



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

**Project Name:** MUSIC ACADEMY OF THE WEST CUP REVISION  
**Project Address:** 1070 FAIRWAY DR, SANTA BARBARA, CA 93108  
**A.P.N.:** 009-282-029, 009-282-030  
**Zone:** 1-E-1

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

**APPROVAL DATE:** 11/5/2024

**APPEALS:**

The approval of this Coastal Development Permit may be appealed to the California Coastal Commission by the applicant, owner, any aggrieved person, or two members of the Coastal Commission. An aggrieved person is defined as any person who, either in person or through a representative, appeared at a public hearing in connection with this decision or action being appealed, or who by other appropriate means prior to a hearing or decision, informed the decision-maker of the nature of their concerns, or who, for good cause, was unable to do either.

**PROJECT DESCRIPTION SUMMARY:** Revised Conditional Use Permit to Case No. 90-CP-111 RV01 and associated Coastal Development Permit to update the CUP and revise operational conditions with no new structural development or increase in annual, seasonal, daily, or any-given-time attendance caps, in compliance with Sections 35-172.11.3 and 35-169 of the Coastal Zoning Ordinance, on property zoned Single Family Residential (1-E-1). To receive additional information regarding this project and/or to view the application and/or plans, please contact Steve Conner at 123 East Anapamu Street, Santa Barbara, by email (conners@countyofsb.org), or by phone ((805) 568-2081).

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

**ASSOCIATED CASE NUMBERS:** 21RVP-00000-00109

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

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

BAR.

5. **Other approvals.** Any other necessary approvals required prior to issuance of this Coastal Development Permit have been granted.

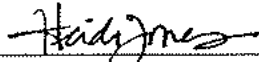
**PERMIT EXPIRATION AND EXTENSION:** This permit shall remain valid only as long as compliance with all applicable requirements of the Article II Coastal Zoning Ordinance and the permit continues, including the conditions of approval specific to this permit. Additionally:

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

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

**OWNER/APPLICANT ACKNOWLEDGMENT:** Undersigned permittee acknowledges receipt of this approval and agrees to abide by all conditions and terms thereof. Undersigned permittee also acknowledges that issuance of this permit for this project does not allow construction or use outside of the project description, nor shall it be construed to be an approval of a violation of any provision of any County policy, ordinance or other governmental regulation.

Heidi Jones, Agent



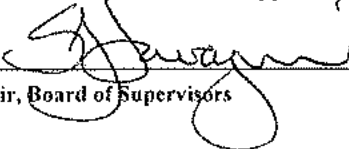
11/8/24

Print name

Signature

Date

Coastal Development Permit Approval By:



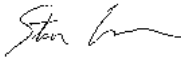
12-3-24

Chair, Board of Supervisors

Date

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

Planning and Development Department Issuance By:



December 13, 2024

Planner

Date

## ATTACHMENT A: CONDITIONS OF APPROVAL

### Project Description

- 1. Proj Des-01 Project Description:** This Coastal Development Permit is based upon and limited to compliance with the project description and revised conditions of approval below. Physical Development is as previously approved by 90-CP-111 RV01 (the hearing exhibits marked A-L, with Planning Commission hearing stamp date of June 16, 2004 (plans dated May 2004 except plan PL-2 dated 1/30/04)), and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

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

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

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

#### **Summary of Operational Changes:**

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

House (formerly Miraflores) would remain as well);

- Limit public attendance for all activities<sup>1</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);
- Significant Life Events (SLEs) shall be an allowed use on-site (accounting for 15 of the annual maximum of 41 events);
- 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, Significant Life Events (SLEs), and non-profit benefits, *taken together*, shall total no more than 41 events annually to occur during the non-summer season only. SLEs shall be limited to one (1) per day. Any given time attendance for meetings, seminars and SLEs 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;
- The MAW will discontinue its resale shops uses (The Treasure House & The Rack), which are currently allowed to operate six days per week from 12:00 pm to 3:00 pm, and repurpose these spaces for primarily residential uses with the flexibility for MAW mission-driven activities such as guest artist accommodations and rehearsal space, significant life event preparation space, and residential use for alumni, faculty members, local organizations and community use. The Academy has made a commitment with local performing arts organizations such as the Santa Barbara Symphony to share this valuable resource.
- The proposed residential component reintroduces the historical uses of these buildings and does not result in an intensification of use. It is anticipated the

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<sup>1</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., Gala or May Madness).

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

- The existing 1,380 sq. ft. storage building, constructed during the Master Plan build-out, and located west of the Treasure House and Rack will become flexible space to allow for future use for MAW administrative offices and rehearsal space. When used for activities which would likely generate nuisance noise for neighbors (e.g., any type of amplification, brass band practice, etc.), any north or east facing windows in the rooms shall be closed. No intensification of use, increase in staff, or change in allowed populations is proposed with this change. In addition, no added square footage or changes to the existing configuration or footprint of this structure is proposed.
- Maintain a *Cut-Through Reduction Plan (CTRP)* to discourage vehicles coming to the MAW for no reason other than to gain access to the east of the site (Butterfly Lane and beyond) using the MAW internal road as a circulation “short-cut.”
- The Music Academy shall assign a full-time staff member year-round to actively monitor and direct parking, vehicular flow, and traffic on-site and at the gates to reduce neighborhood traffic.
- Within six months of CUP approval, the Music Academy shall implement an employee incentive program to encourage carpooling and bicycle use and has recently installed 40 bicycle racks and will study locations to install additional bicycle racks. Music Academy to provide a copy of the employee incentive program to Permit Compliance staff as part of the annual report.
- Within 6 months of CUP approval, the Music Academy shall implement a rental incentive program for seminars and non-profit events that encourages carpooling or use of small shuttle buses by providing discounted rental rates. Music Academy to provide a copy of the renter’s incentive program to Permit Compliance staff as part of the annual report.
- Music Academy shall implement a summer events incentive program for attendees of summer picnic concerts and other large summer events to encourage carpooling and bicycle use such as specialized parking locations/spaces, use of parking attendants, raffle tickets or event merchandise for attendees with 3 or more persons per vehicle. Music Academy to provide a copy of the summer events incentive program to Permit Compliance staff as part of the annual report.

- Music Academy will provide additional preferred parking spots to encourage carpooling for attendees with 3 or more persons per vehicle.

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

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

Hahn Hall (formerly Abravanel Hall) was reconstructed, featuring raked, fixed seating with a maximum permanent seating capacity of 300 plus allowance for an additional 50 removable seats during the summer season only. Under this CUP revision, the fixed seating in Hahn Hall will be increased from 300 to 350 year round. The number of seats in Yzurdiaga Hall (formerly Stewart Hall) shall be decreased from 92 to 42 seats. No more than 330 of the total 350 seats in Hahn Hall shall be sold to/used by the public<sup>2</sup>. The MAW will continue to schedule events off-site that will be attended by more members of the public than the maximum allowed in the hall.

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

The Music Academy will continue to have all meals catered during the summer festival (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.

**Operational Changes**

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

1. Revise the project description condition (#1), to reflect the revised CUP approval;

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<sup>2</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.

2. Allow a maximum of 15 Significant Life Events (SLEs) as a permitted use onsite per year, and a maximum of one (1) SLE per day. The SLE's are included in the allowed maximum total of 41 events per year. Examples of SLEs include weddings, memorial services, quinceañeras, birthday and anniversary celebrations, bridal/baby showers and other individual private parties;
3. Reception attendance related to each SLE shall be limited to 175.
4. SLEs may take place in any appropriately-sized indoor space, with the exception of Hahn Hall. Outdoor amplified spoken voice and unamplified/acoustic music shall be limited to the following areas: Zone 1 Anne's Garden, Zone 2/2.5 Holden Encore Society Garden/Presidents Garden, Zone 3/4 Bock Garden/Williams Garden, Zone 5 Kuehn Court/Kinnear Fountain, Zone 7 Towbes Court, and Zone 9.
5. SLE rental contracts with the Music Academy shall require that facility renters provide shuttle services for guests from offsite locations (such as local hotels) when hosting an event with more than 50 people.
6. The following tools for self-management of sound levels shall be implemented for SLEs with outdoor amplified spoken word and/or unamplified/acoustic music:
  - a. Facility renter must provide personnel to manage each SLE. The manager(s) shall be present from set up to break down of event, shall not be considered a guest, and shall not drink alcohol during the event.
  - b. At Zones 1, 3, 4, and 5 (i.e., areas near the southern property lines): acoustic music programming, and/or amplified spoken voice shall be limited to no more than two hours total.
  - c. At Zones 2, 2.5, 7, and 9: acoustic music programming and/or amplified spoken voice shall be limited to no more than four hours total.
  - d. Outdoor amplified sound for SLEs shall be limited to spoken voice.
  - e. PA systems shall be pointed away from neighbors whenever and wherever possible.
  - f. SLEs shall only occur within the hours of 9:00 AM to 10:00 PM. Guests and related vehicle traffic shall vacate the site by 10:30 PM.
  - g. Outdoor amplified spoken word and/or unamplified/acoustic music related to SLEs shall end no later than 9:00 PM.
  - h. A MAW staff member shall be designated as a point-of-contact for any potential neighbor concerns.

- i. An additional MAW-approved security officer shall be present for the duration of all SLEs to help ensure that guests comply with MAW policies and requirements.
7. Increase the total allowances of use of amplified spoken voice from twice per calendar year to 17 per calendar year (including SLEs).
8. Parking shall be limited to the MAW parking lots.
9. Allow meetings/seminars, SLEs 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 and SLEs shall be limited to no more than 175 participants per event (consistent with historic levels; and
10. Project related parking demand shall be accommodated on the project site (not in overflow lots or on-street).

#### **Attendance Limitations**

In addition to Hahn Hall (formerly Abravanel Hall), the other existing indoor venues that can accommodate group gatherings are large rooms in Marilyn Horne Main House (formerly *Miraflores*), Lehmann Hall, Yzurdiaga (formerly Stewart Hall) and Weinman Hall in the Luria Education Center (formerly-Instructional Building/Lehrer Studios). During the non-summer period, these rooms can be used for instruction, practice, rehearsals, auditions and meetings associated with music. The rooms/spaces in the Luria Education Center building complex shall be used for musical practice, instruction, auditions, rehearsals, meetings and other performing arts uses (dance) and wellness activities (yoga, art, etc.) Rental of these spaces to others for these same activities will also be permitted. 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 Lehmann Hall and Weinman Hall) may be used for performances/Master Classes.

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

Venue	Floor Area (SF)	Maximum Allowable Seating Capacity
Hahn Hall (formerly Abravanel Hall)	14,130	350 MAX (350 fixed public seats - no more than 330 seats for public use/sale)
Lehmann Hall	1,761	195
Weinman Hall	651	140
Yzurdiaga (formerly Stewart Hall)	972	42
Luria Education Center (formerly 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)</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.

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	-52 <sup>(b)</sup>
Daily	None	900	N/A <sup>(c)</sup>
Summer (8-weeks)	15,828 <sup>(d)</sup>	22,000	+6,172
Non-Summer (44 weeks)	53,766	25,000	-28,766
Annual	71,447	47,000	-24,447

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

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

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

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

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

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

**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, non-profit benefits, and SLEs). The rental activities/special events (seminars, meetings, non-profit benefits and educational programs in the arts<sup>3</sup>) shall only occur during the non-summer season.

<sup>3</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."

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, SLEs, and educational programs in the arts<sup>4</sup>). Special events/rental activities shall be permitted as follows:

1. Seminars/meetings, SLEs 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 a maximum of no more than 175 participants per activity/event and SLEs will be limited to no more than 175 participants per event.
2. Educational programs in the arts are subject to the attendance caps, with all non-summer students, faculty, and/or instructors (other than those performing at a concert) counted toward the maximum attendance limitations.
3. Significant Life Events (e.g. weddings, memorial services, quinceañeras, birthday and anniversary celebrations, bridal/baby showers and other individual private parties) shall be permitted within the 41 total events.<sup>5</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, such that they shall not occur at the same time as large events on-site. The intent of this is to avoid the combination of event and administrative attendance at levels that would challenge traffic circulation and on-site parking demand or that will create other logistical problems.

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

The attendance maximums for the summer season shall not include up to 89 staff/faculty (including all conservatory, administrative, maintenance, service and other staff), up to 175 students/performers, or attendees at administrative activities on-site such as MAW board

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<sup>4</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>5</sup> The other non-conservatory uses allowed on-site shall be limited to meetings, seminars, non-profit benefits, educational programs in the arts, MAW administrative functions, maintenance activities, fundraisers subject to attendance caps (except one day per year not subject to the caps). Inclusion of an accessory musical component in an activity other than the above allowed uses shall not convert a non-permitted use to a permitted use simply because music has been included (e.g., rental for a reception which has musicians for entertainment).

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>6</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**

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

*Summer School*: Instructional activities for the Summer School consist of individual and group instruction, individual and group rehearsals and practice sessions, orchestra rehearsals (no orchestra performances), and other school activities. The 175-maximum number of students in the overall summer music program shall not change under the revised CUP. Following project implementation, all 175 students may receive both lunch and dinner (catered meals) at the Music Academy campus. The number of vocal and instrumental students is to be determined by the MAW, but cannot exceed 175 total students.

### **Other Music Academy Operations**

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

*On-Site Residences*: Both the caretaker's residence located east of the Treasure House and an employee apartment (above the Lehrer Studios) will be retained on site.

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<sup>6</sup> Defined as administrative activities, such as board meetings, auxiliary member meetings, etc., which involve more people than regular staff activities.

Caretaker residence and employee apartment use shall include flexibility to allow use by other MAW employees or guests (e.g. visiting artists).

2. **Proj Des-02 Project Conformity:** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

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

#### **Aesthetics**

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

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

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

4. Night-lighting and its intensity shall be minimized to the extent feasible for security and safety purposes and night-lighting should be reduced following the close of activities on-site any given day. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. The height of night-lighting shall also be minimized to reduce its visibility from off-site. This would apply to both the height of light fixtures as well as minimizing the location of night lighting in the upper portions

structures, particularly those at the highest elevations on-site (e.g., recital hall, instructional building). Lights shall be dimmed after 10:00 p.m., except when activities end at or later than 10:00 p.m. For these exceptions, lighting shall be dimmed to the maximum extent feasible and at the earliest possible time after 10:00 p.m. Special consideration shall be given to lighting of perimeter development and pathways, driveway entrances and exits and all existing and proposed indoor and outdoor lighting on the sides of structures facing the property perimeter (e.g., the north and east sides of Luria Education Center and Lehrer Studio Building and the north sides of Hind Hall and renovated Hahn Hall – formerly Abravanel Hall) as well as the northern parking area to minimize visibility from off-site.

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

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

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

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

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

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

7. Music Academy fundraisers on campus shall be subject to the any given time, daily and 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. Gala or May Madness).
8. Indoor amplification shall be located where doors and windows can (and shall) be closed to reduce spill-over of noise onto adjacent properties. To avoid potential nuisance complaints, non-opening windows may be incorporated into areas of the building(s) where indoor amplification is expected.
9. The Final Cut Through Reduction Plan (CTRP) to reduce the volume of traffic through campus

shall include the following components of a Gate Closure Program:

- a) The entrance gate at Fairway Road shall include an access card system. Vehicle license plates shall be registered for all faculty, staff, and students at the campus and access cards shall be issued for all registered vehicles. Each access card will be valid on an annual basis, and renewed as necessary.
- b) Hours of operation:
  - i) Summer Program (8 weeks from mid-June to mid-August)
    - 1) Gate open 10:00 AM to 4:00 PM Weekdays and Saturdays
    - 2) Gate open for evenings events held on campus with traffic attendant (see below)
    - 3) Gate closed all day Sunday
  - ii) Non-Summer Program
    - 1) Gate open 11:00 AM to 3:00 PM Weekdays
    - 2) Gate closed all day Saturday and Sunday, except for events held on campus with traffic attendant.
- c) The Music Academy shall provide Planning and Development with the contact information (to be included in the annual monitoring reports) for the dedicated staff member (traffic attendant) responsible for traffic monitoring and CTRP operations. The traffic attendant shall be placed at the entrance to the driveway for any public events held on campus outside of the open gate hours. Attendant shall monitor for cut-through vehicles which were not observed originating from a campus parking lot. Attendant shall record license numbers of confirmed cut-through vehicles and issue verbal warning to associated drivers.
- d) Existing site and County signage shall be maintained to discourage through traffic in the neighborhood, including:
  - i) Site signage stating "NO THROUGH TRAFFIC, MUSIC ACADEMY GUESTS ONLY" at the Fairway Road entrance gate and along the exit road adjacent to The Rack.
  - ii) County directional signage at the intersection of Channel Drive and East Cabrillo Boulevard stating "Four Seasons Biltmore Use 101 South to Olive Mill", "Commercial Vehicles Over 7 Tons Prohibited", and "Channel Dr Local Deliveries Only".

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

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

10. The MAW shall be required to provide monitoring reports annually.
- a) Monitoring shall cover individual event attendance (ticket sale records from ticketing company including the number of tickets per event for public, students, and faculty/staff), daily attendance, and seasonal attendance. Attendees shall include all regular guests as well as any students, faculty, staff, or other employees who are not performing or working at the event and attendance for these different sub-groups shall be provided.
  - b) The monitoring shall include a specific break down of seminars, SLEs, conferences, non-profit events, SLEs, 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 issuance of companion CDP.

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

11. Consistent with historic levels, there shall be no more than five public Saturday events during the summer<sup>7</sup>.

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

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

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

12. Consistent with historic levels, there shall be no Sunday public events during the summer.<sup>8</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.

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

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

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

14. Rentals for seminars and meetings shall be limited to 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.

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

15. All events and activities shall begin no earlier than 9:00 am and shall end no later than 10:00 pm throughout the year. The exception to this shall be allowance for events on

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<sup>8</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.

Thursdays and Fridays during the summer season only to end by 10:30 p.m. Once an evening event has ended, guests (not including Music Academy authorized personnel i.e. faculty, staff, performers, contractors, etc.) are expected to leave within approximately 30 minutes. If approximately 30 minutes becomes insufficient for guest 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 guest and related vehicle traffic to vacate the site by 10:30 p.m. (11:00 for Thursday and Friday events in the summer season).

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

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

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

- e) Except for food used by a caterer for an event or summer student/staff meals, food stuffs shall be limited to those typical of an office employee lounge (coffee, popcorn, etc.) as well employee access to refrigerator and microwave.
- f) The kitchen shall not be designed as a commercial or industrial kitchen. Rather, it shall be designed for catering purposes only, with an assumption and requirement for minimal food preparation on-site.

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

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

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

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

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

18. When practice rooms are used for activities which would likely generate nuisance noise for neighbors (e.g., any type of amplification, brass band practice, etc.), any north or east facing windows in the room shall be closed.
19. The rooms/spaces in the new practice studio/instructional/student services/Luria Education Center (formerly Student Services) building complex shall be used for musical practice, instruction, auditions, rehearsals and meetings associated with music only. Rental of these spaces to others for these same activities would also be permitted. 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 Lehmann Hall and

Weinman Hall) may be used for performances/Master Classes. During the non-summer period, these rooms can be used for instruction, practice, rehearsals, auditions and meetings associated with music.

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

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

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

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

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

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

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

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

22. All project related parking demand shall be accommodated on the project site<sup>9</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.

23. 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 attached Music Academy's letter to Natasha Heifetz Campbell dated June 10, 2004.

#### Noise

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

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

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<sup>9</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. Gala or May Madness).

- g) Compliance with Self-Management Strategies listed under Operational Changes in Condition #1 (based on recommendations found in July 2022 Acoustics Analysis by 45dB Acoustics).

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

### **Solid Waste**

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

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

- a) On-site provision of adequate space and/or covered bins for storage of recyclable materials generated throughout the site and in no case shall these be located within the easement along the exit drive.
- b) Designation and/or expansion of a central recyclable material pickup area on-site.
- c) Continued and expanded participation in the County's recyclables and greenwaste collection programs.
- d) Development of a plan for accessible collection of increased volumes of recycle materials, particularly during peak use periods.
- e) Implementation of a monitoring program (quarterly, bi-annually) to ensure participation in recycling efforts and requiring written documentation in the form of receipts.
- f) Encourage the use of reusable cups and place settings at special events held onsite to minimize solid waste generation.
- g) Development of a plan for recycling/reuse of yard waste on-site. This shall include on-site mulching and use of the mulch on-site as well as location of adequate green waste pick-up containers acceptable to area collection service.

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

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

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

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

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

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

## Traffic

27. Parking demand generated by project activities shall be accommodated within the on-site parking supply (285 passenger vehicle spaces with ability for 5 additional spaces using stacked parking, and two bus spaces, consistent with approved plans). The parking shall be in place prior to any increases in attendance. This parking supply is consistent with application of a conservative parking demand rate of 0.76 spaces/seat<sup>10</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 surveys 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

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<sup>10</sup> Based on ATE summer afternoon, high attendance event data

all cars associated with Music Academy activities, including those associated with students, faculty, other employees, volunteers, customers, 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). Survey data shall be available for a week which includes peak attendance classes/events/picnic concert during the summer season and for a week which includes peak events during the non-summer period. Therefore, the Academy's event calendar shall be used to identify appropriate monitoring periods.

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

28. Project generated parking demand shall be accommodated by on-site parking (285 passenger vehicle spaces, 5 additional stacked parking spaces and two bus spaces). To facilitate on-site parking and avoid project generated parking demand on neighborhood streets, the MAW shall:
- a) Deploy an adequate number of parking attendants for the larger events to ensure that identified parking is maximized (and parking on neighborhood streets is avoided or minimized). An adequate number of attendants shall also be present for events to ensure that entering vehicles are not blocking traffic on Fairway in front of the Music Academy entrance. Parking attendants shall be responsible for directing vehicles to appropriate parking areas and open spaces and facilitating circulation throughout the site(s). If it is confirmed by P&D that MAW attendees, staff or students are consistently parking on neighborhood streets, the MAW will be required to utilize an increased number of parking attendants. If this problem persists, information regarding this situation will be forwarded to the Montecito Planning Commission as part of their compliance update hearing(s). If the monitoring indicates that on-site parking supply cannot accommodate peak parking demand for maximum attendance events, the MPC shall consider reducing the maximum any given time attendance to a level at which the on-site parking supply can accommodate peak attendance.
  - b) In the non-summer period, performers shall be bused to the site if there would be more than 95 staff/performers at an event (with attendees)<sup>11</sup>.
  - c) Idling of busses is prohibited with the exception of limited durations to accommodate loading and unloading of passengers.
  - d) Within six months of CUP approval, the Music Academy shall implement an employee incentive program to encourage carpooling and bicycle use and has

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<sup>11</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).

recently installed 40 bicycle racks and will study locations to install additional bicycle racks. Music Academy to provide a copy of the employee incentive program to Permit Compliance staff as part of the annual report.

- e) Within 6 months of CUP approval, the Music Academy shall implement a rental incentive program for seminars and non-profit events that encourages carpooling or use of small shuttle buses by providing discounted rental rates. Music Academy to provide a copy of the renter's incentive program to Permit Compliance staff as part of the annual report.
- f) Music Academy shall implement a summer events incentive program for attendees of summer picnic concerts and other large summer events to encourage carpooling and bicycle use such as specialized parking locations/spaces, use of parking attendants, raffle tickets or event merchandise for attendees with 3 or more persons per vehicle. Music Academy to provide a copy of the summer events incentive program to Permit Compliance staff as part of the annual report. Music Academy will provide additional preferred parking spots to encourage carpooling for attendees with 3 or more persons per vehicle.

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

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

- 29. The 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.

- 30. 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 divert some traffic away from the neighborhood to the East and provide a more direct route for west-bound traffic leaving the Music Academy.

### **Project Specific Conditions**

31. 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).
32. 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 shall be counted toward the attendance limits. During the summer season, only summer school students, faculty, and related assistants shall use the recording facilities.

### **Conditions by Issue Area**

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

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

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

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

### **County Rules & Regulations**

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

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

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

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

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

**38. Rules-31 Mitigation Monitoring Required:** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:

a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;

b. Compliance monitoring costs for existing Case No. 02PMC-00000-00306 will continue to be invoiced monthly and may include costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute. Monthly invoices shall be paid by the due date noted on the invoice;

c. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.

39. **Rules-33 Indemnity and Separation:** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project.
40. **Rules-35 Limits-Except DPs:** This approval does not confer legal status on any existing structures(s) or use(s) on the property unless specifically authorized by this approval.
41. **Rules-37 Time Extensions-All Projects:** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.
42. Landscaping shall be maintained for the life of the project.