driveway	2,300	75	2,375	0.1dB
The Fairway east of MAW driveway	1,300	58	1,358	0.2dB
Olive Mill Road south of Hwy 101	6,440	41	6,481	0.0dB

NOTES:  
 Source for traffic counts: Associated Transportation Engineers.

## SUMMARY AND MITIGATION MEASURES

All the noise sources addressed in this report will comply with County Thresholds, *provided the following conditions of use are met:*

### Outdoor Non-Conservatory Functions (Weddings, Parties, Pre-Concert Picnics etc)

Outdoor events would not be attended by more than 480 people, should not exceed 10 hours' duration, and should not take place between 10pm and 7am. Outdoor music at such events would not be amplified, and would typically comprise small string and/or woodwind ensembles.

### Portable Public Address (PA) System Noise

If the duration of amplified speech will not exceed 20 minutes within any 24-hour period, levels of 75dBA or lower are permissible at the nearest property line (south of The Fairway) without exceeding County thresholds, provided amplified speech does not occur between 7pm and 7am. If amplified speech noise levels are lower than 75dBA at the property line, progressively longer durations would be allowable (for example, 72dBA Leq for 1 daytime hour in any 24-hour period, 69dBA for 2 hours etc.). If amplified speech will be used during evening hours (7pm to 10pm), maximum allowable Leq at the nearest property line is 72dBA for 20 minutes, or 67dBA for 1 hour.

Compliance (and neighbor annoyance) is dependent upon the "volume" setting of the portable amplification equipment. We recommend that acoustical measurements be made when the project is complete, and an "absolute maximum allowable setting" be marked on the volume control. This setting should correspond to 65dBA Leq at the nearest property line on The Fairway, measured for a period of 20 minutes. This setting would then allow up to 1 hour of amplified voice at any time of day or evening (i.e. between 7am and 10pm), whilst still complying with County Thresholds. Once this maximum value is established, further experimentation could be carried out to determine how low the volume level can be set below this maximum whilst still maintaining good speech-intelligibility at the audience area. This would help minimize impacts on the nearest neighbors.

### Traffic Noise

Project-generated traffic will not cause any significant increase in CNEL. No mitigation required.

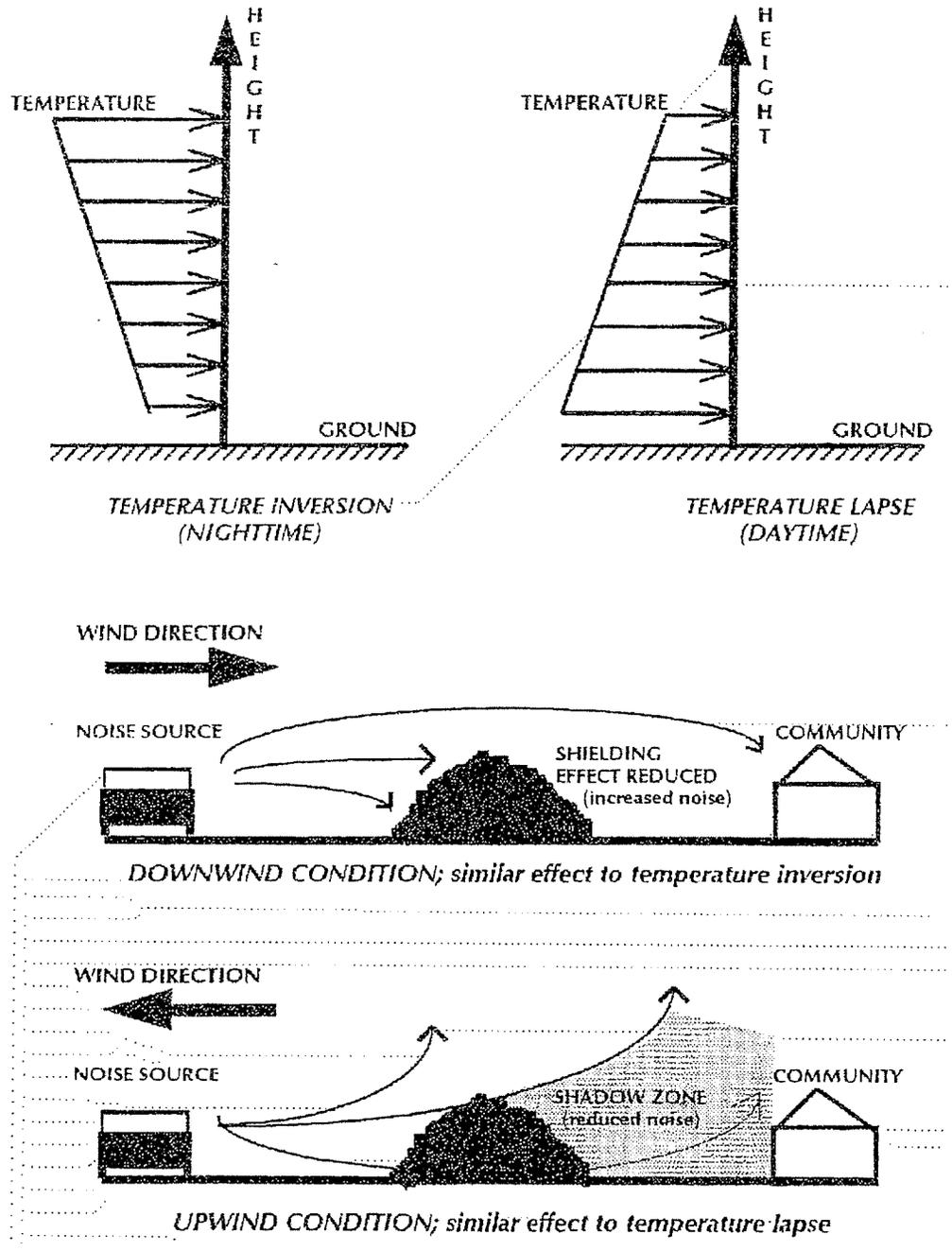
## ATMOSPHERIC EFFECTS

It should be noted that atmospheric effects can significantly alter the characteristics of sound propagation. Wind and temperature inversions can account for changes in sound level of as much as  $\pm 15$ dBA at distant receptor locations, by bending the path of sound in the atmosphere. Figure 2 illustrates these effects, which have been documented over distances as short as 125 feet and as long as several miles.

Since the prevailing wind is onshore, it is anticipated that atmospheric effects could serve to increase event-related noise levels at receptors to the north of the freeway; however, it is anticipated that even if levels did increase, they would still conform with County thresholds north Hwy 101. Furthermore, the same atmospheric phenomenon would cause accompanying increases in freeway noise north of Hwy 101, thus increasing ambient levels and reducing audibility of event-related noise. South of the site, the onshore winds would tend to decrease freeway noise and at the same time decrease event-related noise; impacts would therefore remain as reported.

FIGURE 2

EFFECTS OF WIND AND TEMPERATURE ON SOUND PROPAGATION



## APPENDIX A

### Acoustical Terminology

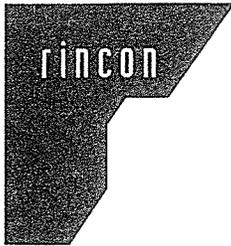
<b>DECIBEL, dB</b>	A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 microPascals.
<b>A-WEIGHTED SOUND PRESSURE LEVEL</b>	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear and gives good correlation with subjective reactions to noise. A-weighted decibels are denoted "dBA" or "dB(A)".
<b>Leq</b>	<i>Equivalent Sound Level.</i> The sound level containing the same total energy as a time-varying signal over a given sample period. Leq is typically computed over 1, 8 and 24-hour sample periods.
<b>Ldn</b>	<i>Day-Night Level.</i> The average equivalent sound level during a 24-hour day, obtained after addition of ten decibels to sound levels occurring in the night between 10:00 p.m. and 7:00 a.m. For typical vehicular traffic-flow conditions, the Ldn is normally within $\pm 1$ dB of the measured peak-hour Leq.
<b>CNEL</b>	Community Noise Equivalent Level. The CNEL is a similar descriptor to Ldn; to calculate CNEL, ten decibels are added to sound levels between 10:00 p.m. and 7:00 a.m., and five decibels are added to the evening (7:00 p.m. to 10:00 p.m.) levels. The CNEL is typically within $\pm 1$ dB of the Ldn.
<b>SEL</b>	<i>Sound Exposure Level.</i> The constant sound pressure level which, if maintained for a period of one second, would deliver the same A-weighted noise energy to the receiver as the actual event itself. The SEL is basically equivalent to the Leq, normalized over a time period of one second.

APPENDIX B

Hourly Noise Distribution for Hwy 101  
 (in-house data from past measurements)

Hourly Leq distributions Assumed for Given CNEL Noise Exposure

<u>Hour Ending</u>	<u>BASE DATA</u>	<u>Butterfly Lane</u>	<u>The Fairway</u>	<u>SW Corner</u>	<u>Monte Cristo</u>
12	67	51	50	51	60
13	67	51	50	51	60
14	67	51	50	51	60
15	67	51	50	51	60
16	69	52	51	52	61
17	71	55	54	55	64
18	68	52	51	52	61
19	69	53	52	53	62
20	68	52	51	52	61
21	67	51	50	51	60
22	67	51	50	51	60
23	66	50	49	50	59
24	65	49	48	49	58
1	64	48	47	48	57
2	61	45	44	45	54
3	62	45	44	45	54
4	61	45	44	45	54
5	63	47	46	47	56
6	66	50	49	50	59
7	69	53	52	53	62
8	71	55	54	55	64
9	68	52	51	52	61
10	67	50	49	50	59
11	67	51	50	51	60
<b>CNEL</b>	<b>72</b>	<b>56</b>	<b>55</b>	<b>56</b>	<b>65</b>
<b>Ldn</b>	<b>72</b>	<b>56</b>	<b>55</b>	<b>56</b>	<b>65</b>



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September 30, 2002

Natasha Heifetz Campbell  
County of Santa Barbara  
Planning and Development  
123 E. Anapamu  
Santa Barbara, CA 93101

**Subject: Results of Onsite Noise Monitoring and Review of Acoustical Report**

Rincon Consultants, Inc. has conducted a noise study for the proposed revision to the current Conditional Use Permit for the Music Academy of the West (MAW), located in unincorporated Santa Barbara County, in the community of Montecito. The proposed revision involves implementation of a site Master Plan. The purposes of the noise study are to determine whether or not the project would generate noise exceeding County standards and to determine the level of noise exposure that the project would experience as a result of traffic on Highway 101 and the Union Pacific Railroad.

The proposed Master Plan would result in physical changes as well as associated operational changes. Physical changes include a net increase in structural development of 65,230 square feet (SF) of floor area and an increased building footprint of 18,450 SF. No change is proposed or anticipated to the maximum number of students permitted under the existing CUP (up to 150 students).

This letter also documents the findings of our review of the environmental noise analysis prepared by Matthew Brooke of ArtNTek in January 2000 for the Music Academy of the West.

**Project Location**

The project site is located at 1070 Fairway Road, in the community of Montecito, California. The site and its nearest neighbors are currently exposed to vehicular traffic noise from Highway 101 and train noise from the Union Pacific Railroad, both to the north of the site. The site is bounded to the east by Butterfly Lane, and to the south and west by Fairway Road and several private residence lots.

**Noise Characteristics and Measurement**

Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound power levels to be consistent with that of human hearing response, which is most sensitive to frequencies around 4,000 Hertz (about the highest note on a piano) and less sensitive to low frequencies (below 100 Hertz).



In addition to the actual instantaneous measurement of sound levels, the duration of sound is important since sounds that occur over a long period of time are more likely to be an annoyance or cause direct physical damage or environmental stress. One of the most frequently used noise metrics that considers duration as well as sound power level is the equivalent noise level ( $L_{eq}$ ). The  $L_{eq}$  is defined as the steady A-weighted level that is equivalent to the same amount of energy as that contained in the actual time-varying levels over a period of time. Typically,  $L_{eq}$  is summed over a one-hour period, expressed as  $L_{eq}1H$ .

The actual time period in which noise occurs is also important since noise that occurs at night tends to be more disturbing than that which occurs during the daytime. The State of California and many communities adopted the Community Noise Equivalent Level (CNEL) as a means to recognize this characteristic. The CNEL is equivalent to the weighted average of the hourly  $L_{eqs}$  over a 24-hour period. The weighting includes an addition of 10 dBA to nighttime noise levels and 5 dBA to evening noise levels to account for the greater amount of disturbance associated with noise at these time periods.

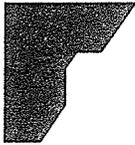
### **Santa Barbara County Noise Thresholds**

The County of Santa Barbara has adopted noise policies in its Noise Element (1986). These policies establish both interior and exterior noise limits for noise compatibility, which are identified in the County of Santa Barbara Environmental Thresholds and Guidelines Manual (1995). The maximum noise exposure for indoor areas in noise-sensitive land uses is 45 dBA CNEL. The outdoor noise level standard for sensitive receptors is 65 dBA CNEL. Among the noise-sensitive receptors identified in the County Thresholds Manual are residential land uses, including single- and multi-family dwellings, and schools, either public or private.

### **Current On-Site Noise Conditions**

Currently, the dominant source of noise affecting the project site and the adjacent sensitive receptors is vehicular traffic noise from Highway 101. Secondary noise sources include the railroad to the north, and vehicular traffic on Butterfly Lane and Fairway Road.

Existing noise conditions on the project site were determined through monitoring using an ANSI Type II integrating sound level meter. Sound levels were recorded for a 24-hour period from 11:00 AM on September 19, 2002 to 11:00 AM on September 20, 2002. Conditions occurring on the site at the time of the measurement included a temperature of 68 degrees Fahrenheit, cloudy skies, and wind speed of 1.3 mph. Construction noise from the adjacent property to the north could be heard at the site. The noise meter was located 160 feet east of Butterfly Lane, at the approximate location of the proposed MAW outdoor patio area. This location is about 500 feet south of Highway 101 and 430 feet from the Union Pacific Railroad. Instantaneous sound levels were measured, integrated, and recorded by the sound level meter in 10-second intervals. The sound level data collected included hourly



$L_{eq}$ , hourly statistical sound levels ( $L_{90}$ ,  $L_{50}$ ,  $L_{33}$  and  $L_{10}$ ),  $L_{max}$ ,  $L_{min}$ , and peak noise events. These measurements are a single day sample of the local noise environment, and actual long-term levels may vary considerably.

The CNEL measured during this time period was 62.5 dBA, while the Ldn was 62.3 dBA. The statistical sound levels measured during this 24-hour period are shown in Figure 1, and the hourly equivalent sound levels are shown in Figure 2.

**Figure 1 Statistical Sound Levels**

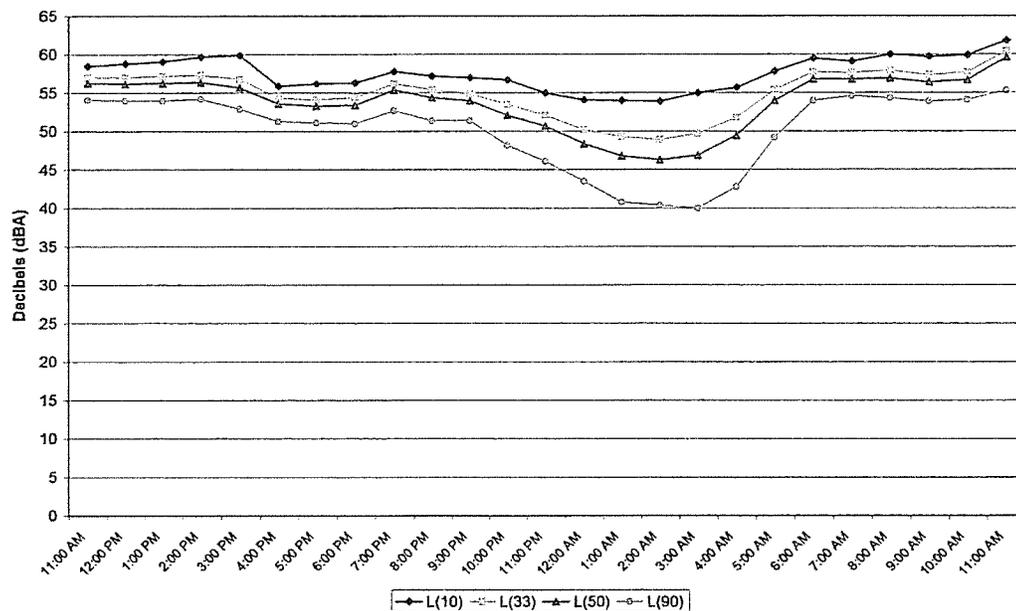


Figure 1 illustrates that the site experiences a relatively constant sound level with little variation over the 24-hour period. The  $L_{50}$  (that level exceeded 50% of the time) averaged 53.7 dBA with an hourly maximum of 59.6 dBA and a minimum of 46.3 dBA. Noise levels are slightly higher during the morning to early afternoon hours, which is most likely due to the presence of construction noise occurring on the adjacent property. The nighttime low occurred at about 2 AM.



**Figure 2 Hourly Equivalent Sound Level (Leq)**

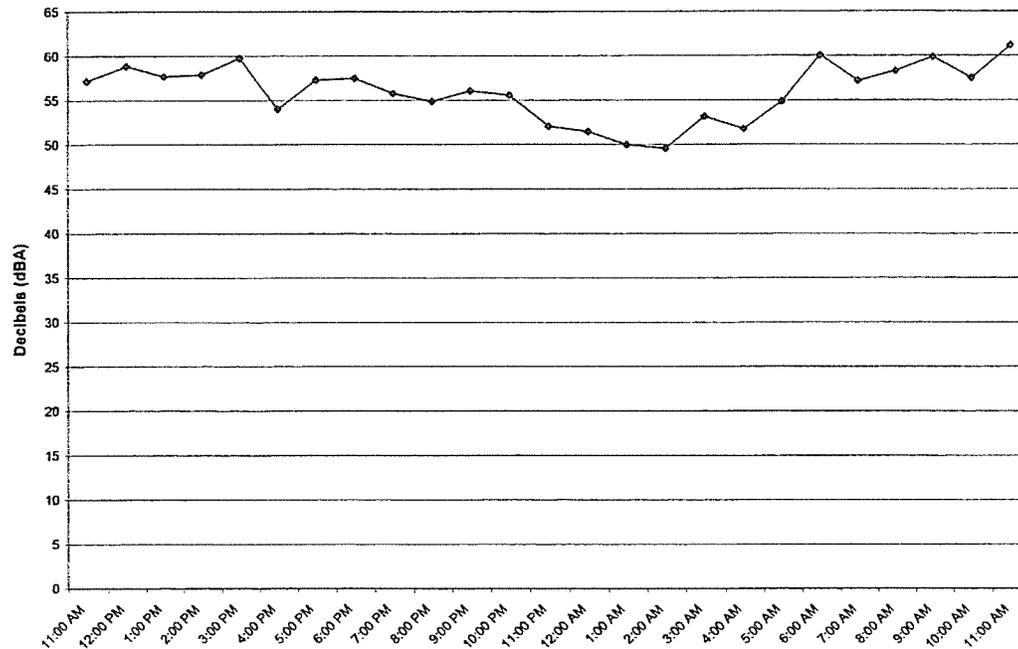


Figure 2 illustrates the hourly equivalent sound level ( $L_{eq}$ ) during the noise measurement period for the site. While the statistical noise environment is controlled by the relatively constant flow of traffic along the freeway and arterials, the equivalent sound level is substantially affected by punctuated noise events. Because the CNEL is based on the  $L_{eq}$ , which is weighted by 10 dB during the nighttime hours because of sleep disturbance effects, the noise experienced at the site at night is an important contributor to the overall CNEL measured at the site. Nighttime levels at the site (12 am – 8 am) ranged from 49.6-60.1 dBA.

The noise measurements serve as an aid in calibrating the noise models used to estimate long-term sound levels associated with the transportation corridors. Existing and future noise levels associated with existing traffic along U.S. Highway 101 were estimated using the California Vehicle Noise Emission Levels (Caltrans, January 1987) and standard noise modeling equations adapted from the Federal Highway Administration noise prediction model. Existing average daily traffic volumes (ADT) for Highway 101 were obtained from the California Department of Transportation (Caltrans, 2002), and the future levels (2020) were obtained from County of Santa Barbara (SBCAG, 1999).

The location of the 24-hour noise measurement is about 500 feet from Highway 101 centerline. The calculated CNEL at this location is 62.4 dBA without consideration of the noise reducing effects of barriers or walls. Based upon future average daily traffic (ADT) counts for the freeway, which take into consideration the widening plans for the freeway, the calculated 2020 CNEL for the site at this location is 63.1 dBA. Therefore, the anticipated



increase in traffic volume estimated for the freeway would result in an increase of 0.7 dBA, which is not audible to the human ear.

The calculated CNEL for the site (62.4 dBA) corresponds closely to the CNEL from the measured sample (62.5 dBA). Neither of these results exceed the County's 65 dBA CNEL exterior standard for noise-sensitive land uses. Therefore, no mitigation is required.

### **Review of Music Academy Noise Study**

An acoustical analysis was prepared by Matthew Brooke of ArtNTek in January of 2000. This report analyzed whether outdoor activities at the Music Academy of the West, or the increase in traffic associated with the improvements to the facility would result in a significant impact on nearby sensitive receptors, and to provide mitigation measures where appropriate. Existing noise conditions were determined by a combination of onsite noise measurements and previously gathered noise data from a nearby location.

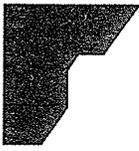
The ArtNTek study measured ambient noise conditions at four locations on the project site in December 1999. The results from the monitoring found the ambient levels to range between 54-64 dBA. The CNEL values for various locations on the site were extrapolated from previously gathered noise data taken from the San Ysidro exit on Highway 101. The CNEL calculated for the site using this method ranged from 55-56 dBA.

The results of the ArtNTek 1999 measurements are consistent with noise levels found currently on the site. The location of the 24-hour monitoring is closest to Location # 4 (Butterfly Lane), of the ArtNTek study. The noise levels at this location ranged from 54-56 dBA in 1999, and results taken in 2002 for similar times of the day ranged from 54-57.9 dBA.

The ArtNTek study calculated the CNEL for this location to be 56 dBA, which is considerably lower than the CNEL from the 24-hour monitoring data (62.5 dBA), and from the CNEL calculated using the FHA noise prediction model (62.4 dBA). Since the method of CNEL calculation was not given in the ArtNTek study, the explanation for the lower level is not entirely clear.

We generally concur with the findings of the ArtNTek study, but suggest that the CNEL estimates based upon our measurements/calculations are more reflective of actual onsite conditions. We also believe that the mitigation approach suggested in the ArtNTek study may be too complex for effective enforcement. In order to mitigate noise impacts from amplified voice to sensitive receptors, we suggest simply limiting amplified sound at the property line to 65 dBA. This is consistent with County standards and would be easier to measure and enforce. Also, because 65 dBA is less than 3 dBA over ambient noise, such a level generally would not be noticeable.





If you have any questions about this correspondence, please do not hesitate to contact us.

Sincerely,  
RINCON CONSULTANTS, INC.

Joanne Dramko, MESM  
Associate

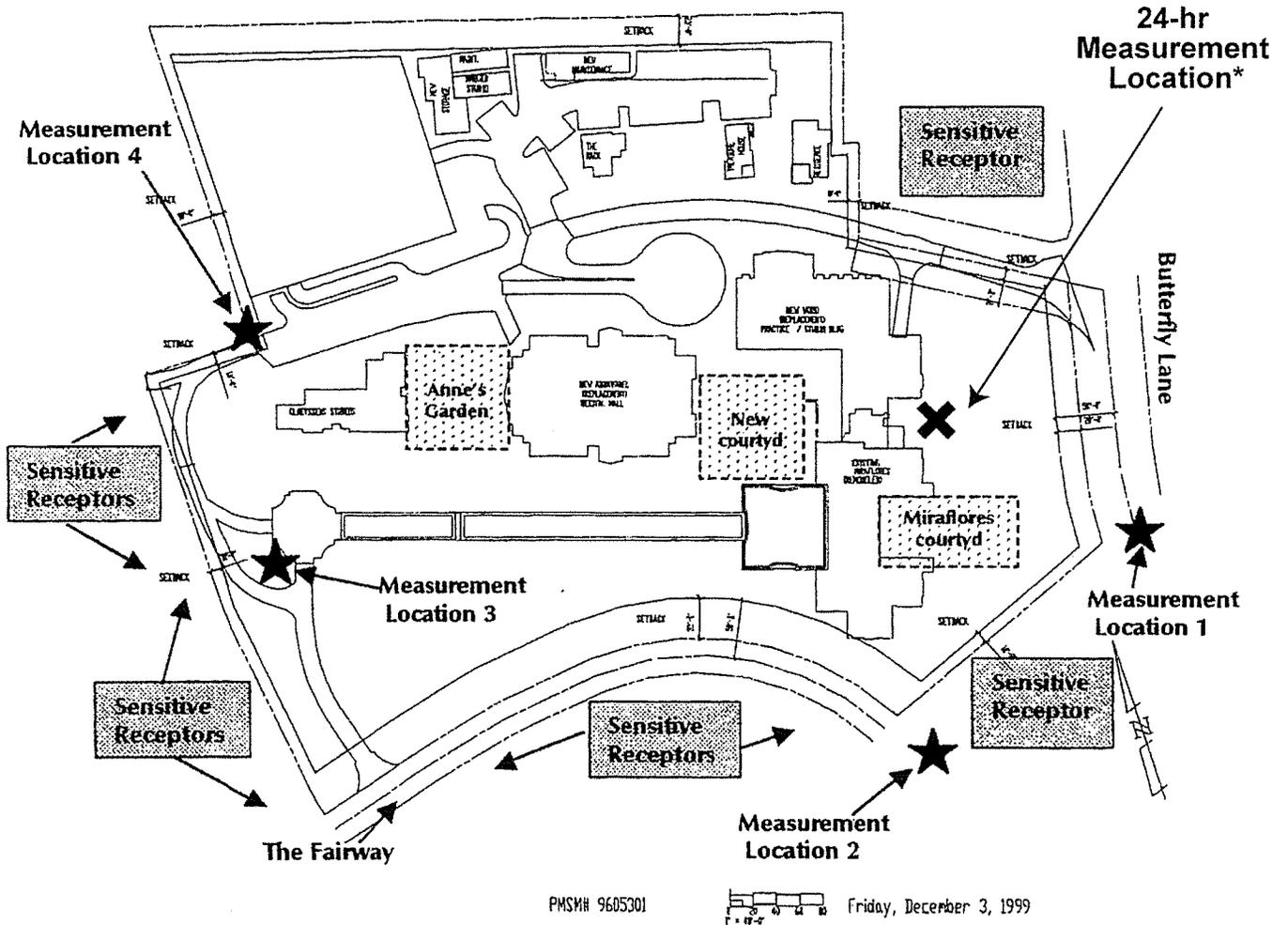
Joe Power, AICP  
Planning Manager

Attachment: Noise Measurement Location Map, Noise Calculations

**RECEIVED**

OCT 01 2002

S.B. COUNTY  
PLANNING & DEVELOPMENT



\* September 19-20, 2002

### Noise Measurement Location

Music Academy of the West 24-hour Noise Measurement Data  
 C:\LARDAV\SLMUTIL\MUSIC.bin Interval Data

Date	Time	Meas										
		Duration	Leq	SEL	Lmax	Lmin	Peak	Uwpk	L(10)	L(33)	L(50)	L(90)
19Sep 02	11:00:00	3600	57.2	92.8	78	49.6	90.4	0	58.5	57	56.3	54.1
19Sep 02	12:00:00	3600	58.9	94.5	90.3	50.7	100.5	102.1	58.8	57	56.2	54
19Sep 02	13:00:00	3600	57.7	93.3	82.7	48.1	93.4	100.2	59.1	57.2	56.3	54
19Sep 02	14:00:00	3600	57.9	93.5	85.2	49.4	97.8	102.1	59.7	57.3	56.4	54.2
19Sep 02	15:00:00	3600	59.8	95.4	89.8	48.8	101.4	103.7	59.9	56.8	55.7	52.9
19Sep 02	16:00:00	3600	54	89.5	65.9	46.6	80.5	97.7	55.9	54.3	53.6	51.3
19Sep 02	17:00:00	3600	57.3	92.8	87.2	47.6	97.8	102.1	56.2	54.1	53.3	51.1
19Sep 02	18:00:00	3600	57.5	93.1	88.5	45.8	100	102.1	56.3	54.4	53.4	51
19Sep 02	19:00:00	3600	55.8	91.3	66.5	45.6	87.1	0	57.8	56.2	55.4	52.7
19Sep 02	20:00:00	3600	54.9	90.5	64.7	46.8	76.5	0	57.2	55.4	54.4	51.4
19Sep 02	21:00:00	3600	56.1	91.7	84.9	47.2	96.1	100.2	57	54.9	54	51.4
19Sep 02	22:00:00	3600	55.6	91.2	75	42.7	86.8	97.7	56.7	53.5	52.1	48.2
19Sep 02	23:00:00	3600	52.1	87.7	68.9	38.9	82.3	0	55	52.1	50.7	46.1
20Sep 02	0:00:00	3600	51.5	87.1	69.5	38	81.2	100.2	54.1	50.2	48.4	43.5
20Sep 02	1:00:00	3600	50	85.6	63.8	35.6	75.3	0	54	49.3	46.8	40.8
20Sep 02	2:00:00	3600	49.6	85.2	62.4	35.9	88.6	0	53.9	48.9	46.3	40.4
20Sep 02	3:00:00	3600	53.2	88.8	74.4	35.2	87.6	97.7	55	49.7	46.9	40
20Sep 02	4:00:00	3600	51.8	87.4	64.5	35.9	75.6	0	55.7	51.8	49.5	42.8
20Sep 02	5:00:00	3600	54.9	90.5	64.2	41.2	77.3	0	57.8	55.4	54	49.2
20Sep 02	6:00:00	3600	60.1	95.7	90.5	47.1	102.6	105	59.5	57.7	56.8	54
20Sep 02	7:00:00	3600	57.2	92.7	66.5	50.7	76.9	0	59.1	57.6	56.8	54.6
20Sep 02	8:00:00	3600	58.3	93.9	88.3	49.1	98.7	102.1	60	57.9	56.9	54.3
20Sep 02	9:00:00	3600	59.9	95.5	89.8	47.2	102.7	105	59.7	57.3	56.4	53.9
20Sep 02	10:00:00	3600	57.5	93.1	74	50.2	87.6	0	59.9	57.7	56.7	54.1
20Sep 02	11:00:00	3600	61.2	96.8	92.5	49.9	103.2	105	61.8	60.4	59.6	55.3

Date	Time	Leq	Ldn Time Factor	CNEL Time Factor
19Sep 02	11:00 AM	57.2	0	776247.117
19Sep 02	12:00 PM	58.9	0	776247.117
19Sep 02	1:00 PM	57.7	0	588843.655
19Sep 02	2:00 PM	57.9	0	616595.002
19Sep 02	3:00 PM	59.8	0	954992.586
19Sep 02	4:00 PM	54	0	251188.643
19Sep 02	5:00 PM	57.3	0	537031.796
19Sep 02	6:00 PM	57.5	0	562341.325
19Sep 02	7:00 PM	55.8	0	380189.396
19Sep 02	8:00 PM	54.9	0	309029.543
19Sep 02	9:00 PM	56.1	0	407380.278
19Sep 02	10:00 PM	55.6	0	363078.055
19Sep 02	11:00 PM	52.1	0	162181.01
20Sep 02	12:00 AM	51.5	10	1412537.54
20Sep 02	1:00 AM	50	10	1000000
20Sep 02	2:00 AM	49.6	10	912010.839
20Sep 02	3:00 AM	53.2	10	2089296.13
20Sep 02	4:00 AM	51.8	10	1513561.25
20Sep 02	5:00 AM	54.9	10	3090295.43
20Sep 02	6:00 AM	60.1	10	10232929.9
20Sep 02	7:00 AM	57.2	10	5248074.6
20Sep 02	8:00 AM	58.3	10	6760829.75
20Sep 02	9:00 AM	59.9	0	977237.221
20Sep 02	10:00 AM	57.5	0	562341.325
20Sep 02	11:00 AM	61.2 Ave for 11am:	0	1318256.74
			Ldn:	62.3 CNEL:
				62.5

# ROADWAY TRAFFIC NOISE

Project: Music Academy of the West Project No.  
 Date: 30-Sep-02  
 Roadway: Highway 101

## PROJECT DATA and ASSUMPTIONS

Vehicle Reference Energy Mean Emission Levels (FHWA 1977, TNM®, or CALVENO): TNM  
 Distance to Receptor: 500 feet  
 Site Condition (Hard or Soft): Soft  
 Upgrade longer than 1 mile: 0 %  
 Existing Total Traffic Volume (ADT): 91,000 vehicles  
 Ambient Growth Factor: 0.0%  
 Future Year : 2020  
 Total Project Volume (ADT): vehicles  
 Total Cumulative Growth Volume (ADT): 15900 vehicles  
 Source of Traffic Data: Caltrans, 2002 and SB County, 1999

### Daily Vehicle Mix

	<i>Existing</i>	<i>Project</i>	<i>Future</i>
Automobile	90.0%	90.0%	90.0%
Medium Truck	5.0%	5.0%	5.0%
Heavy Truck	5.0%	5.0%	5.0%

Source: Assumed given land use and road characteristics

### Percentage of Daily Traffic

	<i>Existing and Future</i>		
	<i>Day (7 am-7 pm)</i>	<i>Evening (7-10 pm)</i>	<i>Night (10 pm - 7 am)</i>
Automobile	77.5%	12.9%	9.6%
Medium Truck	84.8%	4.9%	10.3%
Heavy Truck	86.5%	2.7%	10.8%

Source: Default Assumption

	<i>Project</i>		
	<i>Day (7 am-7 pm)</i>	<i>Evening (7-10 pm)</i>	<i>Night (10 pm - 7 am)</i>
Automobile	100.0%	0.0%	0.0%
Medium Truck	100.0%	0.0%	0.0%
Heavy Truck	100.0%	0.0%	0.0%

Source: Default Assumption

### Average Speed

	<i>Existing</i>		
	<i>Day (7 am-7 pm)</i>	<i>Evening (7-10 pm)</i>	<i>Night (10 pm - 7 am)</i>
Automobile	35	35	35
Medium Truck	35	35	35
Heavy Truck	35	35	35

Source: Assumed average speed

	<i>Future</i>		
	<i>Day (7 am-7 pm)</i>	<i>Evening (7-10 pm)</i>	<i>Night (10 pm - 7 am)</i>
Automobile	35	35	35
Medium Truck	35	35	35
Heavy Truck	35	35	35

Source: Assumed average speed

# ROADWAY TRAFFIC NOISE

Project: Music Academy of the West  
 Date: 30-Sep-02

Project No. 0

Roadway: Highway 101

Vehicle Noise Emission Levels\*: TNM

## RESULTS

DAY-NIGHT AVERAGE LEVEL (Ldn)	Ldn at Site 500 feet from road centerline	Distance to dBA Contour Line from roadway centerline, feet				
		75	70	65	60	55
Existing	62.0 dBA	68	147	316	681	1467
Existing + Project	62.0 dBA	68	147	316	681	1467
Future with Ambient Growth	62.0 dBA	68	147	316	681	1467
Future with Ambient Growth and Project	62.0 dBA	68	147	316	681	1467
Future with Ambient Growth and Cumulative Projects	62.7 dBA	76	163	352	758	1634
Future with Ambient, Cumulative, and Project Growth	62.7 dBA	76	163	352	758	1634
Change in Noise Levels						
Due to Project	0.0 dBA					
Due to Ambient Growth	0.0 dBA					
Due to Ambient and Cumulative	0.7 dBA					
Due to All Future Growth	0.7 dBA					

COMMUNITY NOISE EXPOSURE LEVEL (CNEL)	CNEL at Site 500 feet from road centerline	Distance to dBA Contour Line from roadway centerline, feet				
		75	70	65	60	55
Existing	62.4 dBA	72	155	333	717	1546
Existing + Project	62.4 dBA	72	155	333	717	1546
Future with Ambient Growth	62.4 dBA	72	155	333	717	1546
Future with Ambient Growth and Project	62.4 dBA	72	155	333	717	1546
Future with Ambient Growth and Cumulative Projects	63.1 dBA	80	172	371	799	1721
Future with Ambient, Cumulative, and Project Growth	63.1 dBA	80	172	371	799	1721
Change in Noise Levels						
Due to Project	0.0 dBA					
Due to Ambient Growth	0.0 dBA					
Due to Ambient and Cumulative	0.7 dBA					
Due to All Future Growth	0.7 dBA					

\*NOTES: Based on algorithms from the Federal Highway Administration "Traffic Noise Model ©", FHWA-PD-96-010, January, 1998.

#N/A = Not Applicable

September 1, 2021  
45dB Project #21023

<p><b>Acoustics Analysis:</b> Music Academy of the West 1070 Fairway Rd Santa Barbara, CA 93108</p>	<p><b>Requested by:</b> Suzanne Elledge Planning &amp; Permitting Services, Inc. 1625 State St, Suite 1 Santa Barbara, CA 93101</p>	<p><b>Client/Owner:</b> Music Academy of the West Attn: Mimi Do 1070 Fairway Rd Santa Barbara, CA 93108</p>
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## Executive Summary

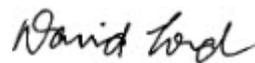
45dB Acoustics, LLC (“45dB”) has described and acoustically modeled typical amplified voice and music sound levels for cultural events having amplified speech and/or non-amplified acoustic music at seven outdoor areas at the above address. Prior noise analysis assumed outdoor music would not be amplified, and would typically comprise small string and/or woodwind ensembles.

Using SoundPLAN® to model sound level contours, we have concluded that sound levels will not exceed the 65dBA CNEL exterior noise limits of the County’s Thresholds and Guidelines at the property lines for a typical 3-hour evening event ending at 10pm with limited amplified speech and/or non-amplified acoustic music levels (i.e., below 79 dBA at 10 feet) at the Kinnear Fountain or in the Bock and Williams Gardens, and livelier events in all other locations (84 dBA at 10 feet). Two of these locations (Anne’s Garden and Kuehn Court) should limit events to two hours or less. Maximum sound levels from the events may exceed ambient levels at residential property lines and may require review/approval by the County per CEQA guidelines. The County Code is anticipated to be complied with, assuming events comply with the hours set forth in the Code.

for 45dB Acoustics, LLC



Sarah Taubitz



David Lord, Ph.D.

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## 1 Introduction

This sound level assessment is submitted as supporting information for the Conditional Use Permit (CUP) Amendment for the Music Academy of the West that includes various changes to the site as well as the reintroduction of cultural ceremonies to be held at seven different outdoor spaces on the property. They expect to have up to 15 events per year, with maximum attendance of up to 225 people. Events would include amplified spoken voice and non-amplified acoustic music and would end by 10:00pm.

Prior noise analysis assumed outdoor music would not be amplified, and would typically comprise small string and/or woodwind ensembles.

This report analyzes the seven potential event locations, or zones, on the property for predicted compliance with Santa Barbara County's Environmental Thresholds and Guidelines Manual, as well as California Environmental Quality Act (CEQA).

The following factors are considered:

- The topographical relationship of amplified noise sources and the nearby potential sensitive receptors
- Identification of noise sources and their characteristics, and evaluation of predicted sound levels at the site's property lines
- Factors affecting sound level prediction at the property line, noise attenuation measures to be applied (if any), and analysis of the noise propagation considering the physical layout of the built environment
- Information on fundamentals of noise and vibration to aid in interpreting the report

The Music Academy of the West is located in Montecito, an unincorporated community in Santa Barbara County, approximately 2.5 miles east of downtown Santa Barbara, CA. The property is bordered on the north by the Union Pacific Railroad (UPRR) and Highway 101. A pedestrian railroad crossing at Butterfly Lane is also located to the northeast of the property. Road noise from Highway 101 and train noise from UPRR are expected to be the dominant sources of noise.

The site plan is shown below in Figure 1 along with the seven numbered outdoor spaces analyzed within this report. The locations include:

- Zone 1: Anne's Garden
- Zone 2/2.5: Holden Encore Society Garden/Presidents Garden
- Zone 3/4: Bock Garden/Williams Garden
- Zone 5: Kuehn Court
- Zone 7: Towbes Court
- Zone 9: Lind Patio
- Zone 11: Kinnear Fountain

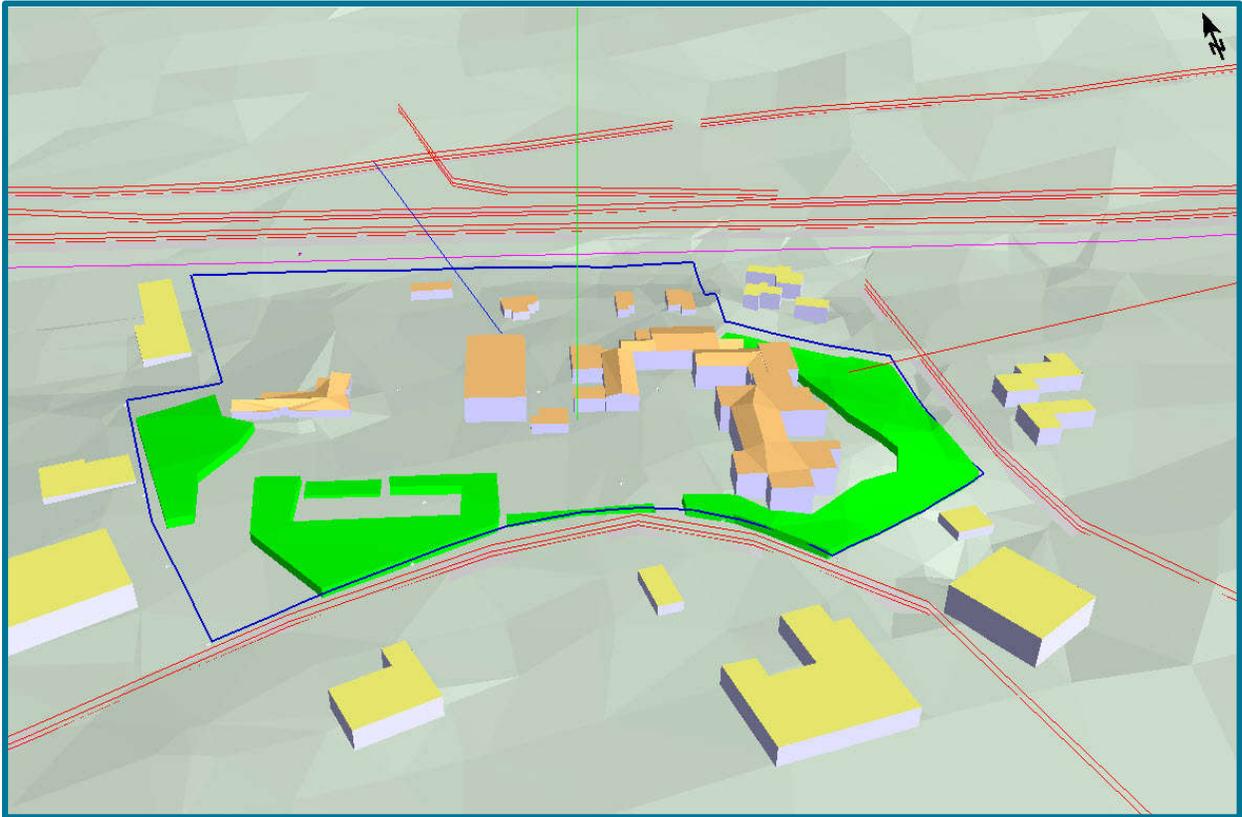
**Figure 1: Music Academy of the West Site Plan with Outdoor Zones**



Each zone has been acoustically modeled individually for a typical 2-hour evening event from 8-10pm. Compliance was evaluated, and conclusions drawn from these results.

Figure 2 shows the geometric setup within the acoustic model. Terrain (elevation data) is imported from Google Earth. Roads are shown as red lines and the railroad is shown as a pink line. The green areas represent dense bushes and/or trees. The blue line represents the property line around the perimeter of the site. Buildings are modeled with perfectly reflective surfaces for conservatively high resulting outdoor sound pressure levels.

Figure 2: 3D Acoustic Model



## 2 Compliance Requirements

Noise regulations are addressed by federal, state, and local government agencies, discussed below. Local policies are generally adaptations of federal and state guidelines, adjusted to prevailing local condition.

### 2.1 Federal Regulation

The adverse impact of noise was officially recognized by the federal government in the Noise Control Act of 1972, which serves three purposes:

- a) Promulgating noise emission standards for interstate commerce.
- b) Assisting state and local abatement efforts.
- c) Promoting noise education and research.

The Department of Transportation (DOT) assumed a significant role in noise control. The Federal Aviation Administration (FAA) regulates noise of aircraft and airports. Surface transportation system noise is regulated by the Federal Transit Administration (FTA). Freeways that are part of the interstate highway system are regulated by the Federal Highway Administration (FHWA). The Federal Railway Administration (FRA) regulates train traffic and subsequently train noise.

The nearest airport, Santa Barbara Airport, is located 11 miles west of the project and published noise contours do not affect the vicinity of this project. The most significant transportation noise sources are the local train line and Highway 101, located directly north of the property, and are modeled in this case to determine accurate background (i.e. non-Project related) noise levels.

### 2.2 State Regulation

#### 2.2.1 State CEQA Guidelines

The significance of environmental noise impacts resulting from a proposed project may be evaluated based on the California Environmental Quality Act (CEQA) guidelines. CEQA asks the following applicable questions. These will be answered in Section 0.

*Would the project result in:*

- exposure of persons to or generation of noise levels in excess of standards established in the local General Plan or Noise Ordinance, or applicable standards of other agencies?*
- exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?*
- a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

- *a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

## 2.3 Local Regulation

The Santa Barbara County Code of Ordinances, reprinted in Figure 3 below, describes the various types of noise or amplified music that are prohibited during nighttime hours, which are between 10pm and 7am on Sunday through Thursday and between midnight and 7am on Friday and Saturday.

**Figure 3: Santa Barbara County Code of Ordinances, Section 40-2**

**Sec. 40-2. - Noises prohibited.**

It shall be unlawful within the unincorporated area of the County of Santa Barbara to make, assist in making, permit, continue, create, or cause to be made, any loud and unreasonable noise, music, percussion or other sound which is broadcast outside of any residence or building by means of any amplified musical instrument, drum, or similar device, or by means of any radio, loudspeaker, sound amplifier or phonograph, or by means of or employing any similar device which amplifies and produces, reproduces or broadcasts sound, during any of the following periods of time:

- (a) The night and following morning of any Sunday, Monday, Tuesday, Wednesday, or Thursday between the hours of 10:00 P.M. of such day and 7:00 A.M. the following morning; or,
- (b) The morning hours after midnight of any Friday or Saturday, between twelve midnight, following such day, and 7:00 A.M. the following morning.

Within such time periods, and for the purposes of this chapter, a loud and unreasonable sound shall include any sound created by means prohibited above which is clearly discernable at a distance of one hundred feet from the property line of the property upon which it is broadcast or which is at any level of sound in excess of sixty decibels at the edge of the property line of the property upon which the sound is broadcast, as such sound would be measured on a sound measuring instrument meeting American National Standard Institute's Standard SI.4-1971 (or more recent revision thereof) for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which provide equivalent data.

Enforcement of a violation under this chapter shall not require the use of a sound level meter.

(Ord. No. 3866, § 1)

Although the County Code of Ordinances does not specify any daytime limits, the Santa Barbara County Environmental Thresholds and Guidelines Manual, Section 13.B.3, reprinted below in Figure 4, states that the proposed development may not generate CNEL levels above 65 dB(A) beyond its property lines. Community Noise Equivalent Levels, "CNEL", are a 24-hour

equivalent level that includes a 5dB penalty for evening hourly levels and a 10dB penalty for nighttime hourly levels. See the Appendix for more background information about sound levels.

**Figure 4: Santa Barbara County Environmental Thresholds and Guidelines, Section 13.B.3 (Reprinted)**

3. **Noise thresholds.** The following are thresholds of significance for assisting in the determination of significant noise impacts. The thresholds are intended to be used with flexibility, as each project must be viewed in its specific circumstances.
  - a. A proposed development that would generate noise levels in excess of 65 dB(A) CNEL and could affect sensitive receptors would generally be presumed to have a significant impact.
  - b. Outdoor living areas of noise sensitive uses that are subject to noise levels in excess of 65 dB(A) CNEL would generally be presumed to be significantly impacted by ambient noise. A significant impact would also generally occur where interior noise levels cannot be reduced to 45 dB(A) CNEL or less.
  - c. A project will generally have a significant effect on the environment if it will increase substantially the ambient noise levels for noise-sensitive receptors adjoining areas. Per item a., this may generally be presumed when ambient noise levels affecting sensitive receptors are increased to 65 dB(A) CNEL or more. However, a significant effect may also occur when ambient noise levels affecting sensitive receptors increase substantially but remain less than 65 dB(A) CNEL, as determined on a case-by-case level.

Additionally, the Environmental Thresholds and Guidelines also refers to CEQA as a potential additional method of evaluation for a “substantial” increase in noise levels. As this leaves room for interpretation, we attempt to discuss the potential for substantial temporary increase later in this report.

### 3 Modeled Exterior Noise Levels and Compliance Prediction

All sound level contours in this report, unless otherwise specified, are presented as CNEL levels in units of A-weighted decibels (dBA) for direct comparison to the County Thresholds.

Reflection from the buildings and terrain, the attenuation due to ground cover (e.g., concrete, lawn, etc.), and air properties all affect the propagation of noise and resulting sound levels, and are included in the acoustic models presented. The ISO 9613 calculation standard implemented into SoundPLAN® conservatively assumes downwind propagation in all directions from noise sources.

#### 3.1 Local Traffic

Traffic counts in annual average daily traffic (AADT) are input directly into SoundPLAN®, which predicts exterior (outdoor) noise levels due to those noise sources. Traffic counts have been provided for Highway 101 and the nearby on-and off-ramps by the State of California traffic for Coast Village Road was provided by the City of Santa Barbara, as shown in Table 111. Traffic counts for the applicable roads and interstate highway were increased by 1% per year to 2021 for present-day noise contours.

**Table 1: Traffic Count Data and 2021 Projections**

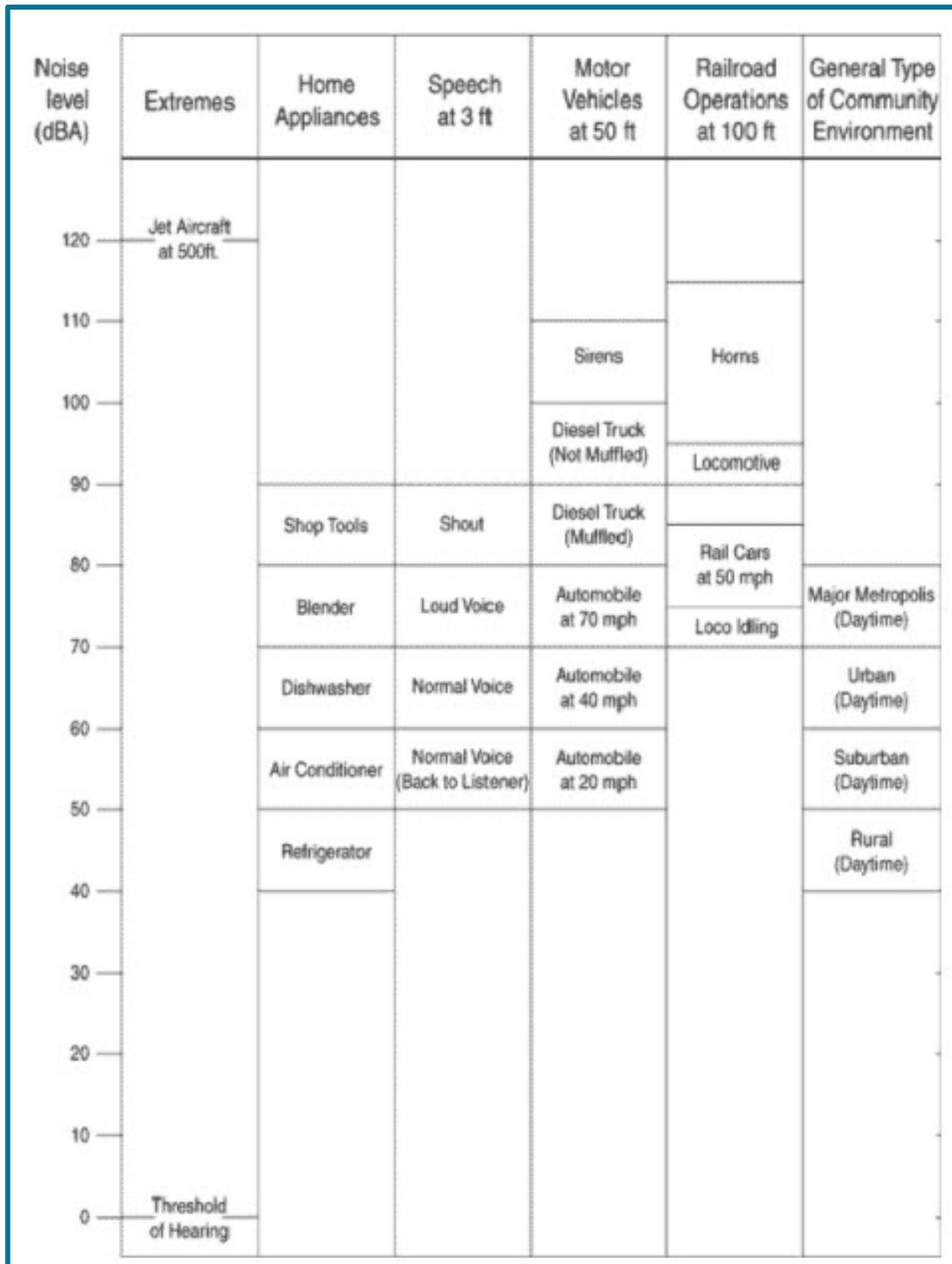
Road	AADT	Year	Years to Project	2021 AADT Projection with 1% Annual Growth
Highway 101	64700	2019	2	66000
Ramp Hwy 101 NB to Hermosillo	920	2017	4	957
Ramp Hwy 101 NB to Hwy 225	2100	2017	4	2185
Ramp Hwy 225 to Hwy 101 SB	5100	2017	4	5307
Coast Village Rd (E of Butterfly Ln)	11326	2016	5	11904
Coast Village Rd (W of Hermosillo)	13809	2017	4	14370

Sources: <https://dot.ca.gov/programs/traffic-operations/census>,  
<https://www.santabarbaraca.gov/gov/depts/pw/stmain/traffic/default.asp>

#### 3.2 Local Railroad Schedule and Noise Levels

Passenger and freight trains use the railroad tracks directly north of the property. The Amtrak Pacific Surfliner and Coast Starlight lines currently (as of April 2021) have 9 trains scheduled to pass by daily between 6am and 10pm and at 12:30am. Additionally, an average of two freight trains pass the site each day. A pedestrian crossing is located northeast of the property at the intersection with Butterfly Lane; trains are required to sound a warning horn for approximately 15 seconds as they approach each crossing. A chart of typical railroad sound levels is provided in Figure 5 below.

**Figure 5: Comparison of Various Railroad Noise Levels**



Source: <https://railroads.dot.gov/environment/noise-vibration/horn-noise-faq>

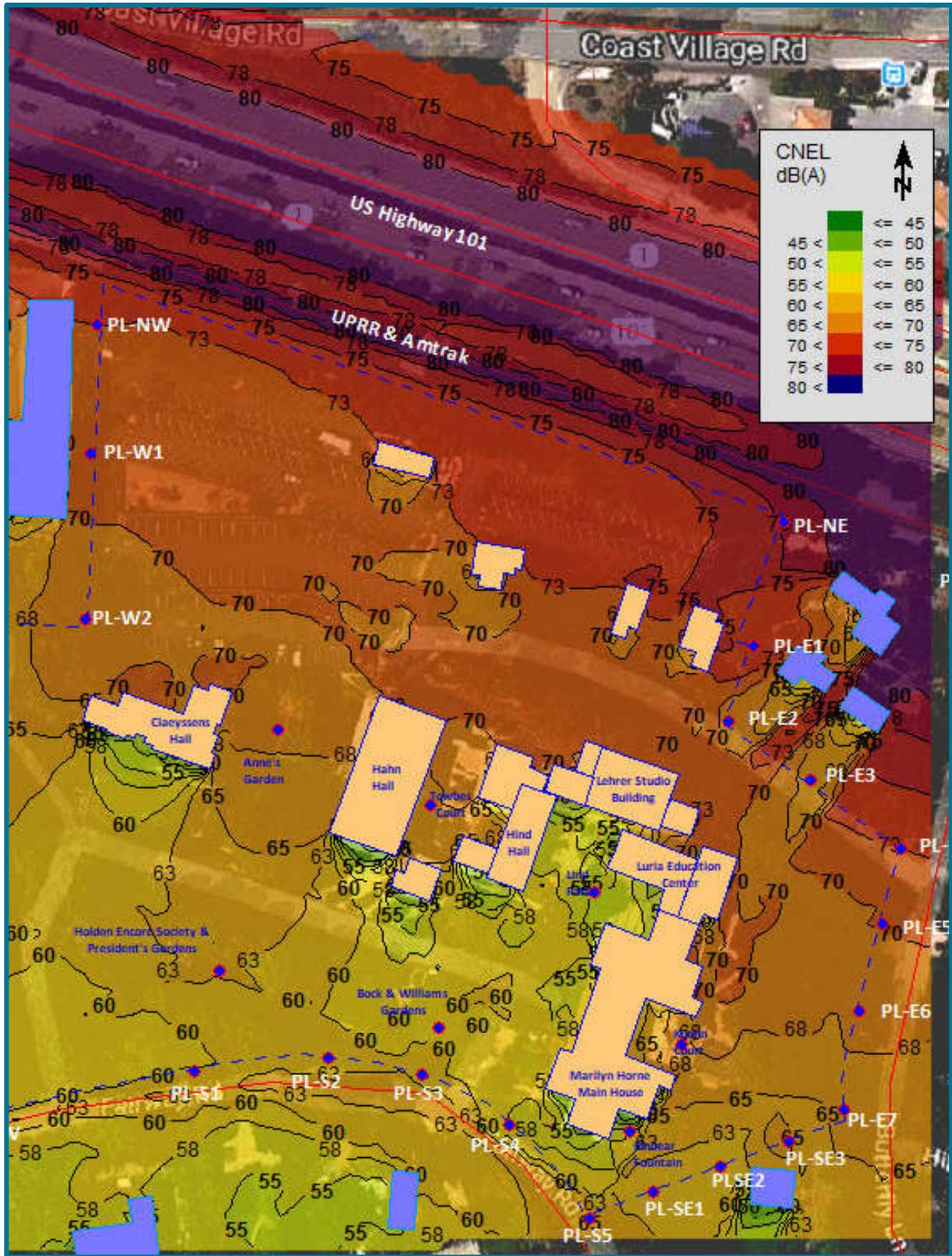
### 3.3 Existing Noise Environment

Figure 6 below shows the CNEL noise contours around the property due to the existing traffic and railroad noise sources. The SoundPLAN<sup>®</sup> noise model uses imported images from the Project plan as needed for the site layout. Linear noise sources for roads and highways are modeled with Federal Highway Administration Transportation Noise Model using the current and future traffic counts and added to the site plan.

Railroad noise is modeled as a linear sound source based on the train schedule and expected locomotive, rail car, and horn source levels, as discussed in Section 3.2. Noise contours due to the train horn are shown radiating from the pedestrian walkway at the northeast corner of the figure, which is central to the areas where the train horn sounds as trains approach the intersection from each direction.

Existing noise levels at the nearest residential property lines to the east and west range from 60-78 dBA CNEL.

Figure 6: CNEL Noise Contours for Ambient Conditions with Highway and Railroad Noise



### 3.4 Event Sound Levels

An initial power setting of 105 dBA was used for each of the sources representing the amplified voice or non-amplified music for the events in each of the seven zones, which is based upon our experience and knowledge of sound levels for these different types of event settings (see Appendix section 6.1). A point source with sound **power** level of 105 dBA, which equates to a sound **pressure** level of 84 dBA at a distance of 10 feet (3 meters) away, could represent amplified speech or non-amplified acoustic music group.

Because the orientation of the performances/events were not specified for the outdoor spaces, the sources are modeled as point sources with uniform directivity—meaning that the speaker outputs more equal sound in all directions. This ensures that our analysis will evaluate the events with speakers or music sources facing any direction.

Once the resulting levels at the property line are determined, conclusions may be drawn about the compliance of the levels occurring *at the event* and adjusted upward or downward in order to determine levels that should not be exceeded *at the event* in order to remain compliant *at the property line*.

## 4 Determination/Prediction of Compliance

A particular change—either increase or decrease—of a noise source will result in the same decibel change at a receiver location, for a given geometrical setup including terrain, buildings, etc. In other words, once the relationship between a particular sound level near the source/speaker and receiver is known, the corresponding sound pressure level at a given receiver location will increase or decrease by the same decibel amount that the source level changes. This dictates how high the level can be at the speaker location while staying within the County’s limits.

It is also important to note that the Lmax levels (generally an “instantaneous” 1-second Leq) can be approximately 10-15 dB higher than the average sound levels. This means that, even when CNEL or hourly levels may comply with a given criteria/limit, there will be moments where the level exceeds the hourly or CNEL limit. There is no momentary or short-duration limit criteria within the County’s Environmental Guidelines, nor in CEQA. Further, audibility does not necessarily indicate a noise exceedance.

### 4.1 Typical Event Program

For this analysis, a 3-hour event, held between 7-10pm, was modeled to evaluate the contribution of noise from each of the outdoor areas on the CNEL levels at the property line. A 3-hour event held in the evening hours represents a worst-case scenario, which ensures that shorter events or events held during daytime hours would not exceed CNEL limits.

Figure 775Figure 6 shows the resulting CNEL contours for the immediate area around the Music Academy of the West’s buildings for the 3-hour event with the source in Zone 3/4 (Bock and Williams Gardens) having a sound power level of 105 dBA. The blue dashed lines indicate the property lines and red stars (\*) indicate speakers or noise sources. Levels at each receiver location can be found in Table 2.

With the typical source level modeled for this event, sources in the Bock & Williams Garden areas are predicted to cause the CNEL levels at the closest property lines to exceed the 65 dBA specified by the County of Santa Barbara.

The resulting CNEL contours for a 3-hour event with the source in Zone 11 (Kinneer Fountain) having a sound power level of 105 dBA are shown below in Figure 8. Similar to events held in the Bock & Williams Gardens, events in this location are also predicted to exceed the 65 dBA CNEL limits at the southeast property line.

Figure 7: CNEL Noise Contours for 3-Hour Event in Bock & Williams Gardens with Source Power Level of 105 dBA

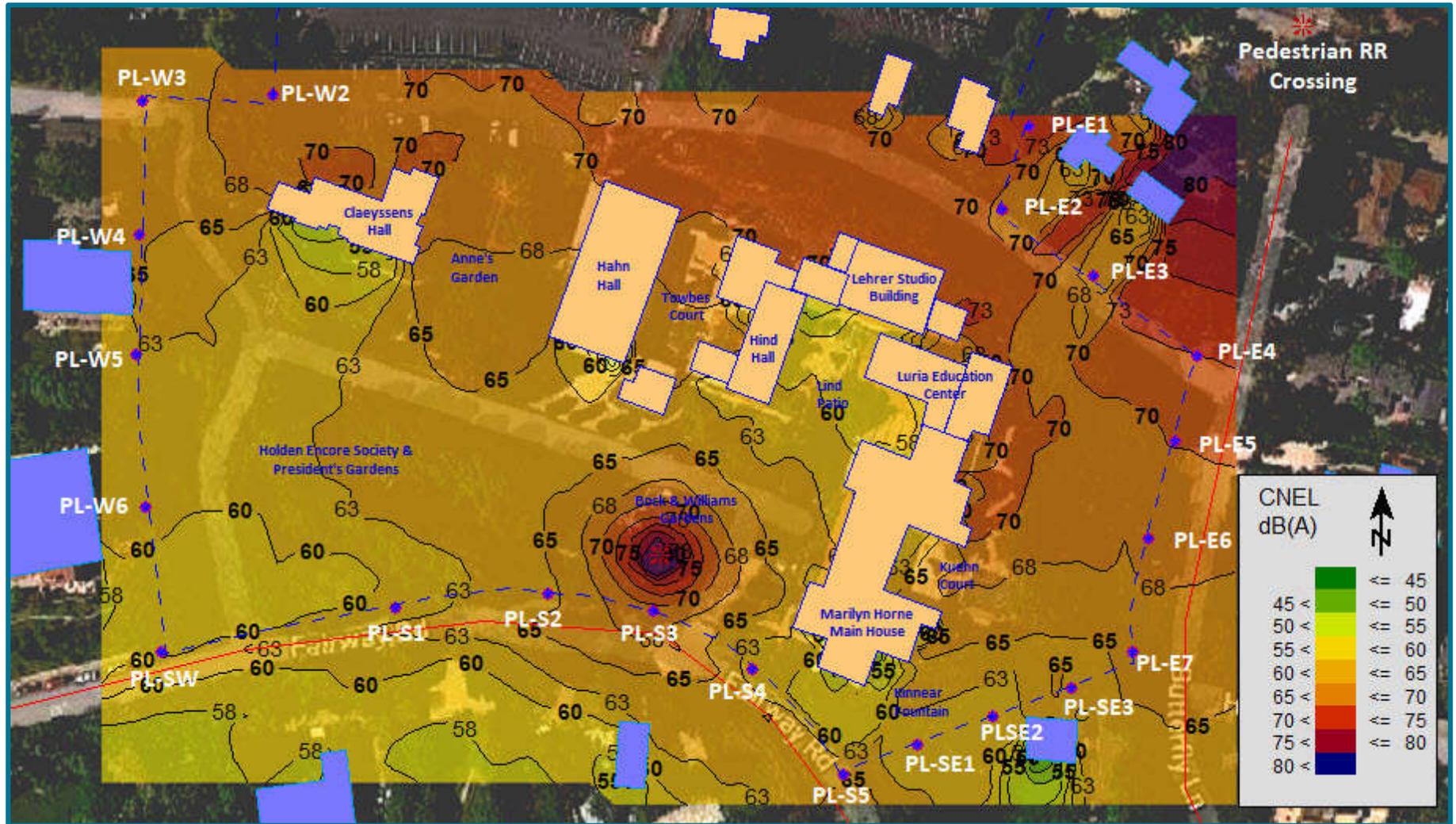


Figure 8: CNEL Noise Contours for 3-Hour Event at Kinnear Fountain with Source Power Level of 105 dBA



The CNEL levels predicted for each of the receiver locations at the property lines for each of the event zones, with source power levels of 105 dBA (84 dBA at 10 feet), are provided below in Table 2. Levels exceeding 65 dBA CNEL and ambient CNEL levels are marked in bold red text. The two locations modeled above (Bock & Williams Gardens and Kinnear Fountain) show levels exceeding the CNEL limit of 65 dBA at the nearest property lines.

Events in Kuehn Court are predicted to exceed 65 dBA CNEL by 1 dB at the southeast property line and events in Anne's Garden are predicted to exceed the ambient CNEL by 1 dB at the northwest corner of the property. Because these two locations exceed the Ambient CNEL by only 1 dB, events of shorter duration (less than three hours) would comply with the County's limits.

**Table 2: CNEL Levels at at Property Line Receiver Locations for Each Event Zone, with Source Power Levels at 105 dBA (dBA)**

Receiver Location	Ambient CNEL (dBA)	Zone 1: Anne's Garden	Zone 2/2.5: Holden/President's Garden	Zone 3/4: Bock/Williams Garden	Zone 5: Kuehn Court	Zone 7: Towbes Court	Zone 9: Lind Patio	Zone 11: Kinnear Fountain
PL-E1	75	75	75	75	75	75	75	75
PL-E2	69	69	69	69	69	69	69	69
PL-E3	67	67	67	67	67	67	67	67
PL-E4	72	72	72	72	72	72	72	72
PL-E5	70	70	70	70	70	70	70	70
PL-E6	68	68	68	68	69	68	68	68
PL-E7	66	66	66	66	66	66	66	66
PL-NE	78	78	78	78	78	78	78	78
PL-NW	72	<b>73</b>	72	<b>73</b>	72	72	72	72
PL-S1	60	61	63	61	60	61	61	60
PL-S2	62	62	63	65	62	62	62	62
PL-S3	61	62	62	<b>69</b>	61	61	62	61
PL-S4	58	58	59	62	58	59	60	58
PL-S5	64	64	64	64	64	64	64	<b>66</b>
PL-SE1	62	62	62	62	63	62	62	<b>68</b>
PL-SE2	61	61	61	61	63	61	61	64
PL-SE3	65	65	65	65	<b>66</b>	65	65	<b>66</b>
PL-SW	59	59	59	59	59	59	59	59
PL-W1	71	71	71	71	71	71	71	71
PL-W2	69	69	69	69	69	69	69	69
PL-W3	67	67	67	67	67	67	67	67
PL-W4	66	66	66	66	66	66	66	66
PL-W5	62	62	62	62	62	62	62	62
PL-W6	60	61	61	61	60	61	61	60

The two event locations, Bock & Williams Gardens and Kinnear Fountain, were also modeled with a lower source power level of 100 dBA (79 dBA at 10 feet), which would represent levels for amplified speech or a non-amplified acoustic music group without horns or drums. The CNEL levels predicted for each of the receiver locations at the property lines for these two event zones, with reduced source power levels are provided below in Table 3. Levels at each receiver location for both event zones remain in compliance with the County's code.

**Table 3: CNEL Levels at at Property Line Receiver Locations for Events in Zones 3/4 and 11, with Source Power Levels at 100 dBA (dBA)**

Receiver Location	Ambient CNEL (dBA)	Zone 3/4: Bock/ Williams Garden	Zone 11: Kinnear Fountain
PL-E1	75	75	75
PL-E2	69	69	69
PL-E3	67	67	67
PL-E4	72	72	72
PL-E5	70	70	70
PL-E6	68	68	68
PL-E7	66	66	66
PL-NE	78	78	78
PL-NW	72	72	72
PL-S1	60	61	60
PL-S2	62	63	62
PL-S3	61	65	61
PL-S4	58	59	58
PL-S5	64	64	65
PL-SE1	62	62	65
PL-SE2	61	61	62
PL-SE3	65	65	65
PL-SW	59	59	59
PL-W1	71	71	71
PL-W2	69	69	69
PL-W3	67	67	67
PL-W4	66	66	66
PL-W5	62	62	62
PL-W6	60	61	60

## 4.2 Maximum Sound Levels at Property Lines During Events

In addition to CNEL levels, the maximum expected sound levels at each receiver location were modeled to determine if an event would contribute to a “substantial temporary increase” in ambient sound level, per CEQA regulations. Maximum levels (Lmax) during the events from each zone at selected receiver locations (nearest to each zone) are presented in Table 443 below along with the maximum ambient levels.

While CEQA does not define what a substantial or significant temporary increase in levels would be, the model shows only two receiver locations that are expected to have a slight increase of 1-2 dB over the maximum ambient levels observed for these receivers, which are located along Fairway Road to the south of the property and not on the neighboring residential property lines.

**Table 4: Maximum Sound Levels at Selected Property Line Receiver Locations for Events at Each Outdoor Zone**

Event Zone	Sensitive Receiver Locations	Ambient Lmax (dBA)	Event Lmax (dBA)	Increase Over Ambient Lmax (dB)
Zone 1: Anne’s Garden (Source Power Level of 105 dBA)	PL-NW	96	73	-
	PL-S1	77	69	-
	PL-S3	81	65	-
Zone 2/2.5: Holden Encore Society Garden/Presidents Garden (Source Power Level of 105 dBA)	PL-S1	77	79	2
	PL-S2	83	77	-
	PL-S4	76	69	-
Zone 3/4: Bock Garden/Williams Garden (Source Power Level of 100 dBA)	PL-NW	96	66	-
	PL-S3	81	82	1
	PL-S4	76	73	-
Zone 5: Kuehn Court (Source Power Level of 105 dBA)	PL-SE1	84	74	-
	PL-SE2	84	77	-
	PL-SE3	88	78	-
Zone 7: Towbes Court (Source Power Level of 105 dBA)	PL-S1	77	67	-
	PL-S4	76	70	-
Zone 9: Lind Patio (Source Power Level of 105 dBA)	PL-S1	77	67	-
	PL-S3	81	75	-
	PL-S4	76	74	-
Zone 11: Kinnear Fountain (Source Power Level of 100 dBA)	PL-S5	85	76	-
	PL-SE1	84	80	-
	PL-SE2	84	75	-
	PL-SE3	88	70	-

## 5 Conclusions and Recommendations

Based on the above analysis for 3-hour evening events such as cultural ceremonies with non-amplified (acoustic) bands and/or amplified speech (which has a sound power level of approximately 105 dBA, or sound pressure level of 84 dBA measured at 10 feet) in the outdoor performance spaces at Music Academy of the West, sound levels at the property lines are predicted to be in compliance with the County's Guidelines and Thresholds 24-hour equivalent limit of 65dBA CNEL for events held in Zones 2/2.5, 7, and 9 (Holden Encore Society and President's Gardens, Towbes Court, and Lind Patio).

Events in Zones 1 and 5 (Anne's Garden and Kuehn Court) should be limited to shorter duration events of two hours or less to remain in compliance.

Events held in Zones 11 or 3/4, at the Kinnear Fountain or in the Bock and Williams Gardens, due to their proximity to residential property lines, must maintain quieter levels to prevent levels at the property lines from exceeding the 65dBA CNEL limit. Therefore, we recommend limiting the source levels in these two locations to a sound power level of 100 dBA or less, which equates to a sound pressure level of 79 dBA at 10 feet and represents sources such as amplified speech or quieter sources of non-amplified acoustic music that do not incorporate drums or horns. Drums and horn instruments are not disqualified *per se*, however as these have a large dynamic range of sound levels and are more impulsive, they tend to draw more attention and correlate with a higher risk of annoyance and awareness by potentially sensitive receptors (i.e., humans). We also recommend holding shorter duration events (2 hours or less) at these two locations.

Compliance with the County Code is also expected, assuming that events stay within the hours as defined by the Code.

Additionally, the CEQA requirements are addressed below **in bold**.

Would the project result in:

- a) generation of noise levels in excess of standards established in the local General Plan or Noise Ordinance, or applicable standards of other agencies?

**Outdoor events with amplified speech and non-amplified music will slightly increase the ambient noise levels above the existing road traffic and railroad noise levels at neighboring properties. If the maximum sound level increases are deemed substantial per CEQA, some locations may be limited as to the types of events and/or music levels allowed (i.e. small strings-only bands without drums, horns, etc.) . If louder events are desired, we suggest monitoring the source levels with a reputable system, as discussed below in Section 5.1.**

- b) generation of excessive ground-borne vibration or ground-borne noise levels?

**Excessive ground-borne vibration or ground-borne noise are not anticipated from any outdoor events.**

- c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

**Not applicable**

## 5.1 Self-Management of Sound Levels

Because it is difficult for anyone to discern differences in source levels such as the 82 dBA at 10 feet as used in the modeled simulations, we include in this report some commercially-available tools that laypeople, DJs and others may use to self-manage and accurately measure and control sound levels created at these events.

There are many commercial solutions for monitoring sound levels at a given location that may be of assistance in maintaining good neighbor relationships. Below are two such solutions we would suggest if the Music Academy of the West wishes to monitor their own sound levels:

- [www.StudioSixDigital.com](http://www.StudioSixDigital.com) offers a suite of affordable apps called “Audio Tools” for Apple-brand devices (e.g., iPhone or iPod). When a Class 2 (survey grade) or Class 1 (precision grade) external microphone is plugged into such a device, accurate sound levels may be acquired. Their website lists several compliant microphone options.
- Class 1 high-precision meters and calibrators are “engineering grade”, while Class 2 are mid-grade accuracy, lower cost, and suitable for use by laypeople in the field while still allowing for accurate measurements. For an extremely affordable standalone Class 2 sound level meter, SoftdB’s Piccolo and Piccolo II are sold in the USA through Scantek, Inc. here: <https://www.scantekinc.com/products/sound-level-meters/softdb/piccolo-compact-sound-level-meter-and-datalogger/> This would allow for a permanent sound level monitoring “station” at any desired location without the need for an Apple product.
- Any sound measurement device should be calibrated using a calibrator in order to continually ensure that the device/meter is calibrated to report accurate sound levels. A Class 2 calibrator can be purchased from many suppliers for a few hundred dollars.
- **45dB** is available to consult with business owners wishing to monitor their own sound emission. Be wary of cheap products sold on Amazon or other marketplaces—if it is not IEC/ANSI certified as a Class/Type 1 or 2 device, it is not to be relied upon.

## 6 Appendix

### 6.1 Characteristics of Sound

When an object vibrates, it radiates part of its energy as acoustical pressure in the form of a sound wave. Sound can be described in terms of amplitude (loudness), frequency (pitch), or duration (time). The human hearing system is not equally sensitive to sound at all frequencies. Therefore, to approximate this human, frequency-dependent response, the A-weighted filter system is used to adjust measured sound levels. The normal range of human hearing extends from approximately 0 to 140 dBA.

**Table 5: Examples of sound pressure levels**

0dB SPL	- The threshold of hearing. This is the quietest sound that a child or young adult with good hearing can detect at 1kHz. It is not silence/
10 - 20dB SPL	Very Faint A gentle breeze through the trees.
20 - 30dB SPL	- A soft whisper (at 1 meter).
30 - 40dB SPL	- A quiet auditorium.
40 - 60db SPL	- Background music in a cafe, bar or restaurant.
60 - 70dB SPL	- Typical conversation levels (from the listener's position).
70 - 80dB SPL	- The cabin of an aircraft during normal cruise conditions.
80 - 90dB SPL	- Typical wedding or dinner-dance band (typical audience position).
90 - 100dB SPL	- Loud orchestra (playing <i>fff</i> , as it would sound in the front row of the audience).
100 - 110dB SPL	- Typical disco.
110 - 115dB SPL	- A loud rock band (front rows of audience).
115 - 130dB SPL	- Threshold of pain. Often given as 120 dB SPL, this varies with frequency, and from person to person.
140dB SPL	- Jet engine from 3 meters.

Unlike linear units such as inches or pounds, decibels are measured on a logarithmic scale, representing points on a sharply rising curve. Because of the physical characteristics of noise transmission and of noise perception, the relative loudness of sound does not closely match the actual amounts of sound energy. Table 665 below presents the subjective effect of changes in sound pressure levels.

**Table 6: Sound Level Change Relative Loudness/Acoustic Energy Loss**

0 dBA	Reference 0%
-3 dBA	Barely Perceptible Change 50%
-5 dBA	Readily Perceptible Change 67%
-10 dBA	Half as Loud 90%
-20 dBA	1/4 as Loud 99%
-30 dBA	1/8 as Loud 99.9%

*Source: Highway Traffic Noise Analysis and Abatement Policy and Guidance, U.S. Department of Transportation, Federal Highway Administration, Office of Environment and Planning, Noise and Air Quality Branch, June 1995.*

Sound levels are generated from a source and their decibel level decreases as the distance from that source increases. Sound dissipates exponentially with distance from the noise source. This phenomenon is known as spreading loss. Generally, sound levels from a point source will decrease by 6 dBA for each doubling of distance. Sound levels for a highway line source vary differently with distance because sound pressure waves propagate along the line and overlap at the point of measurement. A closely spaced, continuous line of vehicles along a roadway becomes a line source and produces a 3 dBA decrease in sound level for each doubling of distance. However, experimental evidence has shown that where sound from a highway propagates close to “soft” ground (e.g., plowed farmland, grass, crops, etc.), a more suitable drop-off rate to use is not 3.0 dBA but rather 4.5 dBA per distance doubling (FHWA 2010).

When sound is measured for distinct time intervals, the statistical distribution of the overall sound level during that period can be obtained. The Leq is the most common parameter associated with such measurements. The Leq metric is a single-number noise descriptor that represents the average sound level over a given period of time. For example, the L50 noise level is the level that is exceeded 50 percent of the time. This level is also the level that is exceeded 30 minutes in an hour. Similarly, the L02, L08 and L25 values are the noise levels that are exceeded 2, 8, and 25 percent of the time or 1, 5, and 15 minutes per hour. Other values typically noted during a noise survey are the Lmin and Lmax. These values represent the minimum and maximum root-mean-square noise levels obtained over the measurement period.

Because community receptors are more sensitive to unwanted noise intrusion during the evening and at night, State law requires that, for planning purposes, an artificial dB increment be added to quiet-time noise levels in a 24-hour noise descriptor called the CNEL or Ldn. This increment is incorporated in the calculation of CNEL or Ldn, described earlier.

## 6.2 Terminology/Glossary

### **A-Weighted Sound Level (dBA)**

The sound pressure level in decibels as measured on a sound level meter using the internationally standardized A-weighting filter or as computed from sound spectral data to which A-weighting adjustments have been made. A-weighting de-emphasizes the low and very high frequency components of the sound in a manner similar to the response of the average human ear. A-weighted sound levels correlate well with subjective reactions of people to noise and are universally used for community noise evaluations.

### **Air-borne Sound**

Sound that travels through the air, differentiated from structure-borne sound.

### **Ambient Sound Level**

The prevailing general sound level existing at a location or in a space, which usually consists of a composite of sounds from many sources near and far. The ambient level is typically defined by the Leq level.

### **Background Sound Level**

The underlying, ever-present lower level noise that remains in the absence of intrusive or intermittent sounds. Distant sources, such as Traffic, typically make up the background. The background level is generally defined by the L90 percentile noise level.

**Community Noise Equivalent Level (CNEL)**

The Leq of the A-weighted noise level over a 24-hour period with a 5-dB penalty applied to noise levels between 7 p.m. and 10 p.m. and a 10-dB penalty applied to noise levels between 10 p.m. and 7 a.m. CNEL is similar to Ldn.

**Day-Night Sound Level (Ldn)**

The Leq of the A-weighted noise level over a 24-hour period with a 10-dB penalty applied to noise levels between 10 p.m. and 7 a.m. Ldn is similar to CNEL.

**Decibel (dB)**

The decibel is a measure on a logarithmic scale of the magnitude of a particular quantity (such as sound pressure, sound power, sound intensity) with respect to a reference quantity.

**DBA or dB(A)**

A-weighted sound level. The ear does not respond equally to all frequencies, and is less sensitive at low and high frequencies than it is at medium or speech range frequencies. Thus, to obtain a single number representing the sound level of a noise containing a wide range of frequencies in a manner representative of the ear's response, it is necessary to reduce the effects of the low and high frequencies with respect to the medium frequencies. The resultant sound level is said to be A-weighted, and the units are dBA. The A-weighted sound level is also called the noise level.

**Energy Equivalent Level (Leq)**

Because sound levels can vary markedly in intensity over a short period of time, some method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, one describes ambient sounds in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called Leq. In this report, an hourly period is used.

**Field Sound Transmission Class (FSTC)**

A single number rating similar to STC, except that the transmission loss values used to derive the FSTC are measured in the field. All sound transmitted from the source room to the receiving room is assumed to be through the separating wall or floor-ceiling assembly.

**Noise reduction (NR)**

Noise reduction is the difference between outdoor sound level and indoor sound level. It is not identical to Sound Transmission Class.

**Outdoor-Indoor Transmission Class (OITC)**

A single number classification, specified by the American Society for Testing and Materials (ASTM E 1332 issued 1994), that establishes the A-weighted sound level reduction provided by building facade components (walls, doors, windows, and combinations thereof), based upon a reference sound spectrum that is an average of typical air, road, and rail transportation sources. The OITC is the preferred rating when exterior façade components are exposed to a noise environment dominated by transportation sources. Once built, as much as a 5-point reduction in Apparent Outside-Inside Transmission Class (OITC) from the original, as-designed OITC may be expected.

**Percentile Sound Level, Ln**

The noise level exceeded during  $n$  percent of the measurement period, where  $n$  is a number between 0 and 100 (e.g., L10 or L90)

**Sound Transmission Class (STC)**

STC is a single number rating, specified by the American Society for Testing and Materials, which can be used to measure the sound insulation properties for comparing the sound transmission capability, in decibels, of interior building partitions for noise sources such as speech, radio, and television. It is used extensively for rating sound insulation characteristics of building materials and products.

**Structure-Borne Sound**

Sound propagating through building structure. Rapidly fluctuating elastic waves in gypsum board, joists, studs, etc.

**Sound Power Level**

Sound power level is the acoustic energy emitted by a source which produces a *sound pressure level* at some distance. While the sound power level of a source is fixed, the sound pressure level depends upon the distance from the source and the acoustic characteristics of the area in which it is located.

**Sound Exposure Level (SEL)**

SEL is the sound exposure level, defined as a single number rating indicating the total energy of a discrete noise-generating event (e.g., an aircraft flyover) compressed into a 1-second time duration. This level is handy as a consistent rating method that may be combined with other SEL and Leq readings to provide a complete noise scenario for measurements and predictions. However, care must be taken in the use of these values since they may be misleading because their numeric value is higher than any sound level which existed during the measurement period.

**Subjective Loudness Level**

In addition to precision measurement of sound level changes, there is a subjective characteristic which describes how most people respond to sound:

- A change in sound level of 3 dBA is *barely perceptible* by most listeners.
- A change in level of 6 dBA is *clearly perceptible*.
- A change of 10 dBA is perceived by most people as being *twice* (or *half*) as loud.

### 6.3 SoundPLAN Acoustics Software

SoundPLAN®, the software used for this acoustic analysis, is an acoustic ray-tracing program dedicated to the prediction of noise in the environment. Noise emitted by various sources propagates and disperses over a given terrain in accordance with the laws of physics. Worldwide, governments and engineering associations have created algorithms to calculate acoustical phenomena to standardize the assessment of physical scenarios. Accuracy has been validated in independent published studies to be  $\pm 2.7$  dBA with an 85% confidence level for a wide range of scenarios and calculation standards.

The software calculates sound attenuation of environmental noise, even over complex terrain, uneven ground conditions, and with complex obstacles. The modeling software calculates the sound field in accordance with ISO 9613-2 “Acoustics - Attenuation of sound during

propagation outdoors, Part 2: General Method of Calculation.” This standard states that “this part of ISO 9613 specifies an engineering method for calculating the attenuation of sound during propagation outdoors, in order to predict the levels of environmental noise at a distance from a variety of sources. The method predicts the equivalent continuous A-weighted sound pressure level under meteorological conditions favorable to propagation from sources of known sound emissions. These conditions are for downwind propagation under a well-developed moderate ground-based temperature inversion, such as commonly occurs at night.” Accuracy of this calculation standard is stated to be +/- 1dB at source-receiver distances of less than 1000m and noise source heights of less than 10m.

## 6.4 Characteristics of Sound

When an object vibrates, it radiates part of its energy as acoustical pressure in the form of a sound wave. Sound can be described in terms of amplitude (loudness), frequency (pitch), or duration (time). The human hearing system is not equally sensitive to sound at all frequencies. Therefore, to approximate this human, frequency-dependent response, the A-weighted filter system is used to adjust measured sound levels. The normal range of human hearing extends from approximately 0 to 140 dBA. Unlike linear units such as inches or pounds, decibels are measured on a logarithmic scale, representing points on a sharply rising curve.

Examples of sound levels are listed on websites such as:

- “Time to Listen: Most Regular Patrons of Music Venues Prefer Lower Volumes”  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6438925/>
- The Center for Hearing and Communication <https://chchearing.org/noise/common-environmental-noise-levels/>
- University of Michigan <https://www.uofmhealth.org/health-library/tf4173>
- [https://www.researchgate.net/publication/328133495\\_Expected\\_Sound\\_Levels\\_at\\_Concert\\_Venues\\_for\\_Amplified\\_Music](https://www.researchgate.net/publication/328133495_Expected_Sound_Levels_at_Concert_Venues_for_Amplified_Music)

Some common noise levels of various sources are listed in Table 776, with the understanding that these are sound pressure levels experienced at/near the listener’s ear, some distance from the source.

**Table 7: How Loud are Things? (<https://chcheating.org/noise/common-environmental-noise-levels/>)**

• 50 refrigerator	• 40 quiet office, library	• 40 quiet residential area
• 50 – 60 electric toothbrush	• 50 large office	• 70 freeway traffic
• 50 – 75 washing machine	• 65 – 95 power lawn mower	• 85 heavy traffic, noisy restaurant
• 50 – 75 air conditioner	• 80 manual machine, tools	• 90 truck, shouted conversation
• 50 – 80 electric shaver	• 85 handsaw	• 95 – 110 motorcycle
• 55 coffee percolator	• 90 tractor	• 100 snowmobile
• 55 – 70 dishwasher	• 90 – 115 subway	• 100 school dance, boom box
• 60 sewing machine	• 95 electric drill	• 110 disco
• 60 – 85 vacuum cleaner	• 100 factory machinery	• 110 busy video arcade
• 60 – 95 hair dryer	• 100 woodworking class	• 110 symphony concert
• 65 – 80 alarm clock	• 105 snow blower	• 110 car horn
• 70 TV audio	• 110 power saw	• 110 -120 rock concert
• 70 – 80 coffee grinder	• 110 leafblower	• 112 personal cassette player on high
• 70 – 95 garbage disposal	• 120 chain saw, hammer on nail	• 117 football game (stadium)
• 75 – 85 flush toilet	• 120 pneumatic drills, heavy machine	• 120 band concert
• 80 pop-up toaster	• 120 jet plane (at ramp)	• 125 auto stereo (factory installed)
• 80 doorbell	• 120 ambulance siren	• 130 stock car races
• 80 ringing telephone	• 125 chain saw	• 143 bicycle horn
• 80 whistling kettle	• 130 jackhammer, power drill	• 150 firecracker
• 80 – 90 food mixer or processor	• 130 air raid	• 156 capgun
• 80 – 90 blender	• 130 percussion section at symphony	• 157 balloon pop
• 80 – 95 garbage disposal	• 140 airplane taking off	• 162 fireworks (at 3 feet)
• 110 baby crying	• 150 jet engine taking off	• 163 rifle
• 110 squeaky toy held close to the ear	• 150 artillery fire at 500 feet	• 166 handgun
• 135 noisy squeeze toys	• 180 rocket launching from pad	• 170 shotgun

Because of the physical characteristics of noise transmission and of noise perception, the relative loudness of sound does not closely match the actual amounts of sound energy. Table 887 below presents the subjective effect of changes in sound pressure levels.

**Table 8: Sound Level Change Relative Loudness/Acoustic Energy Loss**

0 dBA	Reference 0%
-3 dBA	Just Perceptible Change 50%
-5 dBA	Readily Perceptible Change 67%
-10 dBA	Half as Loud 90%
-20 dBA	1/4 as Loud 99%
-30 dBA	1/8 as Loud 99.9%

*Source: Highway Traffic Noise Analysis and Abatement Policy and Guidance, U.S. Department of Transportation, Federal Highway Administration, Office of Environment and Planning, Noise and Air Quality Branch, June 1995.*

Sound levels are generated from a source and their decibel level decreases as the distance from that source increases. Sound dissipates exponentially with distance from the noise source. This phenomenon is known as spreading loss. Generally, sound levels from a point source will decrease by 6 dBA for each doubling of distance. Sound levels for a highway line source vary differently with distance because sound pressure waves propagate along the line and overlap at the point of measurement. A closely spaced, continuous line of vehicles along a roadway becomes a line source and produces a 3 dBA decrease in sound level for each doubling of distance. However, experimental evidence has shown that where sound from a highway propagates close to “soft” ground (e.g., plowed farmland, grass, crops, etc.), a more suitable drop-off rate to use is not 3.0 dBA but rather 4.5 dBA per distance doubling (FHWA, 2010).

When sound is measured for distinct time intervals, the statistical distribution of the overall sound level during that period can be obtained. The Leq is the most common parameter associated with such measurements. The Leq metric is a single-number noise descriptor that represents the average sound level over a given period of time. For example, the L50 noise level is the level that is exceeded 50 percent of the time. This level is also the level that is exceeded 30 minutes in an hour. Similarly, the L02, L08 and L25 values are the noise levels that are exceeded 2, 8, and 25 percent of the time or 1, 5, and 15 minutes per hour. Other values typically noted during a noise survey are the Lmin and Lmax. These values represent the minimum and maximum root-mean-square noise levels obtained over the measurement period.

Because community receptors are more sensitive to unwanted noise intrusion during the evening and at night, State law requires that, for planning purposes, an artificial dB increment be added to quiet-time noise levels in a 24-hour noise descriptor called the CNEL or Ldn. This increment is incorporated in the calculation of CNEL or Ldn, described earlier.

## 7 References

1. Santa Barbara County Code of Ordinances, Chapter 40 – Nighttime Noise Restrictions, January 29, 2021.
2. County of Santa Barbara Planning and Development, Environmental Thresholds and Guidelines Manual, September 2008.
3. California Environmental Quality Act Statute & Guidelines, 2019.
4. American National Standards Institute, Inc. 2004. *ANSI 1994 American National Standard Acoustical Terminology*. ANSI S.1.-1994, (R2004), New York, NY.
5. California Department of Transportation (Caltrans). 1982. *Caltrans Transportation Laboratory Manual*.
6. \_\_\_\_\_. 1998. Caltrans Traffic Noise Analysis Protocol for New Highway Construction and Highway Reconstruction Projects
7. Federal Highway Administration. 2006. *FHWA Roadway Construction Noise Model User's Guide Final Report*. FHWA-HEP-05-054 DOT-VNTSC-FHWA-05-01
8. Harris, Cyril M., editor. 1979 *Handbook of Noise Control*.

## 5.9 Noise

### Background:

The discussion of existing and anticipated noise levels in this section is based on information provided in two acoustical reports. The first was submitted by the applicant in January 2000 (artNTEK, 1/19/00). That study was used to prepare the CEQA Initial Study/EIR Scoping Document. During preparation of this EIR, the artNTEK assessment was peer-reviewed by Rincon Consultants (9/30/02) under contract with the County of Santa Barbara. The Rincon Consultants report includes additional on-site acoustical measurements, specifically in the area of the proposed outdoor terrace dining area, above Butterfly Lane. It also provides an estimate for future noise levels on-site based on future traffic volume increases on Highway 101. The Rincon Consultants report generally concurs with the findings of the artNTEK report. The two exceptions were with regard to the method used to establish the Community Noise Equivalent Level and the feasibility of mitigation proposed to address the proposal for outdoor amplification. These issues are discussed further, later in this section. The noise analysis in this section includes excerpts from both the artNTEK and Rincon Consultants reports. Both studies are included in the EIR Appendix section.

### Noise Characteristics, Measurements, Terminology:

Noise levels are typically measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighted sound pressure scale adjusts actual sound power levels to be consistent with frequencies that are most audible to the human ear. The duration of a noise event and the time of day in which noise occurs both affect our perception and sensitivity to noise levels. The equivalent noise level ( $L_{eq}$ ) is used to sum up noise levels over a period of time, typically over one-hour, expressed as  $L_{eq}1H$ . The Community Noise Equivalent (CNEL) is further used by many jurisdictions, including Santa Barbara County, to weight the hourly  $L_{eqs}$  in a manner which acknowledges that noise is typically most noticeable in the evening and nighttime hours. CNEL measurement weighting includes the addition of 5 dBA to evening noise levels and 10 dBA to nighttime noise levels.

### County Thresholds:

The County's Environmental Thresholds and Guidelines Manual includes thresholds of significance to assist in determining whether a project would result in significant noise impacts. The County's Thresholds use the Community Noise Equivalent Level (the 24-hour weighted average index), which best addresses constant background noise, such as freeway traffic. As a result, intermittent noise events could significantly exceed existing ambient noise levels without exceeding the CNEL threshold. In addition, noise from outdoor events can be more noticeable to neighbors than the constant of background freeway traffic noise. In addition to specific numeric thresholds for noise levels, the County's Noise Thresholds address the issue of project-generated increases in noise that falls below the numeric thresholds, but which may still be considered a substantial or significant increase in ambient noise levels. (Also see discussion of the Quality of Life threshold in the Land Use section of this EIR). The following would typically result in a determination of significant impact:

1. Project Generated Noise: Sensitive receptors, including residents or students, would be exposed to project-generated noise levels in excess of 65 dBA CNEL;
2. On-Site Noise Sensitive Uses: For noise sensitive uses (e.g., educational facilities), outdoor areas of the site would be subject to ambient noise levels in excess of 65 dBA CNEL and indoor areas would be subject to noise levels in excess of 45 dBA CNEL;
3. Substantial Increase in Noise: A project would generally have a significant effect on noise sensitive receptors in adjoining areas (e.g., residential neighbors) if ambient noise levels increase to 65 dBA CNEL or over. However a significant effect may also occur when ambient noise levels increase “substantially” for adjoining noise sensitive receptors, even if they remain less than 65 dBA CNEL. This is to be determined on a case-by-case basis.
4. Short-Term Grading and Construction Noise: Temporary exposure of sensitive receptors to excessive noise (65 dBA CNEL) during the construction period.

### Setting:

The Union Pacific Railroad (UPRR) tracks and State Highway 101 are located immediately north of the subject property. The highest elevations on the property are in the southern and central portions of the site. The topography generally descends from these areas toward the north (toward Highway 101 and the railroad tracks) and east (toward Butterfly Lane).

The primary noise source affecting the Music Academy of the West property and its nearest neighbors is vehicular traffic on Highway 101. Secondary noise sources include the railroad, vehicular traffic on Butterfly Lane and Fairway Road, and small aircraft over-flights.

The artNTEK study measured ambient noise conditions at four locations on the property on December 9, 1999 (Thursday evening), December 18, 1999 (Saturday afternoon) and December 22, 1999 (Wednesday evening). This monitoring identified ambient noise levels of 54-64 dBA. The artNTEK study identifies CNEL values of 55-56 dBA. These CNEL levels were extrapolated from previously gathered 24-hour noise data, taken at the San Ysidro exit on Highway 101. The measurements for ambient noise levels are generally consistent with the noise levels found on-site by Rincon Consultants.

Rincon Consultants performed 24-hour noise monitoring on-site from 11:00 a.m., Wednesday, September 19, 2002 to 11:00 a.m., Thursday, September 20, 2002. This monitoring was performed in the area of the proposed outdoor terrace dining area, above Butterfly Lane. This location is uphill from Location #4 of the artNTEK study. The sound of power tools, associated with construction on the adjacent property to the north, could be heard at the site during the monitoring period. The monitoring data includes this noise source. Rincon Consultants identified an existing CNEL of 62.5 dBA for the proposed terrace dining area, using the 24-hour monitoring data. Rincon Consultants results using the FHA noise prediction model resulted in a nearly identical CNEL of 62.4 dBA. The noise levels found at the artNTEK study's Location #4 monitoring site<sup>50</sup>, were similar to those found by Rincon Consultants in 2002 (55-56 dBA and 54-57.9 dBA respectively). However, the artNTEK study extrapolated the CNEL values from previously gathered data, and the calculated CNEL was 55-56 dBA, substantially lower than the Rincon Consultants CNEL of 62.5 dBA. The

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<sup>50</sup> This was the closest artNTEK monitoring location to the Rincon Consultants outdoor dining terrace monitoring site.

Rincon Consultants report suggests that their measured/calculated estimates of CNEL are more reflective of actual onsite conditions. In addition, because the Rincon Consultants data is more specific for the outdoor dining terrace, 62.5 dBA CNEL will be utilized as the assumed CNEL for this area.

## **Impact Discussion:**

### Interior Noise Levels

Interior noise levels are not expected to exceed the 45 CNEL threshold, as most standard construction design would typically attenuate exterior noise to less than 45 CNEL inside of the buildings. However, in the event that alternative construction design is proposed, the potential exists for impacts to students, faculty, the public or others inside the various structures on-site.

### Exposure to Noise in the Outdoor Terrace Dining Area

The initial study identified potentially significant impacts from exposure of students to excessive outdoor noise levels in the proposed new terrace dining area above Butterfly Lane<sup>51</sup>. Noise measurements performed by Rincon Consultants in the proposed outdoor terrace dining area identified existing noise levels of 62.5 dBA CNEL and cumulative noise levels of 63.1 dBA CNEL, which are both below the County's outdoor threshold of 65 dBA CNEL. Therefore, noise impacts to sensitive receptors in the outdoor terrace area would be less than significant.

Although outdoor noise levels in this area would not exceed the threshold, this level of noise may still be considered annoying, particularly in order for 150 students and 89 staff/faculty to have conversations in this planned outdoor eating area. In response to the Draft EIR, this outdoor patio was reduced in size (and closer to the student services building) and a five foot high wall was placed around it. There would still be direct access from the patio to the retaining wall. Popular use of the retaining wall areas for dining could trigger future requests from the Music Academy for installation of noise attenuating measures, such as a sound wall along the north and/or east sides. A sound wall or other such structure could result in aesthetic and land use impacts. Aesthetic and/or land use compatibility related impacts that could result from potential requests for installation of noise attenuating structures are addressed in the aesthetics and land use sections of this document.

The other outdoor area of the site which is proposed to be modified by the project is limited to the new courtyard, just west of the student services building. The new courtyard would be substantially shielded from noise sources by the new practice studio, recital hall and student services buildings, thereby reducing noise levels in this area. No other outdoor areas of the site are proposed to be modified for noise sensitive uses (e.g., instruction, concerts, presentations, other types of public assembly, etc.). Therefore, impacts associated with other noise sensitive uses, occurring in outdoor areas on-site, are expected to be less than significant. If elevated noise levels that are below the 65 dBA CNEL threshold are found to be annoying, it is expected that Music Academy participants will

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<sup>51</sup> The new patio between Treasure House and The Rack was not identified as an area where students could be exposed to excessive outdoor noise levels, as it is not proposed to be used for instructional, dining, or other school related purposes, nor would it be attractive for use as a location for luncheons, etc., (involving public assembly, another noise sensitive use).

choose to relocate to another, quieter, portion of the site, such as the new cloistered patio or existing terrace patio behind Miraflores.

### Off-site Impacts

Off-site noise impacts would potentially result from four aspects of the project:

1. *New Terrace Dining area and Balconies* and related increase in activity on the perimeter of the property, at the terrace above Butterfly Lane and balconies on the new student services and instructional/practice studio building;
2. *Allowance for Amplification* (hand-held microphone) in the proposed new courtyard between Mira Flores and the new recital hall;
3. *Increased vehicular traffic* on neighborhood streets;
4. *Short-term construction* related noise;

### *New Terrace Dining Area and Balconies*

The Music Academy proposes the construction of a new outdoor terrace, which would extend from the new student services building downslope toward Butterfly Lane. This area would be used for dining for the Academy's 150 Summer Music Program students and would also be accessible to attendees at other Music Academy events, employees, up to 89 summer faculty, etc. Specific activities in this area have not been identified and it is assumed that non-amplified music may also be allowed in this area. It is also assumed that summer picnic concert attendees (up to 480 attendees) and others using the Music Academy facilities would have access to this terrace dining area along with the new interior dining area in the proposed student services building. The revised plans have reduced the size of the patio area somewhat and added a five foot wall around this area. However, there is still access to the retaining walls' "seating" below the walled-in area. In addition, if gatherings in the outdoor patio include events where guests are not seated, the five foot wall would have less effect on attenuating noise levels.

Balconies are proposed along portions of the north and east sides of the new student services and instructional/practice studio buildings. Given existing noise levels in this area, increased activity in the terrace and balcony areas are not expected to result in noise levels that would exceed the 65 dBA CNEL outdoor threshold. However, noise from a large number of people in these areas (e.g., 150 students, 89 faculty/staff and/or event attendees dining and talking on the new terrace) may be noticeable to the pedestrians and neighbors along Butterfly Lane throughout the day, but particularly in the evening. Extension of such Academy activities toward the perimeter of the property would not exceed specific noise thresholds, but any increase in activities and related noise at the property perimeter would potentially contribute to neighborhood compatibility problems between this non-residential use and its adjacent residential neighborhood. Although this would not be considered a significant noise impact, the proposed new outdoor dining area is further discussed in the land use and aesthetic sections of this document.

### *Proposed Allowance for Amplification (Use of Hand Held Microphone)*

Both noise reports found that long-term noise levels on-site would not exceed the County's thresholds for noise sensitive land uses. However, as identified in artNTEK study, the CNEL averaging methodology does not account for substantial increases in periodic, shorter term, ambient

noise levels, which adjacent neighbors may be exposed to. The artNTEK report addresses this issue with regard to the Music Academy's proposal to allow outdoor amplification of the spoken voice in the area north of the student services building:

Indeed, if PA use was limited to 20 minutes within any 24-hour period, levels of up to 75 dBA would be allowable at the property line without causing a significant increase in the existing ambient CNEL value. However, levels as high as this would probably be annoying to neighbors, even though they would not exceed County Thresholds.

The artNTEK study proposed mitigation involves specifying the volume allowed on the amplification equipment used for outdoor events in the cloistered courtyard area. The Rincon Consultants study recommended that the artNTEK proposed mitigation may be too complex for effective enforcement. Rincon Consultants concluded that limiting ambient noise levels to a maximum of 65 decibels at the property line, without any averaging, would be a preferable method for enforcing limits on outdoor amplification. However, staff has continuing concerns that allowing a change of up to 10 dB in peak noise levels would potentially result in a noticeable change in ambient noise levels for the project's residential neighbors, especially given that the only measurements done along Fairway Road identify an existing CNEL of only 55 dBA (artNTEK). This level may under-estimate existing noise levels (as indicated by the differences in CNEL reported in the two different studies for the Butterfly Lane area). However, it is reasonably foreseeable, based on available information, that allowance for outdoor amplification of the spoken voice could result in a change in ambient noise levels of somewhere between 2.5 and 10 dBA. As little as 3 dBA is accepted as being the smallest noise level change that could be noticeable in the field. Both the County's Noise thresholds and the Quality of Life threshold identify the potential for significant impact if a project would result in a substantial increase in ambient noise levels, even if noise levels would not exceed 65 dB(A) CNEL. A 10 dB increase would be considered substantial. Periodic, 65-decibel noise from a microphone could be considered a nuisance to surrounding residential neighbors, particularly if it occurs on a regular basis or for long periods of time. Therefore the proposed allowance for amplification of the spoken voice would be considered a potentially significant impact

#### *Increased Vehicular Traffic*

Attendance and related traffic is proposed to decrease during the 44-week "non-summer" season. As a result, impacts from increased vehicular traffic during the majority of the year would be less than significant.

Increased attendance and related project-generated traffic noise would occur for an eight-week period between mid-June and mid-August, during the Summer Music Festival program. Traffic in the neighborhood is already greatest at this time of the year due to increased vehicle trips associated with the Biltmore Hotel, the Coral Casino, and the popularity of Butterfly Beach. It is already the Music Academy's busiest season as well.

Although the Music Academy is proposing to reduce annual attendance and related activities on-site, they are proposing an approximate 60% increase in attendance during their eight-week summer season, from 17,681 to 29,425 attendees. Existing traffic volumes on Butterfly Lane are approximately 1,000 ADT. Therefore, project generated traffic would increase existing traffic levels

on Butterfly Lane by less than 20%, resulting in an increase in ambient noise levels on Butterfly (including vehicle noise from Highway 101), 700 feet south of Highway 101 of less than .3 dBA CNEL (Joanne Dramko, Rincon Consultants, personal communication 2/19/03). This would not be considered a significant impact. Incremental increases in summer noise levels from project generated traffic on neighborhood streets may, however, still be considered a nuisance by neighboring residents and is expected to contribute to compatibility impacts identified in the land use section.

#### *Short-Term Construction Impacts:*

Site grading and construction activities are expected to involve three separate phases. However, if funding is available, one or more phases may be combined resulting in an overall shorter period of grading and construction on-site. Short-term noise impacts associated with the grading and construction period(s) (e.g., grading, import/export of fill material, other truck traffic, installation of pilings for the parking structure, etc.) would be considered potentially significant, due to the project's proximity to a number of single family homes, which are considered noise sensitive uses. Short-term construction noise would also impact any on-going noise sensitive activities at the site, such as educational activities or events involving public assembly. Therefore, short-term construction-related noise would be considered a significant, short-term impact.

#### **Cumulative Impacts:**

Increased noise levels on-site would contribute incrementally to other increased noise levels in the area from potentially increased activities and related vehicle traffic at Butterfly Beach, the Biltmore, Coral Casino, construction of Highway 101 improvements, and expected increases in traffic volumes on Highway 101. The greatest change to overall noise levels in the area is expected to result from anticipated increases in traffic volumes on Highway 101.

With regard to traffic noise in the neighborhood, expected traffic volume increases on Highway 101 would have a greater impact on area noise levels than comparably smaller increases in traffic from the Music Academy on local streets. (J. Dramko, Rincon Consultants, 2/7/03 comments). In addition, noise generated by traffic on neighborhood streets would drop off with distance from the street itself and would be further attenuated by existing structures, walls, etc. If additional cumulative traffic from future projects in the area and/or increased beach traffic were factored in, the Music Academy's proportion of traffic on Butterfly and other neighborhood streets would be less. Given existing and projected ambient noise levels in the area, this level of traffic increase would contribute cumulatively to increased noise levels in the area, but would be considered an adverse, but less than significant impact.

Future traffic volumes were considered in evaluating reasonably foreseeable noise levels in the proposed outdoor terrace dining area. However, cumulative outdoor noise levels in that area (63.1 dBA CNEL) are expected to remain below the County's outdoor threshold of 65 dBA CNEL.

## Mitigation:

1. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:30 p.m., Monday through Friday. In addition, no construction shall occur on State holidays (e.g. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** Signs stating these restrictions shall be provided by the applicant and posted on site at both the Fairway and Butterfly Lane driveways, in a location visible from the street. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.

**MONITORING:** Building Inspectors and Permit Compliance shall spot check and respond to complaints.

2. Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded to P&D's satisfaction and shall be located as far as possible from occupied residences and. **Plan Requirements:** The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. **Timing:** Equipment and shielding shall remain in the designated location(s) throughout construction activities.

**MONITORING:** Permit Compliance shall perform site inspections to ensure compliance.

3. Construction routes shall be limited to those shown on the proposed construction route plan. The Music Academy shall make a best effort to receive approval for use of the railroad right-of-way for construction related vehicle traffic. If this approval is granted, trucks used to export excess fill material shall be routed along the railroad right-of-way to Channel Drive and Highway 101 and this same route shall be used when entering the site. The applicant shall provide all adjacent property owners with a construction activity schedule and construction routes 10 days in advance of construction activities. Any alterations or additions shall require a minimum one day advance notification. **Plan Requirements and Timing:** The applicant shall submit a copy of the schedule and mailing list to Permit Compliance 14 days prior to initiation of any earth movement.

**MONITORING:** Permit Compliance shall perform periodic site inspections to verify compliance with activity schedules.

4. Use of amplified sound on-site shall be limited as follows:
  - a) Location: the "cloistered" outdoor courtyard;
  - b) Frequency: four times per year;
  - c) Duration: not more than four hours per event;
  - d) Level: not to exceed 65 dBA at the Music Academy property line;
  - e) Time of Day: Beginning no earlier than 9:00 a.m. and ending no later than 9:00 p.m..

The project description shall be revised per the above requirements. In addition, a separate condition of approval shall be included stating this condition. In order to facilitate enforcement of this condition, the Music Academy shall purchase a device

which can accurately measure ambient noise levels. This device shall be available on-site and shall be used at each event to ensure maximum noise levels are not exceeded at the property line. The Music Academy shall designate one or more employees to train in the use of the device. At least one noise measurement shall be taken and recorded at the beginning of each event involving outdoor amplification and amplification volume(s) shall be reduced if necessary. **Plan Requirements and Timing:** Notes stating these requirements shall be included on the project plans. The plans shall be submitted to the County for review and approval prior to approval of CDPs for construction. The notes shall specifically be applied to the plans in the area of the cloistered courtyard. The Music Academy shall keep records on activities involving outdoor amplification, including the dates, durations and noise levels measured at each event. This information shall be submitted to the County as part of the twice annual record of site attendance/activities report.

**MONITORING:** Permit Compliance shall site inspect as necessary to confirm compliance with this condition.

5. If P&D receives complaints from neighbors regarding compliance with the measure addressing outdoor amplification or complaints regarding the allowable noise levels, the project shall be returned to the Planning Commission to determine whether the allowance for limited outdoor amplification shall be continued, modified, or eliminated. The decision to return to the Planning Commission for consideration of this issue shall be at the discretion of the Director of P&D. The applicant shall be required to fund staff time (and any acoustical evaluation) necessary to address complaints regarding amplification as well as the costs associated with a return to the Planning Commission. Refusal to fund work necessary to return to the Planning Commission would be considered a violation of the CUP.
6. All proposed structures shall be designed to reduce interior noise levels to 45 dBA CNEL with doors and windows closed. **Plan Requirements and Timing:** An acoustical engineer shall sign-off project building plans confirming that the proposed construction design will attenuate noise levels inside the structure accordingly. All construction techniques and recommendations of the acoustical engineer shall be incorporated into design of the project and detailed on building plans. Prior to occupancy clearance, indoor noise levels shall be measured by an acoustical engineer to confirm adequacy of construction design (or additional measures shall be incorporated to reduce indoor noise levels to 45 dBA).

**MONITORING:** Building Inspectors shall ensure that all noise control measures have been implemented according to the approved plans. If an acoustical survey is required, P&D will ensure recommended levels have been reached prior to occupancy clearance.

### **Residual Impacts:**

With incorporation of identified mitigation measures, on-site and off-site noise impacts would be considered less than significant. However, please refer to the land use section of this EIR for additional discussion of nuisance noise and compatibility with the surrounding neighborhood.