

Board of Supervisors Approval Date: October 26, 2004

SANTA BARBARA COUNTY CONDITIONAL USE PERMIT  
ARTICLE III, CHAPTER 35  
**CASE NO. 90-CP-111 RV01**

I. A Conditional Use Permit is Hereby Granted:

TO: The Music Academy of the West

APN: 9-282-029, -030

PROJECT ADDRESS: 1070 Fairway Rd

ZONE: 1-E-1

AREA: Montecito

SUPERVISORIAL DISTRICT: First

FOR: Music Conservatory

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

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

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

The project description is as follows:

The Music Academy of the West (MAW) Revised CUP, 90-CP-111 RV01, (also referred to as the MAW "Master Plan" or "Renaissance Plan") includes both physical and operational components. A summary of these components is listed immediately below, with specific details described later in this section. This CUP (90-CP-111 RV) represents a revision to the previous Music Academy of the West CUP (90-CP-111cz) and supersedes the prior CUP.

### Summary of Physical Changes:

- Remove 61 mature trees and plant a minimum of 203 replacement trees; four (4) oak trees are proposed to be (removed and) transplanted;
- Modify existing landscape components including the entrance allee, garden pathways and courtyards;
- Earthwork necessary to accommodate new structures, circulation and parking. Earthwork would involve 11,089 cubic yards cut, 10,670 cubic yards fill. Approximately 419 cubic yards of excess fill would need to be exported off of the site;
- Construct a secondary (emergency only) access from Fairway to the motor court in front of Miraflores;
- Widen, regrade and otherwise modify internal access roads and parking areas<sup>1</sup>;
- Alter campus-wide development with a net increase of 50,630 square feet of structural development and a net increase in overall building footprints of 15,900 square feet;
- Provide 290 surface parking spaces;
- Add 2,790 SF through reconstruction of Abravanel Hall (the primary recital hall). Abravanel Hall will have a total of 300 fixed seats plus 50 temporary seats in the summer season only. No more than 300 of the total 350 seats shall be sold to/used by the public (defined as anyone not a student, faculty or staff);
- Demolish Harger Studio and storage building north of Harger Studio and Wood 1 as well as Wood 2 Practice Studios (including the employee apartment);
- Construct a new Instructional Building in the general location of existing Wood 2 practice studio building and not extending north of existing Wood 2;
- Construct a new Practice Studio Building including a residential unit between Abravanel Hall and the new Instructional Building in the general location of existing Wood 1;
- Construct a new Student Services Building that would link Miraflores (the historic main residence) and the new Instructional Building;
- Construct a new maintenance & storage building in the northwest corner of the site; and
- Construct a new storage building between Treasure House and The Rack.

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

### Summary of Operational Changes:

- Relocate primary instruction for the (up to) 50 vocal and accompanying students to the on-site campus. These, along with the up to 100 instrumental students historically receiving instruction exclusively on-site, will bring total enrollment allowed to no more than 150 students. The number of vocal and instrumental students is to be determined by the MAW, but cannot exceed 150 total students.
- Students would continue to reside off-site but all (up to 150) students would receive lunch and dinner at the proposed new and improved catering kitchen and indoor dining facilities at the Music Academy. (The existing terrace on the east side of Miraflores would remain as well);
- Limit public attendance for all activities<sup>2</sup> as follows: Any- given- time (330), Daily (900), eight-week Summer Season (22,000) and 44-week Non-Summer Season (25,000) for an Annual Public Attendance Maximum of 47,000. The limitations would not apply to staff, faculty, other employees, summer music students, other performers, or people attending or performing administrative functions (e.g., volunteers);
- Activities related to a music conservatory shall be subject to the proposed attendance caps and other restrictions (conservatory uses/activities would no longer be unrestricted as under 90-CP-111cz);
- Weddings shall not be an allowed use on-site;
- Educational programs in the arts shall be subject to (and included within) the proposal for campus-wide any- given- time, daily, and non-summer season public attendance limitations;
- Meetings/seminars and non-profit benefits, *taken together*, shall total no more than 41 events annually to occur during the non-summer season only. Any given time attendance for meetings and seminars shall be limited to 175 participants and otherwise subject to the daily and non-summer attendance limits. Non-profit benefits shall be subject to the any given time, daily and non-summer season public attendance caps;
- Provide all project generated parking on-site;
- Provision of 285 parking spaces plus an additional 5 spaces using stacked parking (per the approved modification to the standard Zoning Ordinance requirement for 332 spaces for this use);
- Allow for parking lot paving in the north end of the property within the sideyard setback from the western property line;
- Allow for modification to the Zoning Ordinance height limitation of 25 feet for the renovated Abravanel Hall (existing Hall is currently 34.8 feet, no change to height is proposed);
- The hours of operation for Treasure House and The Rack shall be Monday-Saturday, 12:00-3:00 p.m. During the non-summer period the same hours shall apply;

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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).

- Implement a *Cut-Through Reduction Plan (CTRP)* to discourage vehicles coming to the MAW for no reason other than to gain access to the east of the site (Butterfly Lane and beyond) using the MAW internal road as a circulation “short-cut.” The plan as proposed by the applicant would require cut-through traffic to pay a substantial fee (\$10.00 minimum) to exit the campus;
- In the short-term implement a more simple cut-through program prior to implementing the more elaborate long-term program.
- Provide summer student bus remote control access for entry at gates on Butterfly Lane and implement a cell phone system allowing large delivery truck (and other non-summer student buses) entry at Butterfly Lane (some trucks would continue to enter on Fairway).

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

### ***Landscaping***

The Landscape Master Plan includes landscape enhancements throughout the property, such as new screening elements along The Fairway, and new slope planting north and east of Miraflores. The design goals of the landscape plan are to: 1) honor the historic landscape by restoring critical design elements to the allee and by using historically accurate plantings and skyline trees, 2) effectively enhance vegetation and trees along the perimeter of the site to screen MAW building improvements from the street and neighboring properties, so that the site appears substantially unchanged to the immediate neighbors (with retention of many existing trees and following establishment of new landscaping) and 3) to supplement and enhance landscaping in the southeast corner of the site, in an attempt to attract monarch butterflies back to this historic roosting area, behind the main house (Miraflores). These landscape improvements would result in landscape coverage of approximately 197,040 SF (~ 4.75 acres) of the 9 acre project site. Of this total, approximately 12,000 SF (~ .28 acres) would be lawn and non-drought tolerant landscaping with the balance, approximately 185,040 SF (~ 4.47 acres), made up of a combination of mature landscaping and trees, as well as new drought tolerant plantings.

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

**Building Revisions/Physical Changes**

SITE PLAN REVISIONS						
BUILDINGS	EXISTING FOOTPRINT (SF)	PROPOSED FOOTPRINT (SF)	EXISTING FLOOR AREA (SF)	PROPOSED FLOOR AREA (SF)	NET CHANGE FOOTPRINT (SF)	NET CHANGE FLOOR AREA(SF)
CAMPUS TOTAL	<b>34,730</b>	<b>49,270</b>	<b>44,370</b>	<b>95,920</b>	<b>+15,900</b>	<b>+50,630</b>
ABRAVANEL HALL-- Additions	7,290	10,080	11,340	14,130	+2,790	+2,790
COMBINED NEW PRACTICE STUDIO BLDG/INSTRUCTIONAL CENTER, (INCLUDING ~1,900 SF RESIDENTIAL UNIT) - replaces Wood 1 and Wood 2 practice studio (and ex. apartment) bldgs	6,440	13,670	7,900	39,480	7,230	31,580
STUDENT SERVICES	N/A	3,980 *	N/A	14,530 *	+3,980*	+ 14,530*
THE RACK	1,200	Same	1,600	Same	No Change	No Change
TREASURE HOUSE	940	Same	940	Same	No Change	No Change
NEW MAINTENANCE/ STORAGE	N/A	1,610	N/A	1,470	+1,610	+1,470
RESIDENCE (near Treasure	1,270	Same	1,270	Same	No Change	No Change
NEW STORAGE	N/A	1,080	N/A	950	+1,080	+950
MIRAFLORES (former residence)	11,250	Same	14,980	Same	No Change	No Change
CLAEYSSSENS STUDIOS	4,650	Same	4,650	Same	No Change	No Change
HARGER BRASS STUDIO & MAINTENANCE ADDITION	1,690	N/A	1,690	N/A	-1,690	-1,690

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

Rehearsal/Recital Hall (Reconstruction of Abravanel Hall)

Abravanel Hall (the main recital hall) would be reconstructed, featuring raked, fixed seating with a maximum permanent seating capacity of 300 plus allowance for an additional 50 removable seats during the summer season only. No more than 300 of the total 350 seats shall be sold to/used by the 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.

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

Parking

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

Wood Practice Studio Replacement Building (Instructional Building)

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

<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.

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

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

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

### New Practice Studio Building

A new, larger practice studio building is included in the area where the existing Wood 1 practice studio building is located. This structure will contain approximately 20 teaching studios, ensemble rooms and individual practice rooms. A residential unit to replace the one being removed from Wood 2 will also be located in this structure. (The floor plans, including specific uses and spaces specified for the new Instructional, Practice Studio and Student Services Buildings, may be rearranged within these three buildings as part of the final building plans, to reflect the physical revisions to these buildings during the MPC hearings on the project.)

### New Storage & Maintenance Buildings

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

## Operational Changes

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

1. Revise the project description condition (#1), to reflect the revised CUP approval;
2. Eliminate weddings as a permitted use onsite;
3. Allow meetings/seminars and non-profit events, taken together, to total no more than 41 events and limit these to the non-summer season. Public attendance at these events shall be subject to and included within the campus-wide attendance caps: any given time (330), daily (900) and non-summer season (25,000) limitations, with the exception that meetings/seminars shall be restricted to no more than 175 participants/event (consistent with historic levels); and
4. Upon completion of on-site parking improvements (290 spaces), project related parking demand shall be accommodated on the project site (not in overflow lots or on-street).

### Attendance Limitations

In addition to Abravanel Hall, the other existing indoor venues that can accommodate group gatherings are two large rooms in *Miraflores* that will remain (Lehmann Hall and Stewart Hall) and one in the Wood studio building (Singher Studio), which will be removed with the demolition of the Wood practice studio building. Singher Studio will be replaced by two larger rooms in the proposed Instructional Building. During the summer, one of these new rooms is proposed to normally be reserved for use by the vocal students for the blocking of operas (rehearsing where to stand on the stage) and vocal instruction and orchestra practice will take place in the other room. During the non-summer period, these rooms can be used for instruction, practice, rehearsals, auditions and meetings associated with music.

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

Venue	Floor Area (SF)	Maximum Allowable Seating Capacity
Abravanel Hall	14,130	350 MAX (300 fixed public seats +50 removable seats - no more than 300 seats for public use/sale)
Lehmann Hall	1,761	195
Stewart Hall	972	92
Instructional Bldg Lower Level	1,800	171
Instructional Bldg Upper Level	2,700	257
New Practice Studio Building Rooms	N/A	N/A
<b>Master Plan Maximum Indoor Seating Capacity with Public Attendance Caps (330-Any-Given-Time Public Attendees) (with 50 removable seats in Abravanel Hall for summer use only)</b>		<b>330 max public attendees ) (Summer &amp; Non-Summer)</b>

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

The specific public attendance limitations proposed are as follows:

1. Any given time (330) - this will apply to either individual or conjunctive use of multiple venues on-site (indoor and outdoor).
2. Daily 900; and
3. Annual (47,000) based on the following seasonal attendance caps:
  - a) Summer (22,000)
  - b) Non-Summer (25,000) season

Table 1 Music Academy Attendance Figures <sup>(a)</sup>			
Music Academy Attendance			
Maximum Attendance	Existing Baseline	Proposed Project	Net Change
Any-given-time	382	330	<b>-52<sup>(b)</sup></b>
Daily	None	900	N/A <sup>(c)</sup>
Summer (8-weeks)	15,828 <sup>(d)</sup>	22,000	<b>+6,172</b>
Non-Summer (44 weeks) <sup>(e)</sup>	53,766	25,000	<b>-28,766</b>
Annual	71,447	47,000	<b>-24,447</b>

(a) Figures do not include faculty, staff, students, other performers or employees or people attending administrative functions.

(b) To avoid parking and other conflicts, special administrative functions (board meetings, dinners, etc.) shall not occur concurrently with high attendance events. Therefore, administrative activities are not expected to increase occupancy of the site over and above the proposed any-one time attendance maximum. Also, special administrative functions are not be subject to the daily, seasonal and annual attendance limits either under baseline conditions or the proposed project scenarios (Fundraisers shall not count as administrative functions).

(c) Seasonal attendance caps limit the number of days where the daily maximum could be reached.

(d) The new summer public attendance caps will result in a 39% increase in public audience members (est. 15.5% increase in traffic) for the summer period.

(e) When more than 95 performers and staff are present for a maximum capacity non-summer event, staff or performers above this number shall be bused to the MAW campus.

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

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

### Non-Summer Season

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

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

1. Seminars/meetings and non-profit benefits, *taken together*, shall be restricted to a total of 41 events, subject to, and included within, the campus-wide attendance restrictions. The exception to this will be that the seminars and meetings will be further restricted to the historic maximum of no more than 175 participants per activity/event.
2. Educational programs in the arts are be subject to the attendance caps, with all non-summer students, faculty, and/or instructors (other than those performing at a concert) counted toward the maximum attendance limitations.
3. Weddings shall not be a permitted use<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.

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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.”

<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.

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

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

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

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

### Summer Instructional Program

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

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

### Other Music Academy Operations

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

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

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

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

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

## **Modifications to the Coastal Zoning Ordinance Standards**

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

1. Modification to the 25-foot height limit (Section 35-172.12) for the proposed renovation of Abravanel Recital Hall, which will remain at its existing height (34.8 feet).
2. Modification to the number of parking spaces required by Division 6 Parking Regulations (Section 35-109). The MAW will provide a total of 285 parking spaces (plus 5 more using stacked parking) on-site. The Zoning Ordinance will normally require provision of 332 spaces.
3. Modification to the side yard setback for the 1-E-1 zone district, to allow parking lot paving within two feet of the western property line.

## **Project Phasing**

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

### **Anticipated Phase 1a**

- Miraflores Restoration/Remodel

### **Anticipated Phase 1b**

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

### **Anticipated Phase 2**

- Construction of New Practice Studio Building w/apartment

### **Anticipate Phase 3**

- Reconstruction of Abravanel Hall
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## **Grading**

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

### **Grading/Phasing Calculations**

<b>Phase</b>	<b>Cut</b>	<b>Fill</b>	<b>Export/ (Possible Import)</b>	<b>Total Construction Period</b>	<b>Duration for Grading Component</b>
1a	None	None	None	10 months	None
1b	10,907	10,625	282 (cut)	20 months	6-8 weeks
2				10 months	None
3	182	45	137 (cut)	10 months	2 weeks
1-4 Totals	11,089	10,670	419 (export cut)	42 months	9-13 weeks
<p>* Pursuant to the project grading plan, these quantities are approximate in place volumes calculated from the existing ground (per topographic contours or spot elevations on the grading plan) to the proposed finish grade or sub-grade (per the design surface elevations on the grading plan). The quantities have not been factored to include allowances for bulking, clearing and grubbing, subsidence, shrinkage, over excavation and recompaction, underground utility and substructure spoils and construction methods. (Based on other County projects, staff believes it is appropriate to assume that actual quantities may be up to 30% greater than shown, particularly with regard to exportation of excess fill material).</p>					

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

### **Utilities and Services**

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

### **Short-term Cut-Through Traffic Reduction Program (CTRP)**

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

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and

conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

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

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

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

#### **Aesthetics**

3. Compliance with the Tree Protection Plan (Condition 13). The following shall be added to the Tree Protection Plan to reduce aesthetic impacts:
  - a. The TPP shall emphasize the protection (and retention, where feasible) of existing trees and shrubs that are critical to screening the property from off-site (e.g., particularly those trees that provide screening of the site when viewed from the north and east). In addition, the primary goal of tree maintenance activities (trimming, pruning) shall focus on maintaining the long-term health (and retention) of the trees. However, wherever possible, the maintenance activities shall also consider the goal of maintaining maximum screening provided by tree foliage. Trimming or thinning of trees that provide screening as viewed from off-site shall be limited to activities necessary to protect the health of the trees, in response to mandatory fuel management standards directed by Montecito Fire Protection District, due to serious safety concerns, and/or due to serious threats to structures (e.g., significant, unstable limb expected to damage roof of structure, etc.).

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

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

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

the lighting plan shall show all proposed lighting on or along structures, roads, walkways, and garden and patio areas. Special consideration shall be given to lighting of perimeter development and pathways, driveway entrances and exits and all existing and proposed indoor and outdoor lighting on the sides of structures facing the property perimeter (e.g., the north and east sides of the student services building and new instructional building and the north sides of the new practice studio building and renovated Abravanel Hall) as well as the northern parking area to minimize visibility from off-site.. **Plan**

**Requirements and Timing:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the MBAR prior to approval of CDPs for grading.

**MONITORING:** P&D and MBAR shall review a Lighting Plan for compliance with this measure prior to approval of a CDPs for structures or prior to CDPs for grading (if trenching for lighting is required). Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

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

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

6. The landscape plan and tree disposition plan shall be revised to maximize the screening ability of site vegetation and to minimize the timeframe for new landscaping to provide such screening. At a minimum, the revised landscape and tree disposition plan shall include the following:
  - a. The plans shall include existing mature trees, perimeter shrubs and historic gardens that are proposed to remain as well as new plantings identified in the landscape plan. 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.
- h. Vines shall be planted on the roof of Abravanel Hall in a manner which allows them to “spill” over the top of this structure (or alternatively, vines may be designed to grow up Abravanel Hall from plantings on the northern face balcony). The goal of placing vines on the north face of Abravanel Hall would be to provide screening of the structure from the north, until new plantings north of the new parking area are mature. The vines would serve to break up the massing and to provide partial screening of this structure as viewed from off-site.
- i. The final landscape plan shall include additional trees or shrubs between the western property line from Fairway Road to the northern extent of the El Montecito Verde condominiums and the entrance drive.

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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.

- j. Additional trees (and potentially shrubs) consistent with the historic designed landscape (possibly acacia, oaks, pittosporum) shall be planted between the reflection pool garden and any new access road to the west of this garden to ensure its screened setting is maintained.
- k. Protection of the existing trees and planting of additional trees and shrubs north of the instructional building and east of the student services building shall be emphasized to provide maximum screening of these new structures from off-site. Planting of additional screening vegetation on the slope above the exit drive and on the slope west of Butterfly Lane shall begin no later than the fall of 2004., in coordination with the project landscape architect and an arborist, butterfly expert and architectural historian with landscape expertise. These experts shall be consulted to review proposed plantings consistent with project conditions that address new plantings on-site (e.g. tree protection plan, landscape plan, butterfly enhancement plan, perimeter landscaping requirements, and requirements that address the historic nature of the site landscaping). The applicant shall document these plantings and shall identify the plantings on the proposed final landscape plan (when applying for project CDPs). (This planting would occur prior to the MAW applying for CDPs for Master Plan implementation and a separate CDP would not be required for installation of these plantings).

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

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

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

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

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

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

## **Air Quality**

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

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

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

10. Dust generated by the development activities shall be retained onsite and kept to a minimum by following the dust control measures listed below. Reclaimed water should be used whenever possible.
- a) During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust, after each day's activities cease. (Wetting of soil shall be sufficient to minimize dust only and should not be to an extent that soil is washed off the site or into storm drains).
  - b) During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever the wind speed exceeds 15 miles per hour.
  - c) Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
  - d) Trucks transporting soil, sand, cut or fill materials and/or construction debris to or from the site shall be tarped from the point of origin.
  - e) The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to P&D and the Air Pollution Control District prior to land use clearance.

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

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

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

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

### **Archaeology**

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

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

### **Biological Resources**

13. A Butterfly Habitat Restoration and Enhancement Plan shall be prepared by a P&D approved monarch butterfly specialist in coordination with the preparer of the landscape plan. This plan shall be included as a separate component of the final landscape plan. The goal shall be to plant a circle of tall trees that enclose an open space, generally on the south and east sides of Miraflores. The maximum area shall be restored and enhanced on this slope (the restoration area shall not be limited by the designated area on the preliminary landscape plan).
  - a) The plan shall be coordinated with the Montecito Fire Protection District (MFPD) to ensure that fire safety vegetation clearance is accounted for and designed into the proposed planting program. The specific plantings shall also be discussed with MFPD as proper placement (in relation to structures) may minimize the need for extensive pruning and other maintenance activities. In order to ensure coordination, the applicant shall provide written documentation from Montecito Fire Protection District stating specific requirements for tree trimming in this area following a meeting with the Music Academy and a specialist on monarch butterflies, acceptable to the County. To ensure that habitat enhancement is maximized in this area, vegetation clearance for fire safety shall not exceed the requirements identified by MFPD;
  - b) Approximately 10 eucalyptus trees or other trees including oaks, sycamores, ironwood bay trees or other trees deemed acceptable by the monarch specialist and P&D shall be planted in front of the existing eucalyptus row, behind (south and east of) Miraflores to provide adequate density;

- c) The slope plantings shall be planted in a manner that will contribute to the creation of a protected circle;
- d) Additional eucalyptus or a combination of sycamores, tall coast live oak trees or other tall trees identified in b) above shall be incorporated to increase the density of trees in this area;
- e) Trimming of trees and shrubs near Miraflores to allow ocean views shall be prohibited, given this area's designation as a butterfly enhancement area. Trimming in this area would run counter to this goal. Trimming shall only be allowed to address mandatory Fire District requirements and/or to address imminent health threats to the trees (as identified by an arborist report). In the unlikely event that trees must be substantially trimmed or removed to address imminent health threats (e.g., concern that the tree likely to fall on the structure), replacement trees shall be planted;
- f) The enhancement area shall be planted in a manner which provides for a perimeter of dense, tall trees;
- g) Some of the new trees in the enhancement area (5-10% of total trees in this area, or as determined appropriate by P&D biologist) shall be larger, 24-inch box trees that have been shaped for height to accelerate immediate replacement of foraging and nesting habitat on-site for smaller bird species and roosting habitat for monarch butterflies. It is understood that the majority of trees planted would be from smaller containers, which provide benefits over the long-term. The restoration plan shall specify the type and size of trees to be planted, taking into account the proposed planting location and species;
- h) Where space permits, the landscape plan shall be modified (and expanded in area) to include more clusters or groves of native plantings to enhance their habitat value. This is particularly applicable on the slope areas south and east of Miraflores, where there may be room to cluster more oaks adjacent to existing oaks. In addition, native under-story plants (e.g., groundcovers and low-growing shrubs) could be used to increase habitat complexity and diversity (i.e. value to wildlife) and to help compensate for the fact that space will not allow a replacement ratio of 3:1 for non-native trees. It is possible to accommodate this goal as well as maintaining a butterfly enhancement area that includes tall trees on the perimeter and a sort of opening in the center, a typical component of monarch aggregation sites. The density, species, and long-term maintenance in this area should ensure this area would not become overgrown, consistent with the goal of re-establishing habitat for monarch butterflies in this area;
- i) A P&D qualified arborist or biologist shall oversee such installation;
- j) The applicant shall meet with the Park Department to determine the feasibility of providing off-site plantings (e.g., at Lookout Park) to address cumulative loss of monarch butterfly habitat. This could potentially involve planting of both trees and milkweed; and
- k) Long-term maintenance requirements shall be specified to include on-going, periodic monitoring and weeding out of detrimental invasive species in the butterfly enhancement area.

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

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

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

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

- a) The location and extent of dripline for all trees and the type and location of any fencing. Trees located beyond 50 feet of proposed construction and staging activities may be shown with overall canopy and then size, type and number of trees simply listed for the canopy area). The critical root zones of trees located within 50 feet of construction activities shall be determined by an arborist and indicated on plans. The existing tree disposition plan shall be updated accordingly.
- b) Construction envelopes shall be designated (fenced or otherwise clearly demarked in the field) to clarify the boundaries of the development area and to avoid damage to protected 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.

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

- h) All access improvements (e.g., along the allee, northern parking area, new service turn-out, etc.) shall minimize tree removal to the maximum extent possible. If a new return lane to Fairway is ever added pursuant to direction at MPC compliance hearings (to address CTRP), this lane would have specifically limited use (for returning vehicles unrelated to the Music Academy back onto the public road) and, therefore, would not be subject to standard roadway design standards. Therefore any future lane construction shall be designed to absolutely minimize any tree removal.

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

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

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

- and shall be staked every six feet. Where fencing cannot be accommodated outside of the critical root zone, alternate maximum protection shall be provided pursuant to arborist recommendation, including but not limited to fencing with or without stakes closer to the tree, placement of straw bales between the construction area and trees to be protected, etc.
- f). No construction equipment shall be parked or stored within any protected tree critical root zone. No construction equipment shall be operated within six feet of any protected tree critical root zone, except as allowed pursuant to the approved final grading plan and tree protection plan (e.g., grading would occur within the critical root zone of several trees such as the Moreton Bay Fig and a swamp mahogany near the new service entry to the instructional building as identified on the project plans). The tree protection plan shall identify which trees would fall within this exception.
  - g). No fill soil, rocks, or construction materials shall be stored or placed within the critical root zone of all protected trees unless such fill is identified on the final grading plan. Any approved fill shall be minimized to the maximum extent feasible in these areas. The tree protection plan shall identify which trees would fall within this exception.
  - h). No artificial surface, pervious or impervious, shall be placed within the critical root zone of any protected tree, except as allowed pursuant to the approved final grading plan (e.g., grading and building construction would occur within the critical root zone of several trees such as the Moreton Bay Fig tree as identified on the project plans). Where this would occur, arborist recommendations shall be incorporated to minimize degradation to affected trees. The tree protection plan shall identify which trees would fall within this exception.
  - i). Any roots encountered that are one inch in diameter or greater shall be cleanly cut. This shall be done under the direction of a P&D approved arborist/biologist.
  - j). Any trenching required within the critical root zone or sensitive root zone of any specimen tree shall be done by hand, except as allowed in d) above.
  - k). No permanent irrigation shall occur within the critical root zone of any existing oak tree, unless irrigation has historically occurred in this area.
  - l). Any construction activity required within three feet of a protected tree's critical root zone shall be done with rubber wheeled equipment or hand tools, (the latter for oaks), except as allowed in d) above.
  - m). Only designated trees shall be removed.
  - n). Any trees which are unintentionally or accidentally removed and/or damaged (more than 25% of root zone disturbed) during construction activities shall be replaced and maintained for the life of the project. Posting of a performance security may also be required as well as hiring of an outside consultant biologist to assess the damage and recommend mitigation. The required mitigation shall be done immediately under the direction of P&D prior to any further work occurring on site.
  - o). Maintenance of proposed replacement trees and shrubs shall be accomplished through water-conserving irrigation techniques.

- p). The four oak trees scheduled for transplanting on the tree disposition plan shall be boxed and replanted as proposed on-site. These trees shall be maintained and monitored until clearly established or replaced.
- q). All trees located within 25 feet of proposed buildings shall be protected from stucco or paint during construction.
- r). A P&D approved arborist shall be onsite throughout all grading and construction activities which may impact trees proposed for protection that are located near the northern property line, near the new secondary access road, north of the new instructional and practice studio buildings, east of the student services building and in other locations where protected trees would be located within 25 feet of the edge of heavy equipment. With regard to field changes affecting trees north of the instructional building and east of the student services building, the arborist shall provide recommendations on all such field changes, which recommendations will be adhered to by the Building Inspector. The arborist shall notify the owners of 87 Butterfly Lane to report his recommendations once he has made the same. The arborist shall also provide a copy of the Building Inspector's determination regarding field changes to said owners.
- s). The contract with the construction contractor shall include specific provisions for payment of substantial penalties for failure to protect trees on-site consistent with related project conditions (sample of the included contract language shall be submitted to P&D).

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

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

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

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

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

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

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

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

## **Fire Protection**

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

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

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

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

## Historic Resources

20. The following recommendations in the Final Phase 1-2 Historic Resources Study submitted by Lex Palmer (January 7, 2000; Update Letter April 6, 2000) shall be incorporated into the project design:
- a) Completion of the appropriate California Department of Parks and Recreations Forms 523 (Primary, Location, and Building, Structure, and Object) for submission to the UCSB Department of Anthropology's Central Coast Information Center for all historic structures;
  - b) Historic American Building Survey (HABS) documentation consisting of HABS Level II drawings and photographs shall be performed on the Music Academy property to show the spatial relationships between the buildings and existing landscape features; preparation of HABS Level 1 documentation of Miraflores consisting of measured drawings and large format photographs, history and description of the building, courtyard, and surrounding landscaping;
  - c) The Miraflores extension shall replicate the original construction techniques, all original configurations, and shall utilize the original window and door hardware. The change must be documented and plans detailing this placed in the Music Academy archive;
  - d) Preliminary and Final Working drawings, including landscape plans for the project shall be reviewed by a Santa Barbara County approved architectural historian and an expert in historic landscape design to insure compliance with mitigation measures addressing historic resources.
  - e) The character-defining elements of the Miraflores west elevation are the plain wall surfaces, low-massing, fenestration, doorways, and building hardware such as downspouts, door latches and locks. The new construction associated with the student services building link to existing Miraflores shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. The introduction of a visual gap in the wall created by a plaster reveal 2-4 inches deep on the exterior and interior junction of the new student services building hallway and Miraflores north elevation achieves this goal. The interior reveal shall be accentuated by the use of different floor tile or a metal seam in the floor. The Final Plans should be placed on file with Kurt Heifrich, Curator of the Architectural Drawing Collection, University Art Museum, University of California Santa Barbara, CA 93106 893-5354

**Plan Requirements and Timing:** All construction techniques and other recommended measures related to historic resources (e.g., landscape plan) shall be incorporated into design of the project and detailed on building plans. The final grading, landscape, and building plans shall be reviewed and approved by P&D, a P&D approved architectural historian, an expert in historic landscaping design and the MBAR prior to approval of CDPs for grading or construction. The Historic Resources Reports and Addenda shall be made available to each of the afore-mentioned parties prior to their review of the final plans. The final plans shall also be brought to the County Landmarks Committee for their comments prior to approval of CDPs for grading. Prior to approval of CDPs for grading, the applicant shall submit to P&D written confirmation that all applicable forms and documentation of historic structures have been prepared and submitted consistent with these measures. Special emphasis, including photo-documentation of all elevations, shall

be given to Miraflores, as this historic structure would be physically altered as a result of project implementation.

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

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

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

22. The new courtyard shall be modified to include replacement trees for those removed. In addition, the alignments of the historic axial path system should be represented by embedding original materials (e.g., random cut stone, cast concrete textured to give the impression that they are stone, brick). New hardscape materials shall follow the historic design wherever possible, with the exception that the spaces between concrete pavers may be a gravel-textured concrete instead of the original gravel matrix (to better conform to ADA standards). **Plan Requirements and Timing:** The applicant shall submit a revised landscape for P&D and BAR review and approval, prior to approval of CDPs for grading. The revised plan shall include the above changes.

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

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

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

24. The landscape plan shall be revised to reduce impacts to the historic designed landscape, including adverse changes to spatial relationships, views between various site features, views from off-site, and to provide offsetting enhancement of altered historic landscape features.
- a) Existing vegetation shall be retained or, if replacement plantings are necessary, new vegetation of a similar character shall be planted that would screen the new construction from the pool/terrace area.
  - b) The Reflecting Pool Garden shall retain its original design.
  - c) More sky-line eucalyptus trees (or other skyline trees that are acceptable from a historic landscape perspective) shall be included in the landscape plan.
  - d) The pittosporum hedge along the allee shall be revised to be continuous, (e.g., not open for views into the new “Encore Society Garden.”)
  - e) Perennial flowers should not be planted as a linear feature along the (allee) hedge.
  - f) The hardscape and landscape design of the central courtyard shall reflect Thiene’s design approach (geometric and axial alignment of features).
  - g) A few rose bushes typical of the period, shall be reintroduced into the garden to partially restore the garden originally conceived by Thiene as a rose garden.
  - h) A plaque to both Reginald Johnson and Paul Thiene shall be located on the original. Miraflores building and a plaque to Yoch shall be placed in the Don Quixote courtyard (with 1992 redesign noted). An alternative would be a plaque to all three on the entry gate walls on The Fairway. The language and design of the plaques shall be reviewed and approved by an architectural historian acceptable to P&D.
  - i) Skyline trees of a similar character and height should be planted (maximum number feasible) to replace the approximately 20 eucalyptus trees planned for removal.
  - j) The Encore Society Garden, shall be screened from the allee and the Reflecting Pool Garden and path leading to it.
  - k) The newly rendered topiary accents in the Octagon Forecourt shall be removed.
  - l) A qualified historic landscape architect shall review the final plans for the landscape design and monitor the work as it proceeds in order to assure that Thiene’s original landscape design is adhered to as closely as possible.

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

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

## Land Use Compatibility

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

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

26. On-site resale/retail sales and viewing of merchandise shall be limited to merchandise located in Treasure House and The Rack only. Under no circumstances shall resale items be available for viewing or sale if they are located in another location on-site. Resale merchandise may be stored at the Rack, Treasure House and any excess merchandise which cannot be accommodated in Treasure House or The Rack may also be stored in the new Storage building between Treasure House and The Rack and in the new Storage/Maintenance building. May Madness rummage may be stored without time limitation in areas specifically designated for storage on the building plans.

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

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

27. All construction related vehicles (including construction worker vehicles), equipment, and supplies shall be located within the project site. In addition, waiting trucks (supply delivery trucks, vehicles transporting fill, etc.) shall wait on-site (and outside the portion of the exit drive which is actually off-site and within an access easement to the 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 attendance caps. The exception to this shall be limited to one, 1-day event per year, held during the non-summer season, which shall be unrestricted with regard to attendance caps (e.g., May Madness).
29. Indoor amplification shall be located where doors and windows can (and shall) be closed to

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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.

reduce spill-over of noise onto adjacent properties. Construction design shall take this into account by ensuring alternate air circulation in areas where windows may need to remain closed for extended periods. To avoid potential nuisance complaints, non-opening windows may be incorporated into areas of the building(s) where indoor amplification is expected **Plan Requirements and Timing:** Air circulation method(s) shall be identified on the project plans for portions of the building(s) which may include indoor amplification prior to approval of CDPs for applicable structures.

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

30. The applicant shall submit a Cut-through Traffic Reduction Program (CTRP) to minimize land use compatibility impacts associated with any increased traffic in the surrounding residential neighborhood prior to approval of CDPs for the first phase of grading. The plan shall be implemented prior to occupancy clearance (with the exception of occupying the Miraflores remodel). The plan shall be designed consistent with, but not limited to, the description in the ATE traffic study dated 9/17/03. Some of the components from the ATE study are detailed below and some additional requirements have been added. The components identified below may be modified if it is determined that such modifications would still result in an effective CTRP.
- a) Provide a “ticket-spitter” before arriving at the fork in the entrance drive, where the driver would receive a ticket and provide signage that indicates that validation of the ticket will be required or a minimum \$10.00 fee will be charged upon exiting the site.
  - b) An access card, pass or sensor installed on the windshield to open the gate (rather than punching in a code) shall be issued to Music Academy staff, faculty, for up to 10 student vehicles and others who are regularly on-site when the gates are normally closed. There shall be a protocol for either confirming the card holder at the kiosk (through information on the card) or for regularly checking to see which cards have been used and how often (to ensure access cards have not been duplicated or otherwise used improperly). In addition, such access card, pass or sensor shall be valid for no more than 12 months from the date of issue.
  - c) Whenever the entrance gates are open, a kiosk on the exit segment shall be manned to collect validated tickets or the exit fee (for non-validated tickets). If cut-through vehicles are found to be cutting through at other times (by following other cars in through the gate or because access cards are being inappropriately reproduced), the kiosk shall be manned during these times of known cut-through traffic. A computer system shall be used to track cut-through vehicle data for the CTRP.
  - d) Others who frequent the site intermittently, but who do not have access cards, would access the site by using an intercom system at the entrance, (like the existing system), to contact administrative personnel, the caretaker, etc. to allow entry.
  - e) If the CTRP is not found to be successful in substantially reducing cut-through traffic, the MPC shall consider the need for and specific modifications to improve the program’s effectiveness (as necessary) at their regular compliance hearing(s). The MPC shall determine the need to implement modifications to the program, including, but not limited to the options identified below:
    - i) Increasing the times and times of day when the kiosk is manned;
    - ii) Increasing the fee to \$20.00 or more for cut-through vehicles;

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

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

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

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

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

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

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

34. The MAW shall be required to provide monitoring reports twice annually.
  - a) Monitoring shall cover individual event attendance (ticket sale records from ticketing company including the number of tickets per event for public, students, and faculty/staff), daily attendance, and seasonal attendance. Attendees shall include all regular guests as well as any students, faculty, staff, or other employees who are not performing or working at the event and attendance for these different sub-groups shall be provided.
  - b) The monitoring shall include a specific break down of seminars, conferences, non-profit events, educational programs in the arts and conservatory activities.
  - c) The monitoring shall include the results of the periodic monitoring of parking required to determine adequacy of on-site parking in meeting project demand.

- d) Accompanying the annual monitoring reports shall be a signed statement from the President of the Music Academy of the West stating that a copy the Conditional Use Permit has been distributed to and reviewed with the Music Academy Board and staff in order to ensure compliance with the conditions.

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

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

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

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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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47. The rooms/spaces in the new practice studio/instructional/student services building complex shall be used for musical practice, instruction, auditions, rehearsals and meetings associated with music only. Rental of these spaces to others for these same activities would also be permitted. Performances shall not take place in these buildings, except as allowed below. These restrictions shall apply throughout both the summer and non-summer seasons except as allowed below. The exception to the above restriction is that during the summer season (only), the two largest spaces/venues in these buildings (referred to as the Opera Studies Workshop and the Orchestra Rehearsal Room) may be used for performances/Master Classes.. **Plan Requirements and Timing:** A note identifying these restrictions shall be included on the project building plans for this structure and the applicant shall submit future activity calendars to permit compliance staff along with other monitoring data to ensure compliance with this measure.

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

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

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

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

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

50. All project related parking demand shall be accommodated on the project 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, 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."

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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).

## Noise

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

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

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

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

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

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

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

- a) Location: the "cloistered outdoor courtyard".
- b) Frequency: Two times per year.
- c) Duration: No more than 2 hours per event.
- d) Level: Shall not be audible outside MAW property boundaries.

- e) Time of Day: Beginning no earlier than 9:00 a.m. and ending no later than 9:00 p.m.
- f) Limited to the spoken voice.

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

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

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

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

## **Solid Waste**

57. The applicant shall refine their existing Solid Waste Management Plan (SWMP) for the expanded facilities on-site. The SWMP shall be implemented during the life of the CUP, unless a modification to the plan is approved by County P&D, in consultation with Public Works, Solid Waste Division. **Plan Requirements:** The program shall include, but not be limited to, the following:
- a) On-site provision of adequate space and/or covered bins for storage of recyclable materials generated throughout the site and in no case shall these be located within the easement along the exit drive.
  - b) Designation and/or expansion of a central recyclable material pickup area on-site.
  - c) Continued and expanded participation in the County's recyclables and greenwaste collection programs.
  - d) Development of a plan for accessible collection of increased volumes of recycle materials, particularly during peak use periods.
  - e) Implementation of a monitoring program (quarterly, bi-annually) to ensure participation in recycling efforts and requiring written documentation in the form of receipts.
  - f) Encourage the use of reusable cups and place settings at special events held onsite to minimize solid waste generation.

- g) Development of a plan for recycling/reuse of yard waste on-site. This shall include on-site mulching and use of the mulch on-site as well as location of adequate green waste pick-up containers acceptable to area collection service.

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

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

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

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

### **Geology/Drainage/Water**

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

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

- (d) Wherever possible, details of erosion control techniques and filters shall be shown graphically on the plans along with notes, (e.g., location of filters, landscape areas serving as filters, straw bales, siltation fencing, temporary berms, notes addressing siltation fencing installation and dust suppression requirements, etc.
- (e) Drainage plans shall contain specifications and maintenance procedures. The applicant shall enter into a maintenance agreement for drainage improvements (for all private drainage improvements) and may be required to bond for long-term maintenance of specific filtering techniques/devices (or other BMPs), per Flood Control District conditions and Project Clean Water review to ensure proper maintenance. The applicant shall maintain maintenance records as part of this agreement.
- (f) The applicant shall limit excavation and grading on the project site to the dry season of the year (i.e., April 15 to November 1) unless a Building and Safety approved erosion control plan is in place and all measures therein are in effect.
- (g) Native vegetation is recommended for mulch as protection for both soil blowing and water erosion over the long-term.
- (h) All entrances/exits to the construction site shall be stabilized (e.g. using rumble plates, gravel beds or other best available technology) to reduce transport of sediment off site. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods.
- (i) To minimize pollutants impacting waterbodies, storm drain filters, inserts, inline clarifiers, or separators shall be installed in the project area storm drain inlets and/or paved areas. The storm drain inlets shall be protected from sediment-laden waters by the use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps.
- (j) Graded areas shall be revegetated within two weeks of completion of grading activities, for areas that are not to be constructed on, with deep rooted, native, drought-tolerant species (unless alternative, equally effective non-native species have been approved in the landscape plan) to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- (k) Grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff.
- (l) A detailed geological and/or soils engineering study addressing structure sites and the access roads shall be prepared to determine structural design criteria, as recommended by the Planning and Development Building & Safety Division. The study shall be submitted for review and approval by Public Works.

**Plan Requirements:** The applicant shall submit final grading, drainage and erosion control plan(s) for review and approval by P&D and the FCD prior to approval of a Coastal Development Permit for grading. The plans shall include sign-off from the Montecito Sanitary District and the City of Santa Barbara prior to approval of the CDPs for grading in the northern and western portions of the site. **Timing:** The applicant shall notify Permit Compliance prior to commencement of grading. Components of the grading plan shall be implemented throughout all grading activities as specified on the plan. The erosion control plan shall be implemented within two weeks after the completion of grading activities, with the exception of surfaces graded for the placement of structures.

These surfaces shall be reseeded if construction of structures does not commence within 8 weeks of grading completion.

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

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

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

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

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

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

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

63. To prevent illegal discharges to the storm drains, all on-site storm drain inlets, whether new or existing shall be labeled to advise the public that the storm drain discharges to the ocean and that dumping waste is prohibited (e.g., “Don’t Dump – Drains to Ocean”). The information shall be provided in English and Spanish. **Plan Requirements and Timing:** Location of storm drain inlets shall be shown on site building and grading plans prior to

approval of CDPs for grading (on building plans as well prior to approval of CDPs for structures). Labels shall be installed prior to occupancy clearance. Standard labels are available from Public Works, Project Clean Water, or other label designs shall be shown on the plans and submitted to P&D for approval prior to approval of CDPs.

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

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

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

65. Outdoor water use shall be limited through the measures listed below.
- a) Landscaping shall generally be with native and/or drought tolerant species to reduce water demand. However, exceptions are expected as identified in (but not limited to) the preliminary landscape plan, to address specific screening, historic resource, and biological issues.
  - b) Drip irrigation or other water-conserving irrigation shall be installed.
  - c) Plant material shall be grouped by water needs.
  - d) Extensive mulching (2" minimum) shall be used in all landscaped areas to improve the water holding capacity of the soil by reducing evaporation and soil compaction.
  - e) Soil moisture sensing devices shall be installed to prevent unnecessary irrigation.
  - f) Permeable surfaces such as turf block or intermittent permeable surfaces such as French drains shall be used to minimize runoff and maximize recharge and filtering of runoff water.
  - g) Wherever feasible, the landscape plan shall incorporate bio-swales or other landscaped areas which serve to filter run-off water from the site. These components shall be graphically depicted on the landscape/irrigation plan(s).

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

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

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

66. Indoor water use shall be limited through the following measures:

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

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

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

## Sewer

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

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

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

shall identify the surveyed location of the northern property line, the sewer easement, sewer manholes and existing sewer lines.

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

## Traffic

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

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

70. Until such time as the improvements to the Cabrillo/Los Patos-Channel intersection and the Cabrillo/U.S. 101 interchange/ramps are completed (and found to achieve LOS C with future traffic assumptions), the following measure shall be implemented:

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

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

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

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

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

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

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

- a) Designate a construction traffic coordinator;
- b) Identify the truck routes, which minimize effects on pedestrians and bicyclists and nuisance to neighbors. This shall include use of the UPRR right of way as/if permitted by UPRR for a 90-day period and, if available, an extension at a reasonable cost. ;
- c) Require prompt clean up of dirt/other debris spilled from construction vehicles on neighborhood streets. Dry-cleaning methods shall be preferred to avoid flushing dirt and pollutants into the storm water system.

- d) Vehicles transporting excess fill from the project site shall avoid the p.m. peak hour period (4:00-6:00 p.m.) to minimize impacts on the Cabrillo/Hot Springs/Highway 101 intersection.
- e) During the construction period, a gate control program shall be implemented to eliminate cut-through traffic during the construction period.

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

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

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

- a) Deploy an adequate number of parking attendants for the larger events to ensure that identified parking is maximized (and parking on neighborhood streets is avoided or minimized). An adequate number of attendants shall also be present for events to ensure that entering vehicles are not blocking traffic on Fairway in front of the Music Academy entrance. Parking attendants shall be responsible for directing vehicles to appropriate parking areas and open spaces and facilitating circulation throughout the site(s). If it is confirmed by P&D that MAW attendees, staff or students are consistently parking on neighborhood streets, the MAW will be required to utilize an increased number of parking attendants. If this problem persists, information regarding this situation will be forwarded to the Montecito Planning Commission as part of their compliance update hearing(s). If the monitoring indicates that on-site parking supply cannot accommodate peak parking demand for maximum attendance events, the MPC shall consider reducing the maximum any given time attendance to a level at which the on-site parking supply can accommodate peak attendance.
- b) In the non-summer period, performers shall be bused to the site if there would be more than 95 staff/performers at an event (with attendees)<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.

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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).

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

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

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

### **Project Specific Conditions**

78. No signs of any type are approved with this action unless otherwise specified. All signs require a separate Coastal Development Permit and Montecito Board of Architectural Review approval and shall comply with the Santa Barbara County Code Chapter 35, Article I (Sign Regulations). The exception to this shall be temporary signs associated with the interim CTRP. The applicant will bring the temporary signs forward for MBAR review and approval, but will be permitted to install temporary CTRP signage prior to MBAR approval, in order to effectuate traffic reduction at the earliest possible date. If MBAR recommends changes to the signs, within one week the MAW shall replace the signs, consistent with the MBAR directed change(s).
79. If trash storage is located in view of a public roadway, the trash area shall be installed which is architecturally compatible with the project design. The storage area shall be enclosed with a solid wall of sufficient height to screen the area and shall include a solid gate. Trash storage shall not be located in the easement portion of the exit drive (at the eastern end of the internal roadway). The trash storage area shall be maintained in good repair. **Plan Requirement:** Location and design of trash storage area shall be denoted on project plans. **Timing:** Trash storage area shall be installed prior to occupancy clearance.

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

80. During the non-summer period, unless the recording is secondary to an actual on-site performance those persons being recorded and related assistants on-site ~~for~~ shall be counted toward the attendance limits. During the summer season, only summer school students, faculty, and related assistants shall use the recording facilities.
81. Consistent with the intent of the Master Plan project description, the renovated recital hall shall be designed to accommodate chamber music (generally smaller musical groups). Therefore, it shall not include features which would allow additional types of performances to be re-located and/or expanded onto the project site (e.g., from the Lobero and other downtown locations used historically). Therefore:
  - a) Only the necessary off-stage and back-stage space shall be provided;
  - b) There shall be no fly gallery;
  - c) Lighting pipes shall be the minimum necessary to accommodate the basic instrumental and vocal performances associated with chamber music and other small group performances. A full complement of lighting pipes (downstage to upstage) shall not be incorporated.

### **CONDITIONAL USE PERMIT CONDITIONS**

82. The conditions of this Conditional Use Permit replace and supersede the conditions of the previous CUP permit, 90-CP-111 RV01. This permit covers all existing and proposed development and uses on the project site.
83. This Conditional Use Permit is not valid until a Coastal Development Permit for the development and/or use has been obtained. Failure to obtain said Coastal Development Permit shall render this Conditional Use Permit null and void. The component of this CUP addressing new construction is valid for a period of 3 years. (CDPs for construction must commence within 3 years of approval of the CUP). Prior to the issuance of the Coastal Development Permit, all of the conditions listed in this Conditional Use Permit that are required to be satisfied prior to approval of Coastal Development Permits must be satisfied. Upon issuance of the Coastal Development Permit, the Conditional Use Permit shall be valid. The effective date of this Permit shall be the date of expiration of the appeal period to the Board of Supervisors, or, 10 working days after the California Coastal Commission (CCC) receipt of Board of Supervisor's final action, if appealed to the Board of Supervisors. If appealed to the CCC, the date shall be measured from CCC final action).
84. If the Montecito Planning Commission determines at a noticed public hearing that the permittee is not in compliance with any permit condition(s), pursuant to the provisions of Sec. 35-172.10 of Article II of the Santa Barbara County Code, the Montecito Planning Commission is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.
85. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Coastal Development Permit issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit.
86. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.

87. Within three years after the effective date of this permit, construction and/or the use shall commence. Construction or use cannot commence until a Coastal Development Permit has been issued. Failure to commence the construction and/or use pursuant to a valid Coastal Development Permit shall render the Conditional Use Permit null and void.
88. All time limits may be extended by the Montecito Planning Commission for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.
89. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of coastal development permit issuance.

## **COUNTY RULES & REGULATIONS/LEGAL REQUIREMENTS**

90. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Coastal Development and Building Permit from Planning and Development. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Board of Supervisors. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
91. Prior to approval of Coastal Development Permits for the project, the owner shall sign and record an agreement to comply with the project description and all conditions of approval.
92. Two performance securities shall be provided by the applicant prior to approval of Coastal Development Permits, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for 5 years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. The installation security shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security 5 years after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:
  - a. Installation of landscaping, including the butterfly enhancement area, tree replacement and transplanting, and all of other components of the landscape plan including plants, irrigation, hardscapes, vine support structures, and screening walls or fences consistent with the approved tree protection and preservation plan, butterfly enhancement plan, and grading and drainage plans, prior to occupancy clearance.

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

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

94. Prior to approval of Coastal Development Permits, the applicant shall notify in writing all property owners and occupants of parcels within 300' of the project site of its approval and conditions. Proof of mailing the notices shall be provided to Planning and Development.
95. **Compliance with Departmental letters required as follows:**
  - a. Air Pollution Control District dated November 12, 2003
  - b. Environmental Health Services dated November 6, 2003
  - c. Flood Control dated November 19, 2003
  - d. Transportation Division (Public Works) dated June 16, 2004
  - e. Montecito Sanitary District dated November 19, 2003 and April 19, 2004
  - f. Montecito Fire Protection District dated November 20, 2003 and May 27, 2004
96. All applicable final conditions of approval shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
97. The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:
  - a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
  - b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
  - c. Pay fees prior to approval of Coastal Development Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.
98. Prior to approval of Coastal Development Permits, the applicant shall provide evidence that an Agreement to Comply with Conditions has been recorded on a form acceptable to Planning and Development. Such form may be obtained from the P&D office.
99. Prior to issuance of Coastal Development Permit, the applicant shall pay all applicable P&D permit processing fees in full.
100. Any change of use in the existing or proposed building or structure shall be subject to environmental analysis and appropriate review by the County including building code compliance.

101. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Conditional Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
102. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.
- III. This permit is issued pursuant to the provisions of Section 35-315 of Article III of the Code of Santa Barbara County and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:
- a. If any of the conditions of the Conditional Use Permit are not complied with, the Montecito Planning Commission, after written notice to the permittee and a noticed public hearing, may in addition to revoking the permit, amend, alter, delete or add conditions to this permit at a subsequent public hearing noticed for such action.
  - b. A Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.
  - c. Said time may be extended by the Montecito Planning Commission one time for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.

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JACKIE CAMPBELL  
Deputy Director, Development Review South Division  
For VAL ALEXEEFF, DIRECTOR

**Attachments:**

Departmental/Agency condition letters  
Bill Spiewak letters dated 1/30/03, 9/03, 4/2/04, and 5/18/2004

G: GROUP\PERMITTING\CASE FILES\CP\1990s\90s CASES\90CP111\90CP111RV01\BOS\FINAL CONDITIONS PER BOS ACTION 102604