

**RESOLUTION NO. 01-103**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DENYING THE APPEALS AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO APPROVE THE FINAL MITIGATED NEGATIVE DECLARATION, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, AND APPROVING THE ENTRADA DE SANTA BARBARA PROJECT LOCATED AT 22-120 STATE STREET, 15 E. MASON STREET, 125 STATE STREET, AND THE STATE STREET RIGHT-OF-WAY BETWEEN THE MISSION CREEK BRIDGE AND THE UNION PACIFIC RAILROAD RIGHT-OF-WAY.**

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**WHEREAS**, a master development application was received and processed by the City at the request of S. B. Beach Properties, L.P., (hereinafter the "Owner" or the "Applicant") for the real property located at 22-120 State Street, 15 East Mason street, 125 State street, and the State Street Right-of-Way between the Mission Creek Bridge and the Union Pacific Railroad Right-of-Way; APNs 033-120-004 and -014; 033-111-001, -002 and -003; 033-081-003, -004, -005, -010; and -011 (hereinafter referred to as the "Real Property"); HRC-II (Hotel and Related Commerce) and SD-3 Coastal Zones; General Plan Designation: Hotel and Commerce/Buffer (designated Master Application No. MST 97-0357 - hereinafter referred to as the "Entrada Project" or the "Project");

**WHEREAS**, the proposed Project involved the private redevelopment of portions of three blocks of real properties at the intersection of State Street and Mason Street with a total of 17,532 square feet of commercial retail uses and 81 vacation ownership ("time-share") units. A total of 210 parking spaces were proposed, including a 145-space parking structure south of the railroad right-of-way between State Street and Helena Avenue.

**WHEREAS**, at the direction of the City, certain public right-of-way alterations were also proposed as part of the redevelopment, including a reconfiguration of on-street parking on Mason Street and Helena Avenue, a widening of the sidewalk and narrowing of the State Street roadway along the Project frontage consistent with the State Street Plaza design north of U.S. Highway 101, and other alterations. These alterations were proposed in cooperation with the Redevelopment Agency to allow for the consistent development of the portion State Street between the railroad right-of-way and Cabrillo Boulevard in a manner consistent with the Redevelopment Agency's projects on other portions of State Street as described in more detail in the Agency's CCRP Implementation Plan adopted on December 21, 1999. A traffic signal was also proposed at the intersection of State Street and Mason Street. At the request of the Agency, the Owner also proposed a 2,500 sq. ft. public Visitor Information Center (the "VIC") within the Project (in addition to the 17,532 sq. ft. of commercial uses) along State Street adjacent to the railroad tracks in conjunction with the Agency's recent completion of the Railroad Depot Restoration Project. The VIC would provide its required parking within the City-operated Agency-owned

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surface parking lot previously approved for 125 State Street as part of the Coastal Development Permit for the Redevelopment Agency's Railroad Depot Improvement Project.

**WHEREAS**, the Entrada de Santa Barbara Project description was more specifically described as a result of the changes and reductions made through the public, City staff, and City Board and Commission review process which occurred in the Spring of 1999 and this more detailed description was contained in the Project Description portion of the Initial Study and the Draft Mitigated Negative Declaration for the Second Revised Initial Study dated May 5, 1999.

**WHEREAS**, the Second Revision to the Initial Study and Draft Mitigated Negative Declaration, which was considered by the City Planning Commission on May 27, 1999, indicated that Entrada Project Description had been revised to include open plaza areas and paseos, view corridors, additional landscape features, design amenities, undergrounding of utilities, street improvements, building facade and building height variations, and additional building setbacks as directed and requested by the City Planning staff, the City Planning Commission, and the City Historic Landmarks Commission as part of and as a result of the public review process.

**WHEREAS**, the City Planning Commission, after extensive public hearings on the Project in April and May of 1999, took public comment, heard, considered, and on July 1, 1999, approved a Mitigated Negative Declaration prepared for the project (ENV97-0452) pursuant to the guidelines of the California Environmental Quality Act, and California Code of Regulations Section 15074.

**WHEREAS**, the Planning Commission held the required noticed public hearing on the above referenced application and it approved the Entrada Project, and the specific development applications requests made in connection with the Project, on July 1, 1999 as it had been extensively reduced and modified by the City review process, as described in more detail in Planning Commission Resolution 047-99 and in the Planning Division staff reports provided to the Commission in connection with their decision.

**WHEREAS**, The Planning Commission approval of the Mitigated Negative Declaration and the project was appealed to the City Council by "Cars are Basic" on July 12, 1999, and by the Environmental Defense Center (on behalf of the Citizens Planning Association and League of Women Voters) on July 12, 1999.

**WHEREAS**, the City Council held the required public hearing on the above appeals on August 10 and 17, 1999.

**WHEREAS**, on August 17, 1999, acting by Resolution of the City Council (Resolution No. 99-098), after considering the Initial Study, the revised Initial Study, the Second Revision to the Initial Study/Mitigated Negative Declaration (in particular the revisions to the Project Description through the date of the Planning Commission's July 1, 1999 approval), all public and City staff comment (both written and oral), the proposed Mitigation Measures and the Mitigation Monitoring Program, the City

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Council found and determined that, on the basis of the entire record, there was no substantial evidence that the Project would have a significant adverse effect on the environment.

**WHEREAS**, on August 17, 1999, acting by resolution of the City Council (Resolution No. 99-098), the City Council also found and determined that the Mitigated Negative Declaration and the Mitigation Measures required therein for the Entrada de Santa Barbara Project reflected the Council's independent judgment and analysis based on the entire record available to the City Council.

**WHEREAS**, on August 17, 1999, acting by resolution of the City Council (Resolution No. 99-098), the City Council also approved the Mitigated Negative Declaration and approved the Entrada Project and the specific City discretionary and Coastal development applications requests made in connection with the Project

**WHEREAS**, an appeal was filed with the state Coastal Commission on the City Council's approval of the Mitigated Negative Declaration and the Entrada Project and the specific development applications requests made in connection with the Project. The Coastal Commission held two public hearings on the Entrada Project. The Coastal Commission discontinued consideration of the appeal on the Entrada Project following the Santa Barbara Superior Court Judgment dated May 30, 2000.

**WHEREAS**, acting pursuant to an application for a writ of administrative mandamus filed pursuant to the requirements of the California Environmental Quality Act, a Superior Court judgment issued on May 30, 2000 with respect to that application (in connection with Santa Barbara Superior Court Case No. 232741), the Clerk of the Santa Barbara Superior Court issued a Peremptory Writ of Mandamus directed to the Respondents City of Santa Barbara and to Real Parties in Interest on July 3, 2000 directing that the City take certain actions with respect to the City's August 17, 1999 approval and adoption of a Mitigated Negative Declaration for the Entrada de Santa Barbara Project and with respect to the City's approval of the Entrada Project on its merits.

**WHEREAS**, as directed by a Peremptory Writ of Mandate issued on July 3, 2000, the City Council of Santa Barbara on August 22, 2000 (Resolution No. 00-093) vacated its decision of August 17, 1999 (Resolution No. 99-098) approving and adopting the Mitigated Negative Declaration (City ENV97-0452) and approving the Entrada de Santa Barbara Project, to the extent that such approvals relate to view impacts. Thereafter, the City proceeded to reconsider its action in approving the Entrada Project in light of the Superior Court judgment that a "fair argument" had been made that the Project's potential for significant adverse impacts on public views necessitated the preparation of an EIR focused on that potential concern.

**WHEREAS**, the City Administrator and the City Community Development Director and all necessary City staff proceeded to prepare an Environmental Impact Report with respect to the Entrada Project's potential for significant adverse environmental impacts affecting public views pursuant to the California Environmental Quality Act.

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**WHEREAS**, the City Attorney, acting on behalf of the City and the Redevelopment Agency of the City on September 11, 2000 filed with the Superior Court a preliminary return to the July 3, 2000 Peremptory Writ of Mandamus setting forth the manner of the City's compliance with the Writ and describing therein the City's determination to prepare the required Environmental Impact Report.

**WHEREAS**, the City proceeded to prepare and has prepared an Environmental Impact Report with respect to the Entrada Project's potential for significant adverse environmental impacts affecting public views pursuant to and in compliance with the California Environmental Quality Act (Public Resources Code Sections 21000 to 21177) and the Guidelines for the Implementation of the California Environmental Quality Act (i.e., the California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000 to 15387 and Appendices A-K - hereinafter referred to as the "CEQA Guidelines").

**WHEREAS**, because of the long public review history of the Entrada Project and due to possible remaining concerns over how the question of important public scenic views is integrated with the related City land use and design and aesthetic concerns, (such as the "size, bulk, and scale" of the Project and its compatibility with this area of lower State Street and the Waterfront), the Entrada Project Draft Environmental Impact Report, Executive Summary section "*Areas of Known Controversy and Issues to be Resolved*," suggested additional possible design and aesthetic changes in the Project which might be considered in order to make the required and appropriate land use findings for the Coastal Development Permit and City Development Review approval of the Project on its land use merits.

**WHEREAS**, a Notice of Availability of the Entrada Project Draft Environmental Impact Report focused on public view impacts was issued on February 6, 2001, commencing a 45-day public review and comment period, which ended March 23, 2001. A Draft EIR environmental hearing was held before the Planning Commission on March 15, 2001.

**WHEREAS**, in response to City staff, Planning Commission and public comments made in connection with and at the public hearing held to consider the Entrada Project Draft Environmental Impact Report, the Applicant revised and modified the Entrada Project to further reduce the Project's size, bulk and scale, which revisions were conceptually presented at a Joint Planning Commission and Historic Landmarks Commission Workshop on May 8, 2001 and which revised Project is hereinafter referred to as the "Redesigned Entrada Project."

**WHEREAS**, the Redesigned Entrada Project, as currently proposed, would be a private redevelopment project consisting of a total of 16,864 square feet of commercial/retail space, 56 time share vacation units (each with a lock-out unit providing for the possibility of 112 total units) and 210 parking spaces. All elements of the Redesigned Entrada Project (i.e., retail, time-share, parking) are expressly permitted land uses under the City's Local Coastal Plan ("LCP") and the City's Coastal Plan "HRC-II" zoning, as certified by the State Coastal Commission in 1986. A substantial portion of the

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Entrada Project involves the redevelopment and rehabilitation of several existing older buildings of both historical and architectural significance. For the purposes of its permitting, the Entrada Project is divided into three distinct and separate areas of real property, termed "Area A, Area B, and Area C" as shown on the Site Plan, each of which Areas is separated from the others by public streets.

**WHEREAS**, the Redesigned Entrada Project now includes the following:

Redevelopment of the Californian Hotel on Area A (5,368 square feet of commercial/retail space; 15 time-share units [30 units when counting lock-out units])

Redevelopment of Area B (3,560 square feet of commercial/retail space; 24 time-share units [48 units when counting lock-out units])

Redevelopment of Area C (7,936 square feet of commercial/ retail space; 17 time-share units [34 units when counting lock-out units])

State Street, Mason Street, and Helena Avenue Right-of-Way Improvements

Project Amenities (public plazas, public paseos, and a Visitor Information Center)

**WHEREAS**, the total land area to be redeveloped and rehabilitated by the Entrada Project is approximately 2.41 acres (or 104,860 square feet) in size (One "standard" city block of the Santa Barbara City "grid" is a 450 x 450 square block or 202,500 square feet or 4.65 acres.) All totaled, the Entrada Project proposes to demolish or rehabilitate approximately 31,511 square feet of existing commercial/retail space. When completed, the Redesigned Entrada Project would consist of a total of 16,864 square feet of commercial/retail space of both new and rehabilitated building space. This represents a reduction of 14,647 square feet of commercial/retail space from the existing buildings on the three sites. The time-share portion (also called "vacation-ownership units") of the Redesigned Entrada Project would consist of approximately 105,053 square feet of new or rehabilitated existing square footage in 56 separate time-share units, each with a "lock-out" unit providing for a possibility of 112 time-share units altogether.

**WHEREAS**, the discretionary City land use permits required for the Entrada Project, under the Master Application, are:

**FOR AREA A**

1. A Development Plan for Area A to allow for the proposed non-residential development of approximately 5,368 square feet of commercial space and 15 time-share units (30 units including lock-out units) (SBMC Section 28.87.300).
2. A Tentative Subdivision Map for Area A to allow for the creation of condominium parcels for time-share and commercial purposes (SBMC Chapter 27.07).

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3. A Coastal Development Permit for Area A (within the appealable jurisdiction of the Coastal Zone) to allow for the proposed non-residential development of approximately 5,368 square feet of commercial space and 15 time-share units (30 units including lock-out units) (SBMC Section 28.45.009).
4. A Coastal Development Permit to allow for the proposed Tentative Subdivision Map for Area A (within the appealable jurisdiction of the Coastal Zone) (SBMC Section 28.45.009).
5. A Modification to allow for encroachments by the development in Area A into the required front-yard setbacks along State Street and Mason Street (SBMC Section 28.92.026(A)(2)).
6. A Modification to allow for exterior alterations to the fourth floor of the existing Californian Hotel, a portion of an existing non-conforming building located within Area A which exceeds the 45 foot height limit of City Charter Section 1506 (SBMC Section 28.92.026(A)(5)).

#### **FOR AREA B**

1. A Development Plan for Area B to allow for the proposed non-residential development of approximately 3,560 square feet of commercial space and 24 time-share units (48 including lock-out units) (SBMC Section 28.87.300).
2. A Tentative Subdivision Map for Area B to allow for the creation of condominium parcels for time-share and commercial purposes (SBMC Chapter 27.07).
3. A Coastal Development Permit for Area B (within the non-appealable jurisdiction of the Coastal Zone) to allow for the proposed non-residential development of approximately 3,560 square feet of commercial space and 24 time-share units (48 units including lock-out units) (SBMC Section 28.45.009).
4. A Coastal Development Permit to allow for the proposed Tentative Subdivision Map for Area B (within the non-appealable jurisdiction of the Coastal Zone) (SBMC Section 28.45.009).
5. A Modification to allow for encroachments by the development in Area B into the required front-yard setbacks along State Street, Mason Street, and Helena Avenue (SBMC Section 28.92.026(A)(2)).

#### **FOR AREA C**

1. A Development Plan for Area C to allow for the proposed non-residential development of approximately 7,936 square feet of commercial space, a 2,500 square foot public Visitor's Information Center and 17 time-share units (34 units including lock-out units) (SBMC Section 28.87.300).
2. A Tentative Subdivision Map for Area C to allow for the creation of condominium parcels for time-share, commercial purposes and a public Visitor's Information Center (SBMC Chapter 27.07).

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3. A Coastal Development Permit for Area C (within the non-appealable jurisdiction of the Coastal Zone) to allow for the proposed non-residential development of approximately 7,936 square feet of commercial space, a 2,500 square foot Visitor's Center and 17 time-share units (34 units including lock-out units) (SBMC Section 28.45.009).
4. A Coastal Development Permit to allow for the proposed Tentative Subdivision Map for Area C (within the non-appealable jurisdiction of the Coastal Zone) (SBMC Section 28.45.009).
5. A Modification to allow for encroachments by the development in Area C into the required front-yard setbacks along State Street, Mason Street, and Helena Avenue (SBMC Section 28.92.026(A)(2)).
6. A Final Designation as a Community Priority Project and allocation of a maximum of 2,500 sq. ft. of non-residential development to be permitted under the Community Priority category of City Charter Section 1508 (Measure E) for the proposed Visitor Information Center (SBMC Section 28.87.300).

#### **TRANSFER OF EXISTING DEVELOPMENT RIGHTS**

- 1 Transfer of Existing Development Rights/Development Plan to allow for the transfer of existing hotel rooms from Area A to Areas B and C (SBMC Chapter 28.95).

#### **STREET RIGHT OF WAY ALTERATIONS**

- 1 Coastal Development Permit (within the appealable jurisdiction of the Coastal Commission) to allow for the proposed State/Mason/Helena Street Right of Way Alterations (SBMC Section 28.45.009).

**WHEREAS**, the Planning Commission of the City of Santa Barbara, after conducting a publicly noticed site visit to the real property of the Project, held the required public hearing on the above referenced Mitigated Negative Declaration, Final Environmental Impact Report, and development applications on July 11, 2001. The Planning Commission approved the Mitigated Negative Declaration, certified the Final Environmental Impact Report, and approved the Project and the specific development application requests subject to Conditions of Approval made in connection with the Project on July 11, 2001, as described in more detail in Planning Commission Resolutions 031-01 and 032-01 and in the Planning Division Staff Report dated June 28, 2001, provided to the City Council in connection with this decision.

**WHEREAS**, at its July 11, 2001, public hearing on the above referenced Mitigated Negative Declaration, Final Environmental Impact Report, and Entrada Project development applications (as listed above), the Planning Commission of the City of Santa Barbara deliberated the merits of the proposed extension of the State Street Sidewalk Plaza design to the lower portion of State Street between the Mission Creek Bridge and the Union Pacific Railroad right-of-way and approved Planning Commission Resolution 033-01 stating the Planning Commission's unanimous support for the extension of the State Street Plaza design to the lower portion of State Street between the Mission Creek Bridge and the Union Pacific Railroad right-of-way.

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**WHEREAS**, the following detailed exhibits, reports, and documents were presented for the record of the Entrada proceedings to the Planning Commission in support of its decision and, on August 10, 2001, have also been presented to the City Council, at the Council offices in City Hall, in connection with this decision:

1. The Planning Division Staff Report with Attachments dated as of June 28, 2001;
2. The Final Environmental Impact Report for the Entrada de Santa Barbara Project;
3. The Approved Mitigated Negative Declaration for the Entrada de Santa Barbara Project, as approved (and to the extent approved) by the Santa Barbara Superior Court judgment of May 30, 2000;
4. Revised Photosimulations of the Redesigned Entrada Project dating from June of 2001;
5. A full set of Redesigned Entrada Project plans dated June 28, 2001;
6. All letters in support and in opposition to the Project Application as listed in the July 11, 2001 Minutes of the Planning Commission, including the two letters which form the basis of the Project's appeal to the City Council.

**WHEREAS**, the City Council has been presented with a detailed and comprehensive staff report dated as of August 17, 2001 and with additional supporting documentation and staff studies as attachments, which staff report was prepared for the August 21, 2001 hearing by the staff of the Community Development Department's Planning Division which is incorporated herein by this reference as though fully set forth herein;

**WHEREAS**, the following detailed Staff Report attachments were also presented to the City Council for the record to the Council in support of its decision

1. The July 11, 2001 Minutes of the Planning Commission;
2. Resolutions of the Planning Commission Nos. 031-01, 032-01, and 033-01;
3. All letters in support and in opposition to the Project Application received by the City after the Planning Commissions July 11, 2001 public hearing on the Project Application.

**WHEREAS**, on August 20, 2001, the City Council conducted a publicly noticed site visit to the

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real property upon which the Redesigned Entrada Project is proposed and to the general area of State Street and Waterfront within which the Project will be located. This site visit was for the express purpose, among others, of providing the Council with the opportunity to evaluate the accuracy of the photosimulations used to analyze the potential for the Project to cause a potentially significant adverse impact on public views in the area of the Project, as well as to provide an opportunity for the City Council to evaluate the land use and design merits of the Project in the context of its actual setting.

**WHEREAS**, the City Council conducted a noticed public hearing on the appeal of the Planning Commission's certification of the FEIR and approval of the Mitigated Negated Declaration and its approval of the Redesigned Entrada Project (as such appeal was filed by the Citizens Planning Association/Santa Barbara League of Women Voters and the group known as "Streets R Us") on August 21, 2001 at the evening session of its regularly scheduled Council meeting. During the appeal hearing, a comprehensive presentation was made by both the Community Development Director and the Project architect and extensive public testimony was presented and this Council had a full opportunity to inform themselves with respect to the Project.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Santa Barbara as follows:

**I. Approval of Recitals.** The above-stated recitals are true and correct and they fully and accurately reflect the record of the City's proceedings and the determinations and considerations and the scope of review by the City of Santa Barbara, including the City Council (both with respect to individual Council members and collectively) which has been conducted with respect to the Entrada Project since the time of its original Master Application.

**II. Findings, Conclusions, and Determinations.** The Entrada Mitigated Negative Declaration is approved, the Final Environmental Impact Report for the Entrada Project is certified, and the Redesigned Entrada Project is approved by the City of Santa Barbara with the City Council making the following express evidentiary findings, conclusions, and factual and policy determinations:

**A. Project Environmental Findings.**

**1. Findings for Adopting the Entrada Mitigated Negative Declaration under the California Environmental Quality Act (CEQA Guidelines 15074):**

a. After reading and fully considering the Initial Study, the revised Initial Study, the Second Revision to the Initial Study/Mitigated Negative Declaration (hereinafter the "Entrada MND"), the design and size, bulk, and scale revisions to the Entrada Project Description through the August 21, 2001 City Council hearing, including all public and City staff comment (both written and oral) received to date, and including the proposed Mitigation Measures and the Mitigation Monitoring Program contained in the Entrada MND and the attached Conditions of Approval and in view of the May 30, 2000 Santa Barbara Superior Court judgment approving certain aspects of the Entrada Project Mitigated Negative Declaration, the City Council hereby finds and determines as follows:

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(i) On the basis of the entire record before the City Council, the Entrada Mitigated Negative Declaration is approved and established as being sufficient, as a matter of law under CEQA. Specifically, despite assertions to the contrary, the City Council particularly finds that no adverse "substantial changes" have been made to the Entrada Project nor has there been any "new information of substantial importance" (as those phrases are used in CEQA Guideline Section 15162) put forth concerning the Project since the preparation of the Mitigated Negative Declaration because the only changes to the Project consist of reductions in the size and scale of the proposed Entrada Project;

(ii) The Entrada Mitigated Negative Declaration has demonstrated that there was, is, and continues to be no substantial evidence that the Entrada Project will have a significant adverse effect on the environment with respect to all possible areas of environmental concern, except for the possible public view concerns studied and evaluated in the Entrada Project Environmental Impact Report;

b. The City Council further finds and determines that the Entrada Mitigated Negative Declaration and the Mitigation Measures (and monitoring required in connection with those Measures) and this approval of the MND reflects the City Council's independent judgment and analysis based on the entire record available to the City Council through the date of this decision.

c. That all relevant studies, reports, documents, submittals, plans, designs and other related materials with respect to the Project, the MND and the EIR are within the custody of the City of Santa Barbara's Community Development Department (in the care of the City's Plan Check/Records Supervisor acting as the City custodian of records) located at 630 Garden Street, Santa Barbara, California 93101 and that all such documents are open and available to the public during regular business hours Monday through Friday.

d. Pursuant to CEQA Guidelines Section 15074 for the California Environmental Quality Act, the City Council adopts the Mitigated Negative Declaration (ENV97-0452) for the Entrada Project, as the Project has been finally revised and redesigned in connection with the public hearings held on this application and as described herein, including specifically the Mitigation Measures and the Mitigation Monitoring Program, as listed in the Conditions of Approval, Exhibit A attached hereto.

**2. Findings for the Certification of the Entrada Final Environmental Impact Report: (CEQA Guideline Sections 15090 & 15091)**

a. The Santa Barbara Superior Court Judgment dated May 30, 2000 issued with respect to the Entrada Project stated that the Entrada Mitigated Negative Declaration was legally appropriate and thereby approved because the Court found that there was no "fair argument" over the potential for adverse significant environmental impacts with respect to the following possible identified environmental concerns: 1. traffic and circulation; 2. parking; 3. water and biological resources in Mission Creek; 4. state and local land use plans and policies; and 5. the size, scale, and incompatible

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nature of the Project. As a result, the Judgment directed the City to prepare an EIR focused exclusively on potentially adverse public view impacts resulting from the Entrada Project.

b. A Notice of Availability of the Draft EIR focused on potential public view impacts was issued on February 6, 2001, commencing a 45-day public review and comment period, which ended March 23, 2001. A Draft Entrada EIR environmental hearing was held before the Planning Commission on March 15, 2001. All correspondence and comments received during the public review and comment period are included with responses in the proposed Final EIR.

c. As directed by the Santa Barbara Superior Court judgment, a proposed Final Environmental Impact Report (the "Final EIR") focused exclusively on public view impacts was prepared for the Entrada Project. The Final Entrada EIR concludes that no significant impacts to important public scenic views will occur as a result of the Entrada Project, as it was designed and approved by the City Council on August 17, 1999 and the Council hereby re-affirms that determination. The Council also expressly finds that revisions to the Entrada Project since the August 17, 1999 City Council approval (particularly those revisions which resulted from Planning Commission and HLC concept review in May of 2001) do not constitute significant new information and have only served to reduce the scale of the Project and to further reduce any potential for adverse impacts from the Entrada Project, both in terms of its potential for adverse environmental impacts as well as any possible negative aesthetic or land use impacts.

For this reason, the City Council's approval and use of the Entrada MND (for the purposes for which it was approved by the Superior Court May 1999 judgment) when combined with the certified FEIR, as approved herein, as the form of and basis for a comprehensive environmental review for the Entrada Project is and remains appropriate and warranted under CEQA.

d. Due to the long City public review history and City consideration of the Entrada Project and due to possible remaining questions over how the question of the impacts on public scenic views is fully integrated with related City land use and design/aesthetic criteria, (such as those related to a project's "size, bulk, and scale," its design aesthetics, and its compatibility with the neighborhood in which it is to be located), the Entrada Project EIR Executive Summary section "*Areas of Known Controversy and Issues to be Resolved*," suggested that, when the Entrada Project was reviewed and considered by the City on its land use and its design and aesthetic merits, additional possible project changes and reductions might be considered and could be necessary in order for the City to make the required and appropriate land use findings for the City Coastal Development Permits and for the City Development Review approvals necessary for Entrada on its land use merits under the City's Zoning Ordinance and Local Coastal Plan.

e. For the above-stated reasons, the Entrada Project architect submitted a revised project design to address each of the design changes mentioned by City staff, the Planning Commission, certain members of the public during the review of the Draft EIR, and this revised Project has been called the Redesigned Entrada Project Owners. The City Council has closely reviewed the Redesigned Entrada Project which resulted for this process and determines that the design and size changes have only served to further reduce the already less than significant impacts to important public scenic views

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identified in the EIR and such changes do not and cannot constitute "significant new information" as that phrase is used in CEQA Guideline Section 15088.5. Consequently, the Council finds that the Applicants have now fully and appropriately addressed all remaining City environmental and land use and aesthetic concerns raised by this Project.

f. More specifically, new additional photosimulations were prepared (in addition to those prepared for the EIR) for EIR Views 2, 6, 7, 8, 10, and 13 using the Redesigned Entrada Project. The latest design Entrada changes have, in the opinion of the City Council, had the effect of further reducing and minimizing the already less than significant impacts to important public scenic views in Views 2, 6, 7, and 13 and further reducing the prominence of the Entrada Project in Views 8 and 10, which were determined not to be important public scenic views under existing City policies, as explained in more detail in the FEIR. This is especially true when Entrada is viewed in the larger more appropriate public view context of the "Panoramic Contextual Views" demonstrated in Photosimulations 6a, 10a & 10b, and 11a of the FEIR.

g. The City Council finds that the Final EIR provides a reasonable worst-case analysis of the Entrada Project's environmental impacts to public scenic views. Pursuant to State CEQA Guidelines §15162, no further environmental review is required for the Redesigned Entrada Project approved herein, particularly since the changes of the Redesigned Entrada Project all clearly result in reducing the possible severity of any important public scenic view impacts which, even before the reductions, were appropriately determined to be not significant. Therefore, the Final EIR is adequate and appropriate full environmental review under CEQA for the Redesigned Entrada Project.

h. The City Council also finds that no new significant environmental information or impacts of substantial importance involving a new or substantially more severe significant environmental effect and specifically requiring additional environmental review by CEQA (State CEQA Guidelines §15162) has been raised in response to the draft EIR. Therefore, no additional environmental review is required beyond the analysis of public views included in the Final EIR and the public comments and responses thereto which relate to that analysis. Further, the Council finds that no "significant new information" (as that term is defined and used in CEQA Guideline Section 15088.5) has been brought forth in response to the full environmental review of the Entrada Project and it finds that recirculation of the EIR is not warranted or appropriate, all as described in more detail in the "Staff Responses to Appeal Issues" dated August 17, 2001 as Attachment 2 to this Council's August 21, 2001 Staff Report, which is incorporated by this reference as though fully set forth herein - hereinafter the "Attachment 2." The Council finds that the "Staff Responses" contained in Attachment 2 are a true and accurate reflection of the Council's own findings and determinations with respect to the approval of the Entrada project, the MND, and the certification of the FEIR.

For example, as Attachment 2 points out, the Council finds and determines that assertions that the potential scope of the widening of Mission Creek pursuant to a City/U.S. Corp of Engineers Flood Control Project towards the non-adjacent real property upon which the Entrada Project will be constructed is not "significant new information" as that term is used CEQA Guideline Section 15088.5.

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This potential widening was always known and anticipated in the City's review of the Entrada Project, particularly in conditions of approval for Entrada which provided for and continue to provide for an appropriate setback from Mission Creek. That more specifics are now known about exactly which of the many alternatives for the Mission Creek Flood Control Project are environmentally superior does not change that the Entrada Project is, and always has been, conditioned to setback appropriately from the final Alternative which is selected or designated as the approved Mission Creek Flood Control project, at the time the Entrada Project is constructed.

Further, as the MND describes, the construction of the Entrada Project would only result in an improvement in the existing environmental baseline condition of Mission Creek in this area, primarily as a result of the decrease in paved parking surfaces and consequent decrease in storm-water and other run-off into Mission Creek from the Project real properties. Further, the Project has a condition of approval which requires the treatment of storm water runoff which, under existing baseline conditions, is presently untreated.

i. The City Council finds that, because the EIR did not identify any potential for a significant adverse effect on the environment, pursuant to CEQA the Final EIR is not required to include mitigation measures or a discussion of a broader range of project alternatives other than the No Project Alternative and the Project itself. Specifically, the Council finds that substantial evidence in the record supports the conclusion that the "alternatives analysis" contained within the FEIR is adequate under Guideline Section 15126.6 because the point of an "alternatives analysis" under CEQA is only to identify a range of project alternatives which may "avoid or substantially lessen" any of the identified significant effects of the project. Since the Entrada draft EIR appropriately did not identify any potentially significant adverse impacts from the Project, it is appropriate to focus only on the "No Project" alternative and the Project itself as the reasonable range of alternatives.

j. The City Council finds that the Final EIR for the Entrada Project has been presented to and reviewed by the City Council concurrently with the adoption of this Resolution and that the information, findings, and conclusions stated therein have been fully considered by the City Council prior to its action approving the Entrada Project by way of this City Council Resolution.

k. The City Council finds the Final EIR has been completed in compliance with the California Environmental Quality Act.

l. The Final EIR reflects the City Council's independent judgment and analysis in the conclusion that the Entrada Project (as presently redesigned and conditioned by the Conditions of Approval) will not have any potential for a significant adverse effect on the environment and that this conclusion is well supported by substantial evidence in the record of the City Council's proceedings in this matter and as demonstrated in more detail in the Final EIR and in the staff materials submitted to the Council for this hearing.

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m. The Draft EIR for the Entrada Project, the public comments on the Draft EIR and Staff responses, the Final EIR, the Mitigated Negative Declaration, all relevant studies, reports, documents, submittals, plans, designs and other related materials with respect to the Entrada Project, are within the custody of the City's of Santa Barbara's Community Development Department (in care of the City's Plan Check/Records Supervisor acting as the custodian of records) located at 630 Garden Street, Santa Barbara, California 93101 and open and available during regular business hours Monday through Friday

**3. Findings for Exemption from Fish & Game Code Requirements.**

a. An Initial Study was conducted by the City which evaluated the potential for the Project to result in adverse effect, either individually or cumulatively, on wildlife resources. (For this purpose, wildlife is defined as "all wild animals, bird, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability." Section 711.2 Fish and Game Code.)

b. There is no evidence that the Project would have any potential for adverse effect on wildlife resources because it is located in a developed, urbanized area.

c. The City Council has read and considered the Mitigated Negative Declaration (ENV97-0452) and finds that there is no substantial evidence that the Project will have a significant effect on the environment.

**B. Discretionary City and Coastal Act Permit Findings and Determinations:**

**1. Findings for Approval of Modifications Pursuant to Santa Barbara Municipal Code Section 28.92.026:**

a. **Yard, Lot, and Floor Area Requirements.** The modifications necessary for the Redesigned Entrada Project are consistent with the purposes and intent of the Zoning Ordinance and are necessary and appropriate to promote a uniformity of improvement within the Project area. The Entrada Project will not jeopardize the public health, safety, comfort, convenience, or general welfare. The setback requirements of the HRC-II zone district are 10 feet for buildings less than 15 feet in height and 20 feet for all other buildings. The Entrada Project includes variations in building facades, heights and setbacks, as well as open public paseo walkway and plaza areas (most of which were requested of the Applicants as part of the City public review process) which appropriately offset concerns related to the size, bulk, and scale of the Project relative to the proposed setback encroachments necessary for the Project as documented in more detail in Exhibit L of the Planning Commission Staff Report, dated June 28, 2001. Further, as determined specifically by the City Historic Landmarks Commission and the Planning Commission, such setback modifications allow for variations in the Entrada building architecture and different building styles such that the buildings will appear less massive and more aesthetically

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pleasing than might be required in the City's setback requirements were rigidly and unnecessarily adhered to.

The requested front-yard modifications will also provide visual conformity with many of the older structures located in Santa Barbara's Waterfront area, particularly with those structures located on lower State Street. It should also be noted that the Project will also make several of the existing historically and architecturally significant structures, which are non-conforming to current setback standards, seismically safe. In further satisfying the purpose and intent of the Zoning Ordinance, the proposed development has been planned and reviewed methodically by the City's HLC over the course of several years and it will serve as a valuable transition point and connection between the City's Downtown and the Waterfront areas in terms of its architecture and its public amenities. Thus, the Council believes that the Project has been orderly planned and will serve a valuable planning function as a transition point. The following, in addition, can be said of the Project in support of its consistency with the Zoning Ordinance:

- It is an urban in-fill development in the nature of redevelopment
- It is visitor-serving
- It contains extensive public plazas and open paseos
- It includes additional public retail parking
- It will provide stormwater run-off filtration improvements
- It will result in undergrounding of existing unsightly overhead utility lines in the project vicinity
- It will contribute to the continued economic vitality of the City as well as the City's tax base
- It will not create any unmitigated adverse significant impacts on the City's urban or natural environments, both with respect to the environment and with respect to urban land use concerns.

The requested front-yard modifications, therefore, will allow for a development which is consistent with the purpose and intent of the Zoning Ordinance, is an appropriate improvement for this older area of the City, will allow for a reasonable use and enjoyment of the real property by the Project owners, as well as a reasonable economic return on the re-use of this property and will provide uniformity with the existing structures, as well as with Santa Barbara's downtown urban and Waterfront environment.

**b. Alteration of Non-conforming Californian Hotel Building Within the Area Exceeding Height Limitation.** The existing Californian Hotel is legally non-conforming with respect to building height. The Hotel's existing 58-foot height exceeds the maximum 45-foot height limit later established for this area by the City Charter. Section 28.87.030 of the Zoning Ordinance permits the interior alteration of portions of structures which are non-conforming, while Section 28.92.026 allows exterior alterations to portions of non-conforming buildings with approval of a Modification. The proposed exterior alterations to the non-conforming fourth story portion of the Californian Hotel will provide aesthetic enhancements to an historic Santa Barbara building, help preserve a historic building by making improvements which allow it to continue and which will enhance the building's economic viability and use and to avoid the building's demolition and the loss of a potentially

significant historic structure and architectural resource, and that the alterations/ additions will result in no new hotel area, the continuance of the non-conforming building height is considered acceptable and would be consistent with the Zoning Ordinance. The modification being granted will increase neither the height nor will it increase the floor area of any portion of the building or structure that exceeds the building height limit, except as otherwise allowed in the City Zoning Ordinance. Finally, the modifications requested for the Californian will allow for the re-use of an historic building which currently cannot be used due to its seismically unsafe construction method and which might otherwise have to be demolished or abandoned.

**2. Findings for the Coastal Development Permits Pursuant to Santa Barbara Municipal Code Section 28.45.009.6(H):**

a. The Entrada Project and each of its Areas A, B, and C, and the State Street Right-of-Way improvements permitted hereunder, as conditioned in the Conditions of Approval, is consistent with the goals and policies of the California Coastal Act of 1976.

The California Coastal Act was enacted by the State Legislature in 1976 to provide long-term protection to California's coast, Public Resources Code Sections 30000 - 30900. The Coastal Act contains a number of policies used by local governments and the California Coastal Commission as standards for reviewing development in the Coastal Zone. The proposed Entrada development is located within the Coastal Zone. The proposed development is consistent with all policies of the California Coastal Act. The following reasons highlight the proposed development's consistency with major sections of the Coastal Act in addition to those identified in the Staff Report and Attachments.

Public Resources Code ("PRC") Section 30250 requires that new development in the Coastal Zone be located in an existing developed area with adequate public services and that it not have significant adverse effects on the environment. The project is located on older existing developed properties which are currently served by all municipal utility services. The Project was evaluated in accordance with the California Environmental Quality Act (CEQA) requirements. A Mitigated Negative Declaration and Environmental Impact Report focused on impacts to public views were prepared to evaluate and publicly disclose the Project's possible environmental impacts. Both documents determined that the Project, with mitigations, would not have any potential for adverse significant environmental impacts. Consequently, the Project is fully consistent with PRC Section 30250.

PRC Section 30213 requires that lower-cost visitor and recreational facilities be protected, encouraged, and where feasible, provided in the Coastal Zone. The proposed Entrada development will preserve certain existing retail uses of a recreational nature and it will be required to contribute substantial funds to subsidize Redevelopment Agency efforts to foster the development of new (or maintenance or preservation of existing) lower-cost visitor serving overnight accommodations in an effort to offset the possible loss of any previously existing lower-cost visitor serving overnight accommodations at the Californian Hotel. As a result, the Entrada Project is consistent with PRC Section 30213.

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PRC Section 30222 requires that visitor-serving recreational facilities shall have preference over other land uses and PRC Section 30223 requires that upland areas necessary to support coastal recreational uses shall be reserved for such uses. The Entrada Project Conditions of Approval require that provisions for the continuation of the existing bike and kayak rental shops currently existing on the Entrada Project site and other uses consistent with the Hotel and Related Commerce Zone. Therefore, the Entrada Project is consistent with the express goals of PRC Sections 30222 and 30223.

PRC Section 30251 requires that scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Further, it provides that "[P]ermitted development shall be sited and designed to protect views to and along the ocean in scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. ..." The Entrada Project is located approximately 250 feet inland from the north side of Cabrillo Boulevard, along State Street - as such it does not constitute a "view to and along the ocean and scenic coastal areas" as that phrase is used in PRC Section 30251. The Lower State Street area of the Entrada Project is characterized by an incohesive mix of older building styles, ground level parking lots, and older industrial buildings and former automobile sales and service facilities. Much of the existing development on Areas B and C is remaining from the days when this area of Lower State Street housed car dealerships and does not afford views "to and along the ocean" nor does it constitute a "scenic coastal area." Other than sidewalks and street, no public gathering areas or spaces exist within the Entrada Project site at this time. Unsightly utility lines are visible throughout the area and provide visual distraction, and a few taller older non-conforming buildings substantially obstruct views from the site of the Santa Ynez Mountains and its foothills.

As the photosimulations from the EIR demonstrate, the Entrada Project will also be scarcely visible to the average person from the City's shoreline, as well as from the Wharf, Chase Palm Park, East Beach, the City Harbor, and other clearly "scenic coastal areas" as Council believes that term to be used in PRC Section 30251. In addition, the Entrada Project will not affect the "contrast between the sweep of the coastline and the sweep of the mountains," as the Entrada Project is located well inland of the shoreline, such as certain points along Cabrillo Boulevard in Chase Palm Park, where these two features merge and can provide a "sweeping" public vista. Further, nothing in the Entrada project will result in the loss or "alteration of natural land forms" along the Coast, as that phrase is used in PRC Section 30251.

As identified in the Entrada Project Final EIR, construction of the Entrada Project will result in only a limited loss of views of the Santa Ynez Mountains and foothills from a few viewpoints along State Street. However, the Entrada Project will also include public space view corridors through Areas B and C to the Santa Ynez Mountains and foothills under circumstances where the new buildings and architecture will actually enhance and frame existing mountain views and make such views more accessible and readily available to the public. These "view" design features were added to the project based on direction from the City Planning Commission and HLC during joint public work sessions in April and May of 1999, in order to preserve mountain views, maintain visual openness, promote an

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appropriate architecture and aesthetic which enhances public views and improves the overall visual beauty of the area and its buildings. Such architectural variations and requirements will also reduce the overall size, bulk, and scale of the Entrada project and bring about a building scale more appropriate to this area yet allow for the appropriate and economic redevelopment of private property and this part of State Street. In addition, the Entrada Project will result in all overhead utility lines being undergrounded as well as the elimination of other certain visually blighted features, such as vehicle sales parking, excess pre-existing non-conforming signage, and the removal older industrial buildings, no longer appropriate for this Coastal area.

The Entrada Project will include open plaza areas and publicly accessible paseos designed to preserve visual openness in the Waterfront area. The Entrada Project will clearly upgrade an existing currently unattractive and uninviting area, particularly with respect to bringing the public there in the evening for nighttime and weekday recreational and restaurant uses. In addition, the Entrada Project design will not adversely affect important public scenic views from scenic coastal areas. As a result, the Council believes and finds that the Entrada Project is very consistent with the goals and purposes of PRC Section 30251.

PRC Sections 30252 and 30253, in summary, require that the location and amount of new development in the Coastal Zone maintain and enhance public access to the coast, and minimize energy consumption and vehicle miles traveled. The Entrada Project is located approximately 250 feet inland of Cabrillo Boulevard, the first public road paralleling the Pacific Ocean. The Project includes a number of features designed to improve public circulation within the project area and to enhance access to the coast, namely the widening of the existing bike lanes on State Street, improvement of the State Street sidewalks consistent with the State Street Plaza north of US 101, provisions for public plazas and paseos, and service to the site by the State Street/Waterfront Shuttle.

The proposed land use mix of vacation time-share units and commercial retail/restaurant uses of the Entrada project provide for the real possibility of a conjunctive use that discourages additional vehicle trips by providing commercial uses within walking distance of the time-share units along with convenient and inexpensive one-time parking and, consequently, a very pedestrian friendly environment. In addition, the Coastal permitting of the State Street Sidewalk and other right of way improvements is particularly appropriate in view of the policy direction of PRC Section 30252 that public access be promoted to the greatest extent possible. The Council believes that the State Streets sidewalk widening elements of this Project will mirror the success of the State Street pedestrian plaza concept utilized above Haley Street and will tremendously enhance the public use of this area of the Waterfront in the evenings, especially during weekday evenings. This is fully consistent with many of the main public access and recreational goals of the state Coastal Act.

The Conditions of Approval also require implementation of the following Transportation Demand Management Programs:

- Employers within the project to purchase MTD bus passes for their employees.

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- Preparation and implementation of a Visitor Information Program which provides, among other items, information on alternative transportation modes and schedules.
- Shuttle service to the Santa Barbara Airport and Railroad Station.

The Entrada Project will result in a conservative estimate of approximately 30 – 80 surplus parking spaces which would be available to the public on the same basis as other City parking facilities.

Overall, the reduction in vehicle trip generation from current baseline conditions, the proposed surplus of parking, the proposed circulation improvements, and the conditions of approval requiring implementation of Transportation Demand Management Programs, result in the Entrada Project being consistent with PRC Sections 30252 and 30253.

PRC Section 30253 also requires that new development minimize risks to life and property in areas of high geologic, flood and fire hazard. According to the Entrada Project, the Entrada Project is located in a high liquefaction potential area. However, the Entrada Project would incorporate all current 2001 Building Code requirements and all recommendations of the Preliminary Soils Report prepared for the Project. Therefore, no significant impacts related to liquefaction hazards would occur.

The Entrada Project site is located in the vicinity of the Mission Creek floodway and is located in the Flood Plain Zone. However, according to the Water Environment Section of the approved MND (based on the Second Revision to the Initial Study), the Entrada Project is not expected to expose people or property to significant flooding hazards because the Project incorporates appropriate flood control measures. The Project site is currently developed with primarily impervious parking surfaces with minimal landscape area. The Entrada Project includes more landscaped area than the current baseline uses, allowing for more absorption of storm water run-off. As a result, the Entrada Project is consistent with PRC Sections 30253.

PRC Sections 30231, 30232, and 30240, all provide for the protection of biological productivity and quality of coastal water and marine environments. Currently, storm water run-off from the Entrada project site and surrounding area is directed to storm water catch basins that empty directly into Mission Creek without any form of pre-treatment or filtering. The Conditions of Approval for the Entrada project require upgrades to the storm water system including the installation of industrial interceptors, as necessary, in order to prevent liquid wastes resulting from parking and cleaning areas from contaminating the storm water system. This pre-treatment would be a benefit to the Mission Creek water environment, including sensitive species and habitats.

The Entrada Project indicates that new buildings on Area A will be setback at least 25 feet from the top-of-bank of the proposed Alternative 12 alignment of the Lower Mission Creek Flood Control Project. In addition, the Entrada project proposes to restore the top-of-bank setback area on Area A with riparian habitat restoration vegetation and will include a public pathway for access to this area, upon its acceptance by the City and the provision of continuous public access to the setback area.

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The improvements to the storm water system and the restorative measures proposed for the Mission Creek setback area on Area A are consistent with Sections 30231, 30232, and 30240.

b. The proposed Entrada development is also consistent with all applicable policies of the City's Coastal Local Plan, all implementing guidelines, and all related provisions of the Municipal Code/ Zoning Ordinance, as certified by the state Coastal Commission.

The policies, guidelines, and provisions contained within the planning documents mentioned above include recommendations/ requirements for protection of Mission Creek, avoidance of flood hazards, promotion of visitor-serving uses, protection of visual resources, the provision of adequate circulation and parking and the promotion of public transit and pedestrian infrastructure. Again, the Entrada development will be setback from Mission Creek, will be available to a variety of visitors throughout the year, will be visually interesting, will allow for increased pedestrian activity along State Street and other streets and provide visual interest and a connection between the City's Downtown and Waterfront areas, will not significantly contribute to traffic congestion, and it will promote the use of alternative transportation. The proposed development will not result in a significant adverse environmental affect on public views along the ocean or views of the Waterfront or views of the mountains. The proposed Entrada development (with mitigations and as conditioned) is, therefore, fully consistent with all applicable policies of the City's Local Coastal Plan, implementing guidelines, and provisions of the Municipal Code/ Zoning Ordinance, as understood, interpreted, and implemented by this City Council.

c. In response to the California Coastal Commission's Staff review of the previously approved Entrada Project as discussed in a Commission Staff Report dated March 22, 2000, the following conditions have been specifically added to the Entrada Conditions of Approval for Area A for the Entrada Project in order to further its consistency with the goals and policies of the California Coastal Act of 1976 and the City's Local Coastal Plan, as recommended by Commission staff.

- Condition A.20.—pertaining to the availability of Area A for public use as a transient occupancy hotel unit;
- Condition A.21.—pertaining to maintenance of the Mission Creek setback area in perpetuity;
- Condition E.3. and E.4.—pertaining to the requirement that all new buildings on Area A are setback a minimum of 25 feet from the top-of-bank of Mission Creek of the Lower Mission Creek Flood Control Project, that the setback area is landscaped pursuant to an approved habitat restoration plan;
- Condition A.23.—pertaining to the requirement for a recorded shared parking between Areas A, B, and C;
- Condition A.24.—pertaining to the requirement to provide an in-lieu fee to the Redevelopment Agency for the possible replacement of some portion of the previously existing lower-cost overnight visitor serving accommodations located in the Californian Hotel;
- Condition A.19.—pertaining to the requirement to amend the Coastal Development Permit for any

- changes of land use on Area A; and
- Condition C.1.—pertaining to submittal and approval of a drainage and polluted run-off control plan and implementation of said plan, and provisions for the maintenance of certain components associated with said plan.

**3. Findings for Development Plan Approvals Pursuant to Santa Barbara Municipal Code Section 28.87.300.**

- a. The proposed development complies with all provisions of the Zoning Ordinance.

The Entrada Project (with modifications) complies with all provisions of the Zoning Ordinance, including uses, parking, setbacks, and building height. The Project's vacation time-share units and retail/ commercial uses are fully and expressly consistent with the visitor-serving and commercial uses allowed under the HRC-II and SD-3 zone districts applicable to the Property. The Project would provide sufficient parking for the proposed Project uses.

The Entrada Project, and each of Areas A, B, and C, as conditioned in the Conditions of Approval, complies with all provisions of the City's Zoning Ordinance. The Project, and each Area of the Project, Areas A, B, and C, meet all applicable requirements of the City's HRC-II Zone District, and meet the required criteria for modifications allowed by Zoning Ordinance; and

- b. The proposed Entrada development is consistent with the principles of sound community planning.

The Entrada Project and each of Areas A, B, and C, as conditioned in the Conditions of Approval and as now mitigated in the Redesigned Project Description, is consistent with the principles of sound community planning. The Project, as conditioned, is consistent with the City's goals and policies regarding land use and circulation as discussed in the Planning Commission Staff Report, dated June 28, 2001. The Entrada Project includes land uses that were planned for and expected within this area based on the direction in the General Plan and, as such, are complimentary both to each other and to the City's vision for this Coastal Zone area. The Entrada Project provides for a mixed-use visitor-serving development in an enhanced pedestrian environment, and would provide needed aesthetic improvements to this area of lower State Street, including open plaza areas, high quality architecture and landscaping, and undergrounding of utilities, and the seismic retro-fit of currently unsafe historically and architecturally significant buildings.

The Entrada Project represents an important visual, functional, and economic link between the Downtown and Waterfront areas for pedestrians and for those members of the public who may choose to use public transit opportunities to connect the Waterfront and Harbor areas with the Downtown, and represents a private redevelopment effort to improve an underdeveloped area within the City's Waterfront area with the provision of a range of visitor-serving uses in a manner which will be consistent with existing development already in the area; and

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c. The proposed Entrada development will not have a significant adverse impact upon the neighborhood's aesthetics/ character in that the size, bulk, or scale of the development will be compatible with the neighborhood.

The proposed development has been the subject of intense public scrutiny and multiple revisions. It is evident that the Project applicant has clearly and consistently sought to reduce the size, bulk, and scale of the Project in trying to give it human proportion and to make it further compatible with the neighborhood and in response to the expressed concerns of the public and City boards and commissions.

The proposed Entrada development has been designed to balance the architecture and massing of the existing Californian Hotel located to the south of the site across State Street. The mix of proposed two and three-story elements will serve to balance the existing four-story structure located across the street, further breaking up the development's massing and allowing picturesque views to the Santa Ynez Mountains, and the wide public plazas and paseos being proposed on Areas B and C. The proposed vegetation and landscape palette also further break-up the Project's massing. It is clear to us, therefore, that the proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/ character and that the development will be compatible with the neighborhood.

The size, bulk, and scale of the Entrada Project, as conditioned, would be appropriate for the neighborhood, given the variations in building height, façade, and massing, along with the provision of open plaza and paseo areas and view corridors to the mountains; and

d. The proposed Entrada development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock.

The Entrada Project and each of Areas A, B, and C, will not have a significant unmitigated adverse impact upon the City's or the South Coast's affordable housing stock. No known legal affordable or deed restricted housing units exist at the Entrada Project site currently. The approved MND (based on the Second Revision to the Initial Study) indicated that the Entrada Project was anticipated to generate approximately 79 employees, seven more than the estimated 72 employees presently associated with the existing uses. This number of net new employees was found not to have the potential to cause a significant adverse impact on the City or South Coast's affordable housing stock. The Redesigned Entrada Project further reduces the amount of commercial/retail square footage of the Project by 668 square feet and the number of transient occupancy units by 50 as compared to Entrada Project analyzed in the Second Revision to the Initial Study. Therefore, it remains apparent that the Entrada Project will not be a major employment generator for the City or the South Coast. If the Entrada Project generates any new employees, at all, these additional employees would more than likely be residing in the City or South Coast area already. Therefore, the Entrada Project is not anticipated to have a significant unmitigated adverse impact upon City and South Coast affordable housing stock.

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Moreover, the Project will create substantial property tax increment revenues to the City's Redevelopment Agency since it is located in the Agency's Central City Redevelopment Project Area, a significant portion of which (not less than 20 percent) must be allocated to and used by the Redevelopment Agency to foster and encourage low and moderate income affordable housing both within the Project Area (which includes a substantial portion of the Coastal Zone) and within the City generally; and

e. The proposed Entrada development will not have a significant unmitigated adverse impact on the City's water resources.

The Entrada Project and each of Areas A, B, and C, will not have a significant unmitigated adverse impact on the City's water resources. The Project site is located in an urban area, and is served by existing utilities which utilities have the present and anticipated capacity, now and in the future, to properly and adequately serve the Project without adversely impacting such resources. As a result, as discussed in more detail in the Second Revision to the Initial Study, the Project will not have a significant impact on the City's water resources; and

f. The proposed Entrada development will not have a significant unmitigated adverse impact on the City's traffic.

The Project site is currently developed with several structures, with access acquired to and from the site via public roadways. As discussed in the Second Revision to the Initial Study and the Mitigated Negative Declaration, the Entrada Project is anticipated to generate fewer vehicular trips than the existing conditions, will promote alternative transportation uses, will enhance the City's pedestrian environment, and create no new significant traffic impacts to area roadways and intersections. The Project, in addition, will contribute to roadway improvements at State Street, Mason Street, and Helena Avenue. The proposed development will, therefore, not have a significant unmitigated adverse impact on the City's traffic; and

g. The resources will be available and traffic improvements will be in place at the time of Entrada Project occupancy.

The Entrada Project is conditioned such that building permits and, in some cases, building occupancy will not be granted until such time that streetscape and intersection improvements which the Project applicant offered for dedication to the City and its Redevelopment Agency (and which are conditions of approval) are in place. The Project conditions will, therefore, ensure that resources will be available and traffic improvements will be in place at the time of Project occupancy. The necessary traffic and other circulation resources will be available and the needed traffic improvements will be in place at the time of Entrada Project occupancy.

**4. Findings for Transfer of Existing Development Rights Pursuant to Santa Barbara Municipal Code Section 28.95.060**

a. The proposed Development Plans for both the sending and receiving sites are consistent with the goals and objectives of the General Plan of the City of Santa Barbara and the Municipal Code.

The proposed Sending Site (Area A) and Receiving Sites (Areas B and C) utilized by the Project within the proposed Site are consistent with Zoning Ordinance Requirements, General Plan provisions regarding the openness and visual character of the Lower State Street area, and LCP provisions regarding visual resources.

The General Plan of the City of Santa Barbara and the Municipal Code provide for the orderly development of the Santa Barbara community. The goals and objectives of the General Plan and Municipal Code for the sending and receiving sites are similar in that Projects should:

- be setback from Mission Creek
- be visitor-serving
- be visually interesting
- be environmentally benign
- allow for increased pedestrian activity
- act as a connection point between the City's Downtown and Waterfront areas
- promote the use of alternative transportation

Proposed developments on Areas A, B, and C accomplish the above goals and objectives and are consistent with the General Plan of the City of Santa Barbara and the Municipal Code.

b. The proposed developments will not be detrimental to the site(s), neighborhood, or surrounding areas.

Proposed developments on Areas A, B, and C have gone through an extensive planning, environmental review, and design process. The community, including the Project area neighborhood and surrounding areas, has been an active participant in this process. The size, bulk, and scale of the Project have been reduced several times in order to retain and enhance important public views of the Santa Ynez Mountains and the Waterfront area. The Entrada proposed development will provide a parking garage, portions of which will be available to the public. Thus, on-street congestion and parking difficulties would not be exacerbated. The proposed developments will result in no significant impacts to environmental resources. The proposed development, therefore, will not be detrimental to the sites, neighborhood, or surrounding areas; and

c. The floor area of proposed non-residential development on the Project Receiving Site does not exceed the sum of the amount of Existing Development Rights (as established under Title 28 of the SBMC) transferred when added to the amount of Existing Development Rights on the Receiving Site, and does not exceed the maximum development allowed by the applicable zoning of the Receiving Site.

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The Project is consistent with this requirement; and

d. Each of the proposed non-residential developments on the respective internal Sending Site(s) and Receiving Site(s) of the Entrada Project will meet all standards for City review as set forth in Section 28.87.300.E of the Santa Barbara Municipal Code and all provisions of Chapter 28.95 of the Santa Barbara Municipal Code, and will comply with any additional specific conditions for a transfer of development rights approval.

All proposed developments meet the Development Plan Standards for Review as discussed elsewhere in this Resolution of the City Council of the City of Santa Barbara under Discretionary Applications Findings and Determinations, Development Plan Approvals, and are consistent with the provisions for the Transfer of Existing Development Rights.

The Conditions of Approval for the Entrada Project include all requirements for an appropriate TEDR approval; and

e. The Development remaining, or to be built on the Sending Site is appropriate in size, scale, use and configuration for this neighborhood of State Street and is beneficial to the local community.

Proposed developments on Areas A, B, and C have gone through an extensive planning, environmental review, and design process. The community, including the Project area neighborhood and surrounding areas, has been an active participant in this process. The size, bulk, and scale of the Project have been reduced several times in order to retain and enhance key views of the Santa Ynez Mountains and the Waterfront area. The size, bulk, and scale of the proposed developments are similar to those of other Waterfront and Downtown properties. As demonstrated within Project environmental documentation, the proposed developments will not result in any significant impacts, including land use and aesthetic impacts. The proposed developments will result in no significant impacts to environmental resources. Development remaining, or to be built, on a sending site is, therefore, appropriate in size, scale, use, and configuration for the neighborhood and is beneficial to the community.

**5. Findings for Approval of Each of the Tentative Maps Pursuant to Santa Barbara Municipal Code Section 27.07.100.**

a. The Tentative Subdivision Maps requested for each of Area A, Area B, and Area C of the Entrada Project are consistent with the General Plan and the City Zoning Ordinance of the City of Santa Barbara.

As stated above, the Entrada Project, as conditioned, is consistent with the SBMC Title 28 (Zoning Ordinance) requirements, General Plan provisions regarding openness, visual character, and circulation within the Lower State Street area, and consistent with the City's LCP provisions regarding visual resources.

The Project site has a General Plan designation of Hotel and Retail Commerce and is zoned for HRC-II (Hotel and Related Commerce), with an overlay of SD-3 (Coastal Overlay Zone). Approval of the map will facilitate development of visitor-serving uses and will promote other Local Coastal Plan policies. No changes in land use or zoning are proposed. The map is, therefore, consistent with the Zoning Ordinance, General Plan, and Local Coastal Plan.

b. The design or improvement of the proposed development is consistent with applicable City General Plans.

Area A currently consists of two lots commonly recognized as APN 33-102-04 and 33-102-14. The applicant would merge these lots and the existing interior lot lines would be removed. Fifteen (15) airspace elements for timeshare units would be created, as well as commercial condominiums consisting of 5,368 square feet. As per the Subdivision Map Act Section 66427 (General Provisions—Condominium Requirements), the commercial/ retail condominiums with airspace elements for timeshare units are not required to be shown on the map, but will be further described via recorded deeds. The map is consistent with the state Subdivision Map Act, including Section 66452 (Tentative Maps) and Section 66453-66455 (Review of Tentative Maps by Other Agencies).

Area B currently consists of three lots commonly recognized as APN 33-111-01, 33-111-02, and 33-111-03. The applicant would merge these lots and the existing interior lot lines would be removed. Twenty-four (24) airspace elements for timeshare units would be created, as well as commercial condominiums consisting of 3,560 square feet. As per the Subdivision Map Act Section 66427 (General Provisions—Condominium Requirements), the Commercial/ retail condominiums with airspace elements for timeshare units are not required to be shown on the map, but will be further described via recorded deeds. The map is consistent with the Subdivision Map Act, including Section 66452 (Tentative Maps) and Section 66453-66455 (Review of Tentative Maps by Other Agencies).

Area C currently consists of five lots commonly recognized as APN 33-081-03, 33-081-04, 33-081-05, 33-081-10, and 33-081-11. The applicant would merge these lots and the existing interior lot lines would be removed. Seventeen (17) airspace elements for timeshare units would be created, as well as commercial condominiums consisting of 7,936 square feet. In addition, a two-level 145-space parking structure would be constructed. As per the Subdivision Map Act Section 66427 (General Provisions—Condominium Requirements), the commercial/ retail condominiums with airspace elements for timeshare units are not required to be shown on the map, but will be further described via recorded deeds. The map is consistent with the Subdivision Map Act, including Section 66452 (Tentative Maps) and Section 66453-66455 (Review of Tentative Maps by Other Agencies).

c. The site is physically suitable for the type and density of the proposed development.

The Entrada Project site, in addition, is located in a downtown urban environment, is located in close proximity to mass transit (Amtrak train service and State Street Shuttle), is in close proximity to

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Stearns Wharf, the boardwalk and other coastal resources. Given the site's historic visitor-serving uses, its density, its location in a dense urban environment, and its proximity to the coast; the site is physically suitable for the type and density of the proposed development.

Area A is 0.48 acres in size and is currently developed with the four-story Californian Hotel, which consists of 33,004 square feet of currently vacant hotel guest space (96 hotel rooms) and 5,368 square feet of commercial space on the first floor. The existing structure is legally non-conforming as to its height (58 feet), number of stories (four), and setbacks (zero). The proposed development will consist of a seismic upgrade and remodel of the Californian Hotel, as well as the addition of two three-story elements. The total proposed guest space would consist of 31,253 SF, or 15 vacation ownership units (30 units when counting lock-out units). The Entrada Project's structural elements are setback over 100 feet from Mission Creek's existing alignment and approximately 27 feet from the Army Corps of Engineers Mission Creek Project Alternative 12 alignment. The Project includes creek restoration plantings which would enhance the creek-side habitat area.

Area B is 0.75 acres in net size and is currently developed with approximately 12,600 square feet of retail/commercial space. The proposed development will consist of a seismic upgrade and remodel of the 2,600 square feet "Hot Spots" building, as well as the construction of additional retail/commercial space and time-share units. The total proposed guest space would consist of 24 time-share (48 units when counting lock-out units).

Area C site is 1.18 acres in size and is currently developed with approximately 10,170 square feet of commercial space. The proposed development will consist of the moving, rehabilitation and remodel of the 2,500 square feet "Santa Barbara Motors building" (to be used by the City as the "Visitor-Information Center"), as well as the construction of additional commercial/ retail space and time-share units. The total proposed hotel guest space would consist of 17 vacation ownership units (34 units when counting lock-out units).

d. The development is not likely to cause substantial environmental damage or to substantially injure fish or wildlife or their habitat.

The Project site is located in an urban environment and is currently developed. As per the findings and analysis of the original Mitigated Negative Declaration/ Initial Study (MND/IS) and the Final Environmental Impact Report (EIR) focused on impacts to public views, the mitigated Project will not create any significant biological impacts. Best management practices related to water run-off will be incorporated into the Project in order to avoid impacts to Mission Creek. It, therefore, can be concluded that the development is not likely to cause substantial environmental damage or to substantially injure fish or wildlife or their habitat.

e. The development is not likely to cause serious public health problems.

The development is in part proposed in order to accomplish a seismic upgrade and remodel of a

building built in 1925, the Californian Hotel. The building, in its current condition, is considered unsafe. The seismic upgrade and remodel will allow for safe public use of the facility. In addition, the completed development will be required to comply with all public health and safety laws and regulations imposed upon hospitality operators. Any asbestos or other caustic material found during the demolition/ remodel of the structure would be required to be handled and disposed of safely in accordance with local Air Pollution Control District (APCD) requirements and any other applicable State regulations. The development, therefore, is not likely to cause serious public health problems.

f. The Entrada development will not conflict with easements acquired by the public at large for access through or use of the property within the proposed development.

All development will be confined within the proposed parcel's boundaries. No easements have been acquired, nor are they proposed, by the public at large for access through or use of the property within the proposed development. Public sidewalks will front along all public streets, thus, facilitating access to and around the Project site. The development, therefore, will not conflict with easements acquired by the public at large for access through or use of the property within the proposed development.

g. The Entrada Project provides reasonable public access to public natural resources.

No public natural resources currently exist on the Project site, although Mission Creek lies in close proximity to the proposed development on Area A. Should the Mission Creek alignment be expanded, the Project provides public access within the rear yard setback of the proposed structural development. Reasonable public access to public natural resources will, therefore, be accommodated.

h. The Project will not discharge waste into any existing community sewer system which would result in a violation of local Regional Water Quality Control Board requirements.

The Project is and will be served by the City of Santa Barbara's sewer system. The proposed Project is non-industrial in nature and will not involve the creation or use of wastes which if discharged into the community sewer system would result in a violation of local Regional Water Quality Control Board requirements.

### **C. Conditions of Approval.**

The City Council's approval is subject to the express conditions attached hereto as Exhibit A - the "Entrada de Santa Barbara Conditions of Approval" dated as of August 21, 2001 for each of Area A, Area B, and Area C.

**III. Final Designation as a Community Priority Project.** The City Council grants a Final Designation as a Community Priority Project per Santa Barbara Municipal Code §28.87.300 and allocates a maximum of 2,500 square feet of floor area for the proposed Visitor Information Center.

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**Findings for Granting a Final Designation as a Community Priority Project  
Pursuant to Santa Barbara Municipal Code Section 28.87.300.**

The Visitor Information Center meets the definition of a Community Priority in that it meets a need related to health, safety and general welfare.

The proposed VIC would allow for the provision of an important visitor serving use at a location which connects the Downtown and Waterfront areas. The VIC would be located in close proximity to the Santa Barbara Railroad Station and would be easily accessible to pedestrians and bicyclists along State Street. In addition, the VIC would be on the State Street/Waterfront Shuttle route providing users public transportation access to and from other visitor destination locations. Finally, the VIC is expected to bring a financial return to the City as more information on more goods, services, and events will be available to more visitors.

The City Council finds that the Visitor Information Center use meets the definition of a Community Priority in that it meets a need related to health, safety and general welfare.

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Adopted: August 21, 2001

