

**CONDITIONS OF APPROVAL FOR
ENTRADA DE SANTA BARBARA
AREA A**

AUGUST 21, 2001

- A. Prior to the issuance of building permits for the Project (Area A) on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded by the Owner with the Final Map as part as an Agreement Relating to Subdivision Conditions Imposed on Real Property which Agreement shall be reviewed as to form and content by the City Attorney, Community Development Director, and Public Works Director:
1. Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits, and any access road as appropriate. Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
 2. Owner shall assign to the City of Santa Barbara the exclusive right to extract water from under the Real Property.
 3. Owner shall comply with the Area A Landscape Plan as approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property (Area A) shall be provided and regularly maintained in accordance with the landscape plan.
 4. The development of the Real Property (the Area A "Project") is limited to the project description and development and site plan for Area A approved by the Planning Commission on July 11, 2001, more specifically described as 5,368 sq. ft. of non-residential building area, 15 time-share units (30 units including lock-out units), and the improvements shown on the Tentative Subdivision Map/Development Plan for Area A signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. Pursuant to the Planning Commission's approval of the Project, the mass of Unit B301 shall be removed from its location shown on the development and site plan for Area B. The time-share unit may be incorporated within Area A, Area B, or Area C as long as the total mass of any Area in which the time-share unit is relocated does not increase.
 5. All exterior lighting, where provided, shall comply with the City's Lighting Ordinance and shall be of low intensity in order to provide aesthetically pleasing lighting which promotes safety, but shall not impose on adjacent properties and uses. No floodlights shall be allowed. All lighting shall be directed toward the ground.

EXHIBIT A

6. Owner shall enter into an agreement with the Santa Barbara Metropolitan Transit District ("MTD") which provides that:
 - a. Owner and all businesses operating from the Real Property (Area A) shall contact the MTD to purchase bus passes or the equivalent for those employees requesting such passes. The passes shall be provided free of charge to employees who request them and shall allow travel to and from work. Notice of the free passes shall be provided to employees at the time they are hired. Notice of the free passes shall be posted continuously along side the employee rights.
 - b. Notice of MTD bus routes and schedules shall be placed and maintained in an up-to-date manner at a central (public) location accessible to all Project employees and time-share residents.
7. All Project employees shall also be made aware of the Ride-Sharing Program or similar successor programs administered by the Santa Barbara County Association of Governments or successor agency. All business operating from the Real Property (Area A) shall have employees registered semi-annually in the Ride-Sharing Program and shall make every effort to encourage participation in the Ride-sharing Program.
8. Parking lot sweeping and trash pickup operations shall be prohibited on the Project site between the hours of 10:00 p.m. and 7:00 a.m.
9. A minimum of 8 bicycle parking shall be provided and maintained on Area A.
10. The Agreement shall provide for express requirements imposed on the owner(s) of the time-share estates (and their operator or agents) which assure full compliance with the requirements of the City's Transient Occupancy Tax ordinance (SBMC Chapter 4.08) including, but not limited to, the following requirements:
 - a. For the reporting to the City Finance Director of all transient occupancy revenues from the time-share units (whether primary or "lock-out" type).
 - b. For the collection of the applicable Transient Occupancy Tax, including any applicable late penalties.
 - c. For the prompt timely payment of such taxes and applicable penalties to the City.
 - d. Record keeping requirements sufficient to establish, to the City's reasonable satisfaction, when a time-share unit (whether primary or "lock-out" type) has been occupied by a time-share owner, a member of the owner's immediate family, or a non-paying guest of the owner, under circumstances where no monetary consideration accrues to the owner as a result of the guest's or family member's occupancy and, therefore, S.B.M.C. Chapter 4.08, as currently enacted, does not apply to the occupancy.

- e. A methodology for establishing the daily fair market rent paid as a result of the occupancy of a time-share unit (whether primary or "lock-out" type) by a non-owner where the occupancy is not a result of the payment of cash consideration.
 - f. Appropriate record keeping requirements sufficient to allow the City to audit the time-share owners (or the Project operator or agents thereof) for compliance with the City's Transient Occupancy Tax Ordinance; and
 - g. The Owner will expressly acknowledge that the above-stated Transient Occupancy Tax conditions are for the express purpose of enforcing the reporting and collection of the City's Transient Occupancy Tax as such tax is enacted on the date of the approval of Owner's Project.
 - h. Owner shall also expressly acknowledge that the City Council may, through an amendment to Santa Barbara Municipal Code Chapter 4.08, extend the applicability of the Transient Occupancy Tax to the occupancy of time-share units by the owners of such units (including non-paying family members and guests). The Owner will further acknowledge that, should such an amendment to Chapter 4.08 be enacted, the provisions of the above-referenced agreement with respect to the record keeping, reporting, and collection of City Transient Occupancy Taxes will apply with equal force to the occupancy of time-share units by an owner thereof, as well as to members of the owner's family and non-paying guests of the owner.
11. All Existing Development Rights for the sending and receiving sites, measured by number of hotel rooms and square feet of floor area, shall be clearly and accurately designated on the Sending and Receiving Site development plans pursuant to SBMC 28.95.070.B.2. The agreement by which the Existing Development Rights are to be transferred shall be reviewed and approved by the City Attorney and the Community Development Director pursuant to SBMC 28.95.070.B.3 and recorded with the County Recorder. Proof of the elimination of the transferred floor area from the Sending Site area shall be reviewed and approved by the Community Development Director prior to recordation of the transfer instrument pursuant to SBMC 28.95.070.B.4. Proof of recordation and proof of elimination of the Existing Development Rights on the Sending Site shall also be submitted to the Community Development Director pursuant to SBMC 28.95.070.B.5.
12. The proposed vacation-ownership units shall be marketed as time-share units (as defined by California Business and Professions Code Section 11003.5) in accordance with a sales/marketing plan to be submitted to the City and approved by the Community Development Director and the City Attorney, prior to the recordation of any one of the Final Subdivision Maps for the project. The sales/marketing plan shall include, but not be limited to, the times, areas, and methods used to sell the time-share units, marketing methods to be used, on-and off-site marketing and signage, and provisions for re-sale of units. The

sales/marketing plan shall also include provisions to ensure that no sale or re-sale of interest in the project shall allow for any occupancy of one primary unit or lock-out unit by owner or other occupants in excess of 30 consecutive days.

13. The Owners shall all provide a time-share-marketing contingency and conversion plan outlining actions to be taken by the applicant if 50 percent of the time available to be sold for the vacation-ownership estates located on Area A, Area B, or Area C fail to sell within two years of the issuance of the Certificate of Occupancy for the first unit located on Area A, Area B, or Area C. This plan shall include enforceable mechanisms to ensure compliance with the contingency and conversion plan or appropriate conversion of the remaining units to transient occupancy hotel uses in a manner consistent with the applicable zoning and the City's Certified LCP to the satisfaction of the Community Development Director and the City Attorney. Any time-share conversion proposed pursuant to this plan to a use other than transient occupancy hotel use shall be subject to review and approval by the Planning Commission and shall require an amendment to the Coastal Development Permit.
14. All weekday deliveries to the Project premises shall be scheduled for times outside of the weekday evening 4-6 p.m. peak traffic hours and all day on weekends and Holidays.
15. A Visitor Information Program shall be prepared and implemented in order to provide information to vacation ownership unit occupants prior to their arrival at the project. The Program shall be subject to review and approval by the Community Development Department and the Transportation Planning Division and shall include, but not be limited to the following:
 - a. A means of providing train, bus, time-share shuttle and airline schedules and maps and information to prospective time-share unit guests.
 - b. A means of providing time-share unit guests with information on the availability of valet parking upon check-in, alternative transportation modes, schedules, and maps of access to the Central Business District, beach area and other local and regional points of interest. In addition, the time-share unit operator shall contact the Metropolitan Transit District to purchase bus and/or shuttle passes or tokens for hotel guests. The availability of these passes shall be made known to all guests.
 - c. An explanation of the City's clean air and energy reduction goals, and an explanation of the benefits of using alternative transportation modes.
 - d. Provisions for optional valet parking at registration/check-in.
16. The Owner shall provide shuttle service to the Santa Barbara Airport and Railroad Depot for arriving and departing vacation ownership unit occupants.
17. Any changes of the land uses located on Area A (to the extent such changes constitute "development" under Public Resources Code Section 30106 of the

California Coastal Act) approved, as part of this Coastal Development Permit shall require an amendment to the Coastal Development Permit for Area A.

18. The Owner shall prepare for the review and the approval of the Community Development Director a plan for the operation of the proposed time-share units located on Area A, which includes the following operational requirements:
 - a. Operation provisions that any time-share unit located on Area A which is not in use by the time-share estate owner or his/her authorized guests or invitees or authorized timeshare exchange guests ("Vacant Timeshare Unit"), shall be available for public use as a transient occupancy hotel unit.
 - b. Implementation of an operational plan which will maximize the rental of the vacant time-share units in Area A to the general public for transient occupancy hotel purposes.
19. The Mission Creek setback area located on Area A (hereinafter the "Mission Creek Setback Area") and shown on the Approved Site Plan for Area A and as approved by Condition E.3, 4, and 5 hereof shall be maintained by the Owner in perpetuity.
20. The Mission Creek Setback Area Pedestrian Pathway (hereinafter "Pathway") shall be made accessible and usable by the pedestrian public through an offer to dedicate an easement for public pedestrian access along such pathway which easement may be accepted by the City upon the final approval of the City/U.S. Army Corp of Engineers Mission Creek Flood Control Project and the acquisition by the public of access from Mason Street to the Pathway. In the event such easement is accepted by the City, the responsibility for maintenance of the Pathway and liability with respect to the Pathway shall be appropriately accepted by the City.
21. The Owner shall provide an Off-Site Parking Agreement which provides for shared parking in the Parking Facilities located in Areas A, B, and C among, between and for the benefit of Areas A, B and C and for the permanent maintenance of the Parking Facilities.

The form and content of the Shared Parking Agreement shall be subject to review and approval of the City Attorney, Community Development Director, and Public Works Director, and shall be recorded in the official records of Santa Barbara County as real property covenants with respect to Areas A, B, and C. Any modification to the Shared Parking Agreement, the Parking Facilities or their operation as described in the Project Approvals for Areas A, B and C shall require an amendment to the Coastal Development Permits for Areas A, B and C.
22. The Applicant through a written agreement with the City Redevelopment Agency, shall pay an in-lieu Mitigation Fee for the loss of the previously existing lower cost overnight visitor serving accommodations which were located in the Californian Hotel on Area A (hereinafter the "Overnight Accommodation Mitigation Fee"). The Overnight Accommodation Mitigation Fee shall be based

upon the PKF Consulting Analysis and Advice Report dated June 7, 2001 (as submitted to the City), and which was independently reviewed by the City under a contract with an outside expert consultant. In furtherance of this proposal, Applicant agrees to the imposition of the following Condition of Approval on the Coastal Development Permit for Area A:

- a. Prior to the issuance of a building permit for the development of Area A authorized by this Coastal Development Permit, Applicant will deliver to the Redevelopment Agency of the City of Santa Barbara an Overnight Accommodation Mitigation Fee in the amount of \$982,000, as adjusted by the CPI as provided below. The City of Santa Barbara Redevelopment Agency will deposit said funds in an appropriate account earmarked in accordance with the requirements of this Condition. The funds so deposited and any interest earned thereon shall be used by the Redevelopment Agency of the City of Santa Barbara, as the Redevelopment Agency shall determine in its discretion, to subsidize or encourage the development of new, or maintenance or preservation of existing, lower cost visitor serving accommodations located within the Central City Redevelopment Project Area of the City of Santa Barbara.
 - b. At the time of payment of the Mitigation Fee, the amount of the Mitigation Fee shall be adjusted by the upward change, if any, from the Base Date specified below, in the Consumer Price Index of the Bureau of Labor Statistics of the U.S. Department of Labor for Urban Wage Earners and Clerical Workers for Los Angeles-Riverside-Orange Counties, All Items (1982-1984 = 100), herein referred to as "CPI".
 - c. The adjustment to the Overnight Accommodation Mitigation Fee shall be calculated as follows: the Mitigation Fee of \$982,000 set forth above shall be multiplied by a fraction the numerator of which shall be the CPI of the calendar month three months prior to the date of payment, and the denominator of which shall be the U.S. Department of Labor CPI of the month of July, 2001 (the "Base Date").
 - d. In the event the compilation and/or publication of the CPI shall be transferred to any other governmental department or bureau or agency or shall be discontinued, then the index most nearly the same as the CPI shall be used to make such calculation.
- B. The following Condition of Approval are imposed with respect to the Entrada Project's obligation relative to improvements on State Street, Mason Street, and Helena Avenue.
1. "Final Approval" (as defined herein) or implementation of the State Street Sidewalk Widening Project is not a condition of approval of the Entrada Project.
 2. "Final Approval" for the purposes of this condition shall mean that the City Council has decided to adopt an ordinance of the City to approve the State Street Sidewalk Widening Project and said decision is final, either because it has been approved by the voters of the City as required by an ordinance of the City or such

approval is not required and the City Council's approval ordinance has become effective in accordance with the requirements of the City Charter.

3. If the State Street Sidewalk Widening/Road Narrowing Project is Finally Approved then the Entrada Project will have the following financial responsibility for the State Street Sidewalk Widening/Road Narrowing Project:
 - a. If the State Street Sidewalk Widening/Road Narrowing Project is Finally Approved prior to issuance of a building permit for Areas B or C, then the Entrada Project will build, at Entrada's expense, the State Street Sidewalk Widening/Road Narrowing Project as part of the Entrada Project.
 - b. If the State Street Sidewalk Widening/Road Narrowing Project is Finally Approved after issuance of a building permit for Areas B or C, and the City commits to build the State Street Sidewalk Widening/Road Narrowing Project prior to the date that the Developer of the Entrada Project commences selling Timeshare Units or five years from the date of Final Approval of the Entrada Project, then the Entrada Project will be obligated to construct the State Street Sidewalk Widening/Road Narrowing Project improvements within one year of the date of Final Approval of the State Street Sidewalk Widening/Road Narrowing Project.
 - c. However, if the State Street Sidewalk Widening/Road Narrowing Project is not Finally Approved prior to the date that the Developer of the Entrada Project commences selling Timeshare Units or five years from the date of Final Approval of the Entrada Project, or the City does not commit to build the State Street Sidewalk Widening/Road Narrowing Project prior to that date, then the Entrada Project shall not bear any cost of expense of the State Street Sidewalk Widening/Road Narrowing Project.
4. If the State Street Sidewalk Widening/Road Narrowing Project is implemented pursuant to B.2.a. or B.2.b. above then the Entrada Project shall prepare as part of the State Street Sidewalk Widening/Road Narrowing Project an evacuation plan for the Waterfront Area. Said plan shall include:
 - Optimum evacuation routes.
 - An evacuation route traffic control plan.
 - Refuge areas with the capacity to shelter evacuated population.
 - Simplified maps depicting evacuation zones, routes, and refuge areas.
 - Dissemination of information procedures.Said Evacuation plan shall be subject to review and approval of the Community Development Director.
5. If the Entrada Project is Finally Approved and if the State Street Sidewalk Widening/Road Narrowing Project is Finally Approved prior to issuance of a building permit for Areas B or C, then the Entrada Project The Owner shall submit the following or evidence of completion of the following to the Public

Works Department prior to issuance of a building permit recordation of the Final Map for either Area B or Area C. All public improvements shall be completed prior to issuance of a Certificate of Occupancy for any structure to be constructed on Area B or Area C:

- a. Owner shall provide Improvement Plans for construction of improvements on State Street, Mason Street, and Helena Avenue as such improvements are generally indicated on the Plans approved by the Planning Commission, DP2S, DP3S, and DP4S, and these conditions of approval. Improvements shall include, but are not limited to, curbs, gutters, sidewalks, driveways, City-approved pavement on aggregate base, pavement striping, underground utilities, street lights with underground wiring, appropriate directional and regulatory traffic control signs, extension and/or replacement of City utility mains, sewer system, water system, and drainage system, including adequate positive drainage. The improvement plans shall include the road narrowing transition improvements to accommodate the proposed reduction in traffic lanes on State Street. Improvements shall also include relocated bus pockets near the intersection of State and Mason Streets and public improvements as indicated on the project plans approved by the Planning Commission. A copy of the Conditions of Approval shall be placed on the Improvement Plans. The Improvement Plans shall be prepared by a registered Civil Engineer and reviewed by the City Engineer, the Transportation Manager, and shall be signed by the City Engineer.
- b. The Owner shall indicate on the Improvement Plans that all existing utility mains that were installed more than ten years ago beneath all new "Enhanced Pavement" areas including sidewalks, as indicated on the plans approved by the Planning Commission, shall be replaced with new pipe prior to the placement of the enhanced pavement. Proposed Enhanced Pavement materials shall be reviewed and approved by the Public Works Department and the Historic Landmarks Commission.
- c. The Improvement Plans shall also include the following items, subject to review and approval by the Public Works Department:
 - (1) The crosswalks at the intersection of State and Mason shall be configured to match the State Street Plaza design per the approval of the Public Works Director and Historic Landmarks Commission.
 - (2) The width of Mason Street where parking is provided on both sides shall be 36 feet (two 8-foot wide parking lanes, two 10-foot wide travel lanes) to allow for two feet of additional sidewalk on each side of Mason Street.
 - (3) The Mason Street crosswalks at the intersection of State Street shall remain 24 feet wide to accommodate vehicles turning right.

The width of the Mason Street mid-block crossing shall remain 20 feet wide.

- (4) The striping for parallel parking on Mason Street shall be omitted.
 - (5) The curb cut on State Street, parallel to the existing Channel Islands Surf Shop (29 State Street), shall be reduced such that it does not provide service to Site A. The curb cut shall be reduced to the width of the future driveway of 16 feet, whichever is less.
 - (6) Reconstruction of Helena Avenue south of Mason Street to the south end of the property frontage. The sidewalk and roadway shall be concrete. The improvements shall include: (i) a transition between the proposed project improvements and existing conditions, and the transition shall extend south of the subject property frontage; and (ii) associated drainage improvements; all to the satisfaction of the Public Works Department.
 - (7) Owner shall provide plan and profile sections of all underground pipes and drainage structures on the public right-of-way plans. The drainage improvements shall convey the 25-year storm event.
6. If the Entrada Project is Finally Approved and the State Street Sidewalk Widening/Road Narrowing Project is Finally Approved after issuance of a building permit for Areas B or C, or the State Street Sidewalk Widening/Road Narrowing Project is not Finally Approved then the Entrada Project shall submit the following or evidence of completion of the following to the Public Works Department prior to issuance of a building permit for either Area B or Area C. All public improvements shall be completed prior to issuance of a Certificate of Occupancy for any structure to be constructed on Area B or Area C:
- a. Owner shall provide Improvement Plans for construction of improvements on State Street, Mason Street, and Helena Avenue as such improvements are generally indicated on the Plans approved by the Planning Commission, DP2S, DP3S, and DP4S, except the State Street Sidewalk Widening/Road Narrowing Project, and these conditions of approval. Improvements shall include, but are not limited to, curbs, gutters, sidewalks, driveways, City-approved pavement on aggregate base, pavement striping, underground utilities, street lights with underground wiring, appropriate directional and regulatory traffic control signs, extension and/or replacement of City utility mains, sewer system, water system, and drainage system, including adequate positive drainage. Improvements shall also include relocated bus pockets near the intersection of State and Mason Streets. A copy of the Conditions of Approval shall be placed on the Improvement Plans. The Improvement Plans shall be prepared by a registered Civil Engineer and reviewed by the City Engineer, the Transportation Manager, and shall be signed by the City Engineer.

The Owner shall indicate on the Improvement Plans that all existing utility mains that were installed more than ten years ago beneath all new "Enhanced Pavement" areas including sidewalks, as indicated on the plans approved by the Planning Commission, shall be replaced with new pipe prior to the placement of the enhanced pavement. Proposed Enhanced Pavement materials shall be reviewed and approved by the Public Works Department and the Historic Landmarks Commission.

The Improvement Plans shall also include the following items, subject to review and approval by the Public Works Department:

- (1) The crosswalks at the intersection of State and Mason shall be configured to match the State Street Plaza design per the approval of the Public Works Director and Historic Landmarks Commission.
- (2) The width of Mason Street where parking is provided on both sides shall be 36 feet (two 8-foot wide parking lanes, two 10-foot wide travel lanes) to allow for two feet of additional sidewalk on each side of Mason Street.
- (3) The Mason Street crosswalks at the intersection of State Street shall remain 24 feet wide to accommodate vehicles turning right. The width of the Mason Street mid-block crossing shall remain 20 feet wide.
- (4) The striping for parallel parking on Mason Street shall be omitted.
- (5) The curb cut on State Street, parallel to the existing Channel Islands Surf Shop (29 State Street), shall be reduced such that it does not provide service to Site A. The curb cut shall be reduced to the width of the future driveway of 16 feet, whichever is less.
- (6) Reconstruction of Helena Avenue south of Mason Street to the south end of the property frontage. The sidewalk and roadway shall be concrete. The improvements shall include: (i) a transition between the proposed project improvements and existing conditions, and the transition shall extend south of the subject property frontage; and (ii) associated drainage improvements; all to the satisfaction of the Public Works Department.
- (7) Owner shall provide plan and profile sections of all underground pipes and drainage structures on the public right-of-way plans. The drainage improvements shall convey the 25-year storm event.

- C. The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to recordation of the Final Map for either Area A, Area B or Area C. All public improvements shall be completed prior to issuance of a Certificate of Occupancy for any structure to be constructed on Area B or Area C:

1. The Owner shall submit for the review and approval of the Community Development Director and the Public Works Director, a drainage and polluted runoff control plan (hereinafter the "Plan") for all permanent and temporary development authorized for Area A, designed by a licensed engineer which reduces the volume, velocity and pollutant load of storm water leaving the developed site to the maximum extent reasonably feasible. The Plan shall include but not be limited to the following criteria:
 - a. Post-development peak runoff rates, average volumes, and average pollutant load shall not exceed predevelopment conditions.
 - b. Runoff from all roofs, parking areas, driveways and other impervious surfaces shall be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices designed and maintained to remove environmental pollutants from storm water runoff.. The filter elements shall be designed to 1) trap sediment, particulates or other solids and 2) remove or mitigate contaminants through filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in a non-erosive manner.
 - c. The Plan shall include provisions for maintaining the drainage and filtration systems so that they are functional throughout the life of the approved development. Such maintenance shall include at least the following: (1) the drainage and filtration system shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures fail or result in increased erosion, the Applicant/landowner (or its successor-in-interest) shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area, including the use of native vegetation from local stocks.
 - d. The Plan shall include all relevant best management practices.
2. The Owner shall submit to the Public Works Department a Final Map for Area A prepared by a licensed Land Surveyor or registered Civil Engineer.
3. Owner shall provide an Executed Agreement for Land Development Improvements and improvement security for construction of improvements.
4. The Owner has submitted an application for a Substantial Encroachment Permit to the City for the arcade encroachment on Mason Street. There shall be no private use or occupation of the encroachment. The encroachment shall be reviewed for approval by the City Council. If the Substantial Encroachment is approved by the City Council, the Owner shall provide a separation distance of two-feet from the curb to the arcade encroachment.
5. The Owner shall enter into an agreement to maintain all enhanced roadway pavement within and adjacent to the proposed pedestrian crossings and the intersection of State and Mason Streets. The agreement shall be reviewed and

approved by the City Attorney and the Public Works Director, and shall be recorded in the Office of the County Recorder.

D. The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to issuance of a Public Works Permit or Building permit for the effected area.

1. The Owner shall obtain Minor Encroachment Permit(s) from the Public Works Department for encroachment and continued maintenance of any private improvements or enhanced pavement materials, that are dissimilar to the City approved enhanced paving materials, which extend from the subject property into the public right-of-way at the locations of plazas and paseos.
2. To the maximum extent feasible, the Owner shall underground all overhead utilities, including transmission and distribution lines, fronting and within the subject property, exclusive of those overhead utilities which cross the UPRR right-of-way. The Owner shall contact all public utility companies that have mains and services on State Street, Mason Street, and Helena Avenue, and provide a written request to the public utility companies for an analysis of their existing utilities to see if any main or utility service are aged and require replacement prior to restoration of construction within the public right-of-way. The Owner shall make allowance for and accommodate the utility companies in performing any utility main or service replacement work. The Owner shall submit a completed Underground Utility Personnel Contact Sheet to the Land Development Engineer.
3. As provided by SBMC Section 27.08.025, prior to the issuance of a certificate of completion for either Area A, B or C, all overhead utilities on the west side of Helena Avenue between Mason Street and Cabrillo Boulevard, including the overhead utilities and existing utility poles shown to be removed as shown on sheet DP 6S of the plans approved by the Planning Commission, shall be placed underground at the applicant/developer's expense provided, however, that the undergrounding of the existing utility services to adjacent properties on Helena Avenue which are served by the utility lines indicated to be removed on the approved plans is contingent upon the execution of a license agreement, between each of the affected adjacent property owners and the applicant, for entry on property or work on adjacent buildings owned by adjacent property owners for the purposes of accomplishing the undergrounding of their utility service connection, which license agreement shall be in a form acceptable to the City Engineer and the City Attorney. The License Agreement shall provide that the Applicant will bear the cost and expense of hooking up the underground utility lines to the main electric box or meter of the affected properties on Helena Avenue. The Applicant shall not be obligated to pay the costs and expenses necessary to remedy non-conforming or deficient utility connections of facilities located on the affected properties on Helena Avenue.

Should the agreement fail to be executed by all affected adjacent property owners within sixty (60) days following approval of the form of the agreement by the City

Attorney, the applicant shall be relieved of the obligation to underground utilities that serve the affected properties on Helena Avenue. The Owner shall provide for building guy anchors to secure any remnant utility poles associated with the project undergrounding activities to the satisfaction of the utility pole owner.

4. Coordinate all proposed abandonment of City utilities, structures, and meters within the public right-of-way with the Public Works Department Utility Supervisors (805) 564-5409.
5. The Owner shall submit to the Public Works Department a video camera inspection of the existing State Street storm drains, downstream of the subject property. An inspection report or video shall be submitted to the Land Development Engineer. If obstructions or deficiencies are found in the storm drainpipes, the Owner, prior to issuance of a certificate of occupancy for any improvements, shall rectify obstructions and/or deficiencies to the satisfaction of the Public Works Department.
6. Along the property frontage of Mason Street and Helena Avenue, the Owner shall remove existing concrete curb and replace with sandstone curb as required by the Historic Landmarks Commission. The existing deteriorated or substandard sandstone curb shall be replaced or restored to City standards. Restoration and replacement with sandstone curb shall include new City standard concrete gutter at locations determined appropriate by the Public Works Department. New City standard curb drains shall be provided to convey roof drainage under sidewalks to the street.
7. The existing street address and contractor names within the existing concrete sidewalk shall be protected and preserved to the satisfaction of the Public Works Director and subject to review and approval by the Historic Landmarks Commission.
8. The Owner shall provide State Street Decorative style streetlights along State Street, Mason Street, and Helena Avenue fronting the subject property, as required by the Public Works Facilities Superintendent. Existing light standards may be relocated if approved by the Public Works Facilities Superintendent. The new streetlights shall be metered. The street light standards shall be 'Awlgrip 2' epoxy paint coated, or equivalent, as approved by the Public Works Facilities Superintendent. Along the subject property street frontage, the Owner shall retire all existing street lights located on existing utility poles. The Owner shall coordinate all street light related improvements with the Public Works Facilities Superintendent (805) 564-5415. All existing light standards which are relocated must be coated with 'Awlgrip 2' epoxy paint or equivalent as approved by the Facilities Construction Superintendent, to match in kind the coating of the new light standards. All street light alterations shall be subject to review and approval by the Historic Landmarks Commission.

9. The Owner's contractor shall coordinate all public improvements with any adjacent contractors performing similar work in the vicinity specifically for the narrowing of State Street-related improvements.
 10. The Owner's representative shall meet with the City Police Department Crime Analyst to determine how lighting, locking mechanisms, egress, and fencing can be designed and installed so as to reduce the potential number of calls for police service from occupants of the Real Property.
 11. The Owner shall create a sign program and install signage for the public rights-of-way within the immediate vicinity of the project site addressing the needs of motorists, bicyclists, pedestrians, transit users, and quadricycle users. This plan shall be subject to review and approval by the Transportation Planning Manager, the Sign Committee, and the Historic Landmarks Commission (and/or Sign Committee in lieu of HLC as determined by the Community Development Director).
- E. The following Project components are subject to the review and approval of the Historic Landmarks Commission (HLC), and, as so approved, shall be finalized and specified on the construction plans submitted for building permits. The Planning Commission shall be notified by Staff in advance of all HLC reviews of the Entrada project:
1. The Project shall minimize visual impacts of street utilities (i.e. traffic signal boxes) to the greatest extent reasonably feasible.
 2. Exterior lighting, where provided, shall comply with the City's Lighting Ordinance and shall be of low-intensity in order to provide aesthetically pleasing lighting which promotes safety, but does not impose on adjacent properties and uses. All lighting, other than lighting within time share units, shall be energy-efficient lighting of a type other than incandescent, except as determined to be impractical by the Community Development Director.
 3. The Owner shall submit final building plans that demonstrate that the new improvements on Area A provide a minimum twenty-five (25) foot setback from the "top of bank" (as that term is defined in SBMC 28.87.250) of the then adopted proposal for Mission Creek the then City approved proposal for the widened alignment the Lower Mission Creek Flood Control Project; provided, however, under no circumstances shall the existing Californian Hotel improvements be required to be reconfigured or relocated by reasons of this Condition.
 4. The Mission Creek setback area as so established is located on Area A shall be landscaped pursuant to an approved habitat restoration plan. All plantings shall be ecologically appropriate to the site and shall be of local seed and/or cutting sources.
 5. The HLC shall, in its review of Area A of the Entrada project, pay specific attention to the following items:
 - a. Study the first floor elevation of the existing and proposed building on Area A which is adjacent to Mission Creek, to ensure that the building

design is as sensitive and appropriate as possible given its close proximity to Mission Creek.

- F. The existing Californian Hotel building at 35 State Street shall be documented for the City's Historical archives, pursuant to the City's standards as outlined in the Community Development Department document entitled "Required Documentation Prior to Demolition" prior to issuance of a building permit for alteration of the subject building.
- G. Prior to issuance of demolition, grading or building permit for Area A, the Owners shall:
1. A complete hazardous materials/waste site assessment shall be obtained by the Owners and approved by the County Protection Services Division delineating the vertical and lateral extent of the contamination.
 2. The Owner shall demonstrate compliance with all applicable federal, state, and local regulations relative to remediation of hazardous materials on the subject property. Evidence of compliance shall be provided to both to the County Protective Services Division and City Community Development Department.
 3. An Emergency Response Plan shall be formulated by the Owner and approved by the City Fire and Police Departments which addresses evacuation of the development in the event of a train derailment or release of hazardous materials from a train car.
 4. Apply for and receive approval from the Parks Commission for the removal and relocation of any existing street tree(s), which the applicant proposes to remove. The Owner shall, at the Owners expense, relocate trees to the location reasonably designated by the City Arborist.
 5. A qualified representative of the Owner/developer, approved by the City Planning Division and paid for by the Owner/developer, shall be designated as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the mitigation monitoring and reporting program to the City. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in this program.
 6. Provide a construction schedule including the name and phone number of the Project Environmental Coordinator (PEC) as a contact person to property owners and tenants (including business owners on Helena Avenue) within 450 feet of the project.
 7. A source reduction/recycling plan shall be developed for the proposed project and submitted for review and approval by the City's Environmental Analyst and the County's Solid Waste Division. This plan shall include, but not be limited to, the following measures which shall be incorporated into the demolition and construction plans submitted for building permits:
 - a. Space and/or bins for storage of recyclable material shall be provided within the proposed project site. The timeshare and restaurant operators shall encourage guests to recycle by using recyclable materials, and

providing sufficient and appropriate receptacles such as recycling or green waste containers, in each room. Vacation ownership and restaurant operators shall construct facilities to adequately provide recycling for food production areas.

- b. Recycling of demolition/construction materials shall be carried out and containers shall be provided on site for that purpose.
 8. Contract with a City-approved archaeologist for monitoring during all ground disturbing activities associated with the project including, but not limited to, grading, excavation, trenching, vegetation or paving removal, and ground clearance in the areas identified in the Cultural Resources Study prepared for this site by Heather Macfarlane, dated June 10, 1997 (revised August 10, 1997). The contract shall establish a schedule for monitoring and a report to the City Environmental Analyst on the findings of the monitoring. The Contract shall be subject to the review and approval of the Environmental Analyst, and the executed contract shall be reproduced on demolition, grading and building plans.
 9. A construction conference shall be scheduled by the General Contractor. The conference shall include representatives from the Public Works Department, Building Division, and Planning Division; and the applicant, property owner, Project Environmental Coordinator, and contractor. Coordination of construction activities with other projects in the Waterfront area shall be included in this meeting.
 10. The applicant shall prepare an Odor and Smoke Abatement Plan to be approved by both the City Community Development Director and the County Air Pollution Control District (APCD) prior to issuance of a building permit for any food service use within Area A.
- H. The following requirements shall be incorporated into, or submitted with the construction plans submitted to the Division of Building and Safety with applications for grading, demolition, and building permits, and implemented on-site during the demolition, grading, and construction period. All of these construction requirements must be completed in each Area of the Project prior to the issuance of a Certificate of Occupancy for that Area:
1. During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving, or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late

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morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

2. Trucks transporting fill material to and from the site shall be covered from the point of origin.
3. The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the City Transportation Engineer.
4. After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:
 - a. Seeding and watering until grass cover is grown.
 - b. Spreading soil binders.
 - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind.
 - d. Other methods approved in advance by the Air Pollution Control District.
5. All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. If any archaeological artifacts, exotic rock (non-native) or unusual amounts of shell or bone are uncovered during any on-site grading, trenching or construction activities, all work must stop immediately in the area, and a City-approved archaeologist retained to evaluate the deposit. The City of Santa Barbara Environmental Analyst must also be contacted for review of the archaeological find(s). If the discovery consists of potentially human remains, the Santa Barbara County Coroner and the California Native American Heritage Commission must also be contacted. Work in the area may only proceed after authorization is granted by the Environmental Analyst. The City-approved archaeologists shall be present during grading and/or construction activities, which disturb the area described above. The archaeologist's monitoring shall include the following provisions:
 - a. Any soils disturbance during site preparation, grading (cut and fill), earthquake retrofit, foundation, and/or utilities trenching in the project area are monitored by the City-approved archeologist during these activities. For those areas in which the locations of potentially important historic and prehistoric archeological remains are anticipated to occur based on the results of the Phase 1 survey, an extended Phase 1 survey shall be consisting of limited backhoe trenching or shovel test pits (STPs) be conducted prior to the construction phase of work in order to identify and document those resources and determine whether additional Phase 2 evaluation is required.

- b. If cultural resources are encountered or suspected, work shall be halted immediately, and the City Environmental Analyst shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, including but not limited to, redirection of grading and/or excavation activities. If the findings are potentially significant, a Phase 3 recovery program shall be prepared and accepted by the Environmental Analyst and the Historic Landmarks Commission. That portion of the Phase 3 program, which requires work on-site, shall be completed prior to continuing construction in the affected area.
 - c. If prehistoric or other Native American remains are encountered, a Native American representative shall be contacted and shall remain present during all further subsurface disturbances in the area of the find.
7. Construction activity shall be prohibited Saturdays, Sundays, and holidays and between the hours of 7 p.m. to 7 a.m. Holidays are defined as those days which are observed by the City of Santa Barbara as official holidays by City employees.
8. All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
9. Construction parking shall be provided as follows:
 - a. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Community Development Director.
 - b. On-site or off-site storage shall be provided for construction materials and equipment. Storage of construction materials within the public right-of-way is prohibited unless an appropriate temporary encroachment permit is obtained by the Owner.
10. All construction-related trips (workers, equipment and deliveries) shall not be scheduled during peak hours (4:00 p.m. to 6:00 p.m.) to help reduce traffic on adjacent streets and roadways. The routes of all construction related trucks, three tons or more, shall be subject to the review and approval of the Traffic Engineer.
11. A plan for rerouting of vehicular and pedestrian traffic around the project area during project construction shall be submitted by the applicant and reviewed and approved by the Public Works Transportation Division prior to issuance of any grading or building permits for the proposed project. This plan shall also include measures to ensure pedestrian safety during project construction, and coordination with construction of other projects in the Waterfront area.
12. The development shall be constructed with fire retardant materials and shall have smoke detectors uniformly installed throughout the project site.
13. Fire sprinkler systems shall be installed where code and the Fire Chief indicate they are necessary, with special emphasis on the portions of the development

which are located immediately adjacent to the areas which could be directly impacted by a train derailment.

14. Fire hydrants shall be located within 300 feet of all exterior walls by way of access. The hydrant shall be provided with one (1) four inch (4") and two (2) two and a half inch (2 ½") outlets and shall flow a minimum of 1250 gallons per minute. Show all existing and new hydrants within scope of project on plans.
15. A project directory including a map and listing of all units on the site shall be posted at the entrance to the property. Note this on the plans.
16. An automatic sprinkler system shall be provided for new structures and additions over 5000 square feet. The sprinkler system(s) shall be submitted under separate permit. Note this on plans.
17. Portable fire extinguishers shall be installed pursuant to the Uniform Fire Code. Note this on plans and show locations.
18. An automatic/manual fire alarm system shall be installed pursuant to City requirements under a separate permit. Note the following on the plans:
 - a. Apartment House or Residential Condominiums – Three (3) or more stories in height or containing 16 or more dwelling units.
 - b. Mixed Use Occupancies – The alarm system shall notify all occupants in the event of a fire. The system shall include automatic smoke detection throughout the entire complex and be provided with a notification system approved by the Chief that indicates the presence of residential dwelling units.
 - c. An emergency evacuation plan for each building subject to the approval of the Fire Department shall be provided. Note this on plans.
 - d. Commercial dumpsters shall not be placed within five (5) feet of combustible walls, openings or roof eaves lines unless sprinkler coverage is provided.
 - e. Industrial interceptors shall be installed, as necessary, for the proper handling of liquid wastes containing grease, flammable wastes, sand, acid or alkaline substances in order to protect liquid wastes resulting from parking and cleaning areas from contaminating the public or private storm drainage systems. These devices shall be maintained by the owner/operator per manufacturer specifications.
 - f. The Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows:
 - g. The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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The construction drawings shall also include one or more separate plan sheets outlining a detailed description of design details considered by both the Planning Commission and the Historic Landmarks Commission in review of the project so that building inspectors on-site may verify that both of the Commissions' directions have been implemented. These details shall include, but not be limited to, building colors and materials, architectural details, landscaping, paseo and plaza dimensions, building separations, and building heights.

- h. The building plan cover sheet for Area A shall include tabulations of building statistics for Area A, including square footage of each vacation ownership units and number and type of units and total area of units.
- I. Prior to issuance of the Certificate of Occupancy for Area A, the Owner shall complete the following:
- 1. Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots are to be pruned under the direction of the City Arborist.
 - 2. Public improvements as shown on the improvement plans approved by the City Engineer.
 - 3. A final report on the results of the archaeological monitoring shall be submitted to the Environmental Analyst within 180 days of completion of the monitoring or prior to the issuance of the Certificate of Occupancy (Final Inspection), whichever is earlier.
 - 4. Safety procedures and evacuation routes shall be posted throughout the development and a "safety coordinator" shall be designated for the development to provide efficient interaction with emergency personnel in the event of an emergency and to ensure that safety programs are properly designed and maintained. Such an individual shall know the location and function of all emergency systems in the development.

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- J. The Owners shall execute an agreement with the City, in a form acceptable to the City Attorney, whereby the Owners must fully indemnify and reimburse the City (and the Redevelopment Agency) in full for any judicial award of attorney fees or litigation expenses made for the benefit of third parties which the City or Agency may be ordered to pay in connection with litigation over the approvals granted pursuant to these conditions and the Owners Master Application.

CONDITIONS OF APPROVAL FOR
ENTRADA DE SANTA BARBARA
AREA B

AUGUST 21, 2001

- A. Prior to the issuance of building permits for the Project (Area B) on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded by the Owner with the Final Map as part of an Agreement Relating to Subdivision Conditions Imposed on Real Property which Agreement shall be reviewed as to form and content by the City Attorney, Community Development Director, and Public Works Director:
1. Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits, and any access road as appropriate. Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
 2. Owner shall assign to the City of Santa Barbara the exclusive right to extract water from under the Real Property.
 3. Owner shall comply with the Landscape Plan as approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property (Area B) shall be provided and maintained in accordance with the landscape plan.
 4. The development of the Real Property (the Area B "Project") is limited to the project description and development and site plan for Area B approved by the Planning Commission on July 11, 2001, more specifically described as 3,560 sq. ft. of non-residential building area, 24 time-share units (48 units including lock-out units), and the improvements shown on the Tentative Subdivision Map/Development Plan for Area B signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. Pursuant to the Planning Commission's approval of the Project, the mass of Unit B301 shall be removed from its location shown on the development and site plan for Area B. This time-share unit may be incorporated within Area A, Area B, or Area C as long as the total mass of any Area in which the time-share unit is relocated does not increase. Also pursuant to the Planning Commission's approval of the project, approximately 668 additional square feet of non-residential building area shall be incorporated in its entirety into either Area B or Area C such that the total mass of the Area in which the approximately 668 additional square feet of non-residential building area is incorporated does not increase. Independent of the Area in which the approximately 668 additional square feet of non-residential building area is incorporated, the additional square footage should be located along the State Street frontage, the Mason Street frontage, or along a public plaza or paseo, with the Mason Street frontage being the preferred location.

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AREA B

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5. All exterior lighting, where provided, shall comply with the City's Lighting Ordinance and shall be of low intensity in order to provide aesthetically pleasing lighting which promotes safety, but shall not impose on adjacent properties and uses. No floodlights shall be allowed. All lighting shall be directed toward the ground.
6. Owner shall enter into an agreement with the Santa Barbara Metropolitan Transit District ("MTD") which provides that:
 - a. Owner and all businesses operating from the Real Property (Area B) shall contact the MTD to purchase bus passes or the equivalent for those employees requesting such passes. The passes shall be provided free of charge to employees who request them and shall allow travel to and from work. Notice of the free passes shall be provided to employees at the time they are hired. Notice of the free passes shall be posted continuously along side the employee rights.
 - b. Notice of MTD bus routes and schedules shall be placed and maintained in an up-to-date manner at a central (public) location accessible to all Project employees and time-share residents.
7. Notice of MTD bus routes and schedules shall be placed and maintained in an up-to-date manner at central (public) location accessible to all Project employees and time-share residents.
8. All Project employees shall also be made aware of the Ride-Sharing Program or similar successor programs administered by the Santa Barbara County Association of Governments or successor agency. All businesses operating from the Program shall have employees registered semi-annually in the Ride-Sharing Program and shall make every effort to encourage participation in the Ride-Sharing program.
9. Parking lot sweeping and trash pickup operations shall be prohibited on the Project site between the hours of 10:00 p.m. and 7:00 a.m.
10. A minimum of 9 bicycle parking spaces shall be provided and maintained on Area B.
11. The Agreement shall provide for express requirements imposed on the owner(s) of the time-share estates (and their operator or agents) which assure full compliance with the requirements of the City's Transient Occupancy Tax ordinance (SBMC Chapter 4.08) including, but not limited to, the following requirements:
 - a. For the reporting to the City Finance Director of all transient occupancy revenues from the time-share units (whether primary or "lock-out" type).
 - b. For the collection of the applicable Transient Occupancy Tax, including any applicable late penalties.

- c. For the prompt timely payment of such taxes and applicable penalties to the City.
 - d. Record keeping requirements sufficient to establish to the City's reasonable satisfaction, when a time-share unit (whether primary or "lock-out" type) has been occupied by a time-share unit owner, a member of the owner's immediate family, or a non-paying guest of the owner under circumstances where no monetary consideration accrues to the owner as a result of the guest's or family member's occupancy and, therefore, S.B.M.C. Chapter 4.08, as currently enacted, does not apply to the occupancy.
 - e. A methodology for establishing the daily fair market rent paid as a result of the occupancy of a time-share unit (whether primary or "lock-out" type) by a non-owner where the occupancy is not a result of the payment of cash consideration.
 - f. Appropriate record keeping requirements sufficient to allow the City to audit the time-share owners (or the Project operator or agents thereof) for compliance with the City's Transient Occupancy Tax Ordinance; and
 - g. The Owner will expressly acknowledge that the above-stated Transient Occupancy Tax conditions are for the express purpose of enforcing the reporting and collection of the City's Transient Occupancy Tax as such tax is enacted on the date of the approval of Owner's Project.
 - h. Owner shall also expressly acknowledge that the City Council of the City may, through an amendment to Chapter 4.08, extend the applicability of the Transient Occupancy Tax to the occupancy of its time-share units by the owners of such units (including non-paying family members and guests). The Owner will further acknowledge that, should such an amendment to Santa Barbara Municipal Code Chapter 4.08 be enacted, the provisions of the Agreement with respect to the record keeping, reporting, and collection of City Transient Occupancy Taxes will apply with equal force to the occupancy of time-share units by the owner thereof, members of the owner's family and any non-paying guests of the owner.
12. The Owner shall enter into a Public Parking Agreement with the City with respect to the permanent availability of not less than 68 off-street parking spaces for use by the general public on a non-preferential basis (i.e., without preference to patrons, employees, or tenants of the Project or the time-share units) in a manner consistent with the parking program of the City. The Agreement shall also provide that the 30 additional parking spaces which are not committed to parking for the time-share units (112 spaces) and for public parking (68 spaces) shall be operated on a shared parking basis which provides that, to the extent the parking spaces are not required by the retail tenants or the time-share units, the shared parking spaces will be available to the general public under the terms of the Public Parking agreement. Such agreement shall be recorded at the Office of

the County Recorder, and include, but not be limited to the following requirements:

- a. Conditions of operation which assure that the public parking will have an initial period of free parking at least equal to the period of free parking offered by the City at the majority of its Central Business District public retail parking facilities.
 - b. Conditions which require an hourly parking, rate structure for the public parking spaces which is not greater than that charged by the City at the majority of its Central Business District parking facilities.
13. All Existing Development Rights established under Title 28 at of the Santa Barbara Municipal Code for the sending and receiving sites, measured by number of hotel rooms and square feet of floor area, shall be clearly and accurately designated on the Sending and Receiving Site development plans pursuant to SBMC 28.95.070.B.2. The Agreement by which the Existing Development Rights are to be transferred shall be reviewed and approved by the City Attorney and the Community Development Director pursuant to SBMC 28.95.070.B.3 and recorded with the County Recorder. Proof of the elimination of the Existing Development Rights from the Sending Site area shall be reviewed and approved by the Community Development Director prior to recordation of the transfer instrument pursuant to SBMC 28.95.070.B.4. Proof of recordation and proof of elimination of the Existing Development Rights on the Sending Site shall also be submitted to the Community Development Director pursuant to SBMC 28.95.070.B.5.
14. The proposed vacation-ownership units shall be marketed as time-share units (as defined by California Business and Professions Code Section 11003.5) in accordance with a sales/marketing plan to be submitted to the City and approved by the Community Development Director and the City Attorney, prior to the recordation of any one of the Final Subdivision Maps for the project. The sales/marketing plan shall include, but not be limited to, the times, areas, and methods used to sell the time-share units, marketing methods to be used, on-and off-site marketing and signage, and provisions for re-sale of units. The sales/marketing plan shall also include provisions to ensure that no sale or re-sale of interest in the project shall allow for any occupancy of one primary unit or lockout unit by owner or other occupants in excess of 30 consecutive days.
15. The owner shall provide a time-share-marketing contingency and conversion plan outlining actions to be taken by the applicant if 50 percent of the time available to be sold for the vacation-ownership estates located on Area A, Area B, or Area C fail to sell within two years of the issuance of the Certificate of Occupancy for the first unit located on Area A, Area B, or Area C. This plan shall include enforceable mechanisms to ensure compliance with the contingency and conversion plan or appropriate conversion of the remaining units to transient occupancy hotel uses in a manner consistent with the applicable zoning and the City's Certified LCP to the satisfaction of the Community Development Director and the City Attorney. Any time-share conversion proposed pursuant to this plan

- to a use other than transient occupancy hotel use shall be subject to review and approval by the Planning Commission and shall require an amendment to the Coastal Development Permit.
16. The plaza and paseo areas, and access to the parking structure, as shown on the approved plans, are to remain open and available for public use and subject to reasonable night-time closure for security and maintenance purposes. If security issues related to the plaza, paseo, or courtyard areas arise, the Owner may propose alternatives to keeping these areas open to the public, and any change in this regard shall be subject to review and approval of the Planning Commission.
 17. The Owner shall provide a plan for the encouragement of public use of the plaza and paseo areas as shown on the approved plans. The plan shall include adequate provisions for the installation and maintenance of a variety of amenities (street furniture, tables, benches, etc.) available for the use of the general public. The plan shall be subject to the review and approval by the Community Development Director.
 18. All weekday deliveries to the Project premises shall be scheduled for times outside of the weekday evening 4-6 p.m. peak traffic hours and all hours of weekends and Holidays.
 19. A Visitor Information Program shall be prepared and implemented to provide information to time-share ownership unit occupants prior to their arrival at the Project. The program shall be subject to review and approval by the Community Development Department and the Transportation Planning Division and shall include, but not be limited to the following:
 - a. A means of providing train, bus, time-share shuttle and airline schedules and maps and information to prospective unit guests.
 - b. A means of providing time-share ownership unit guests with information on the availability of valet parking upon check-in, alternative transportation modes, schedules, and maps of access to the Central Business District, beach area and other local and regional points of interest. In addition, the time-share ownership unit operator shall contact the Metropolitan Transit District to purchase bus and/or shuttle passes or tokens for hotel guests. The availability of these passes shall be made known to all guests.
 - c. Explanation of the City's clean air and energy reduction goals, and an explanation of the benefits of using alternative transportation modes.
 - d. Provisions for optional valet parking at registration/check-in.
 20. The Owner shall provide shuttle service to the Santa Barbara Airport and Railroad Depot for arriving and departing vacation ownership unit occupants.
 21. The Owner shall provide a plan for the retention of the existing coastal recreational uses (i.e. bike and kayak rentals) on the subject property prior to issuance of a

demolition, grading, or building permit for the project. The plan shall be subject to review and approval by the Community Development Director.

22. Any changes of the land uses located on Area B (to the extent such changes constitute "development" under Public Resources Code Section 30106 of the California Coastal Act) approved as part of this Coastal Development Permit shall require an amendment to the Coastal Development Permit for Area B.
23. The Owner shall prepare for the review and the approval of the Community Development Director a plan for the operation of the proposed time-share units located on Area B, which includes the following operational requirements:
 - a. Operation provisions that any timeshare unit located on Area B which is not in use by the timeshare estate owner or his/her authorized guests or invitees or authorized timeshare exchange guests ("Vacant Timeshare Unit"), shall be available for public use as a transient occupancy hotel unit.
 - b. Implementation of an operational plan which will maximize the rental of the vacant time-share units in Area B to the general public for transient occupancy hotel purposes.
24. The Owner provide a Shared Off-Site Parking Agreement which provides for shared parking in the Parking Facilities located in Areas A, B, and C among, between and for the benefit of Areas A, B and C and for the permanent maintenance of the Parking Facilities.

The form and content of the Shared Off-Site Parking Agreement shall be subject to review and approval of the City Attorney, Community Development Director, and Public Works Director, and shall be recorded in the official records of Santa Barbara County as real property covenants with respect to Areas A, B, and C. Any modification to the Shared Parking Agreement, the Parking Facilities or their operation as described in the Project Approvals for Areas A, B and C shall require an amendment to the Coastal Development Permits for Areas A, B and C.

B. The following Condition of Approval are imposed with respect to the Entrada Project's obligation relative to improvements on State Street, Mason Street, and Helena Avenue.

1. "Final Approval" (as defined herein) or implementation of the State Street Sidewalk Widening Project is not a condition of approval of the Entrada Project.

"Final Approval" for the purposes of this condition shall mean that the City of Santa Barbara City Council has decided to adopt an ordinance of the City to approve the State Street Sidewalk Widening Project and said decision is final, either because it has been approved by the voters of the City as required by an ordinance of the City or such approval is not required and the City Council's approval ordinance has become effective in accordance with the requirements of the City Charter.

2. If the State Street Sidewalk Widening/Road Narrowing Project is Finally Approved then the Entrada Project will have the following financial responsibility for the State Street Sidewalk Widening/Road Narrowing Project:
 - a. If the State Street Sidewalk Widening/Road Narrowing Project is Finally Approved prior to issuance of a building permit for Areas B or C, then the Entrada Project will build, at Entrada's expense, the State Street Sidewalk Widening/Road Narrowing Project as part of the Entrada Project.
 - b. If the State Street Sidewalk Widening/Road Narrowing Project is Finally Approved after issuance of a building permit for Areas B or C, and the City commits to build the State Street Sidewalk Widening/Road Narrowing Project prior to the date that the Developer of the Entrada Project commences selling Timeshare Units or five years from the date of Final Approval of the Entrada Project, then the Entrada Project will be obligated to construct the State Street Sidewalk Widening/Road Narrowing Project improvements within one year of the date of Final Approval of the State Street Sidewalk Widening/Road Narrowing Project.
 - c. However, if the State Street Sidewalk Widening/Road Narrowing Project is not Finally Approved prior to the date that the Developer of the Entrada Project commences selling Timeshare Units or five years from the date of Final Approval of the Entrada Project, or the City does not commit to build the State Street Sidewalk Widening/Road Narrowing Project prior to that date, then the Entrada Project shall not bear any cost of expense of the State Street Sidewalk Widening/Road Narrowing Project.
3. If the State Street Sidewalk Widening/Road Narrowing Project is implemented pursuant to B.2.a. or B.2.b. above then the Entrada Project shall prepare as part of the State Street Sidewalk Widening/Road Narrowing Project an evacuation plan for the Waterfront Area. Said plan shall include:
 - Optimum evacuation routes.
 - An evacuation route traffic control plan.
 - Refuge areas with the capacity to shelter evacuated population.
 - Simplified maps depicting evacuation zones, routes, and refuge areas.
 - Dissemination of information procedures.Said Evacuation plan shall be subject to review and approval of the Community Development Director.
4. If the Entrada Project is Finally Approved and if the State Street Sidewalk Widening/Road Narrowing Project is Finally Approved prior to issuance of a building permit for Areas B or C, then the Entrada Project The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to issuance of a building permit recordation of the Final Map for either Area B or Area C. All public improvements shall be completed

prior to issuance of a Certificate of Occupancy for any structure to be constructed on Area B or Area C:

- a. Owner shall provide Improvement Plans for construction of improvements on State Street, Mason Street, and Helena Avenue as such improvements are generally indicated on the Plans approved by the Planning Commission, DP2S, DP3S, and DP4S, and these conditions of approval. Improvements shall include, but are not limited to, curbs, gutters, sidewalks, driveways, City-approved pavement on aggregate base, pavement striping, underground utilities, street lights with underground wiring, appropriate directional and regulatory traffic control signs, extension and/or replacement of City utility mains, sewer system, water system, and drainage system, including adequate positive drainage. The improvement plans shall include the road narrowing transition improvements to accommodate the proposed reduction in traffic lanes on State Street. Improvements shall also include relocated bus pockets near the intersection of State and Mason Streets and public improvements as indicated on the project plans approved by the Planning Commission. A copy of the Conditions of Approval shall be placed on the Improvement Plans. The Improvement Plans shall be prepared by a registered Civil Engineer and reviewed by the City Engineer, the Transportation Manager, and shall be signed by the City Engineer.

The Owner shall indicate on the Improvement Plans that all existing utility mains that were installed more than ten years ago beneath all new "Enhanced Pavement" areas including sidewalks, as indicated on the plans approved by the Planning Commission, shall be replaced with new pipe prior to the placement of the enhanced pavement. Proposed Enhanced Pavement materials shall be reviewed and approved by the Public Works Department and the Historic Landmarks Commission.

The Improvement Plans shall also include the following items, subject to review and approval by the Public Works Department:

- (1) The crosswalks at the intersection of State and Mason shall be configured to match the State Street Plaza design per the approval of the Public Works Director and Historic Landmarks Commission.
- (2) The width of Mason Street where parking is provided on both sides shall be 36 feet (two 8-foot wide parking lanes, two 10-foot wide travel lanes) to allow for two feet of additional sidewalk on each side of Mason Street.
- (3) The Mason Street crosswalks at the intersection of State Street shall remain 24 feet wide to accommodate vehicles turning right. The width of the Mason Street mid-block crossing shall remain 20 feet wide.

- (4) The striping for parallel parking on Mason Street shall be omitted.
 - (5) Reconstruction of Helena Avenue south of Mason Street to the south end of the property frontage. The sidewalk and roadway shall be concrete. The improvements shall include: (i) a transition between the proposed project improvements and existing conditions, and the transition shall extend south of the subject property frontage; and (ii) associated drainage improvements; all to the satisfaction of the Public Works Department.
 - (6) Owner shall provide plan and profile sections of all underground pipes and drainage structures on the public right-of-way plans. The drainage improvements shall convey the 25-year storm event.
5. If the Entrada Project is Finally Approved and the State Street Sidewalk Widening/Road Narrowing Project is Finally Approved after issuance of a building permit for Areas B or C, or the State Street Sidewalk Widening/Road Narrowing Project is not Finally Approved then the Entrada Project shall submit the following or evidence of completion of the following to the Public Works Department prior to issuance of a building permit for either Area B or Area C. All public improvements shall be completed prior to issuance of a Certificate of Occupancy for any structure to be constructed on Area B or Area C:
- a. Owner shall provide Improvement Plans for construction of improvements on State Street, Mason Street, and Helena Avenue as such improvements are generally indicated on the Plans approved by the Planning Commission, DP2S, DP3S, and DP4S, except the State Street Sidewalk Widening/Road Narrowing Project, and these conditions of approval. Improvements shall include, but are not limited to, curbs, gutters, sidewalks, driveways, City-approved pavement on aggregate base, pavement striping, underground utilities, street lights with underground wiring, appropriate directional and regulatory traffic control signs, extension and/or replacement of City utility mains, sewer system, water system, and drainage system, including adequate positive drainage. Improvements shall also include relocated bus pockets near the intersection of State and Mason Streets. A copy of the Conditions of Approval shall be placed on the Improvement Plans. The Improvement Plans shall be prepared by a registered Civil Engineer and reviewed by the City Engineer, the Transportation Manager, and shall be signed by the City Engineer.

The Owner shall indicate on the Improvement Plans that all existing utility mains that were installed more than ten years ago beneath all new "Enhanced Pavement" areas including sidewalks, as indicated on the plans approved by the Planning Commission, shall be replaced with new pipe prior to the placement of the enhanced pavement. Proposed Enhanced Pavement materials shall be reviewed and approved by the Public Works Department and the Historic Landmarks Commission.

The Improvement Plans shall also include the following items, subject to review and approval by the Public Works Department:

- (1) The crosswalks at the intersection of State and Mason shall be configured to match the State Street Plaza design per the approval of the Public Works Director and Historic Landmarks Commission.
- (2) The width of Mason Street where parking is provided on both sides shall be 36 feet (two 8-foot wide parking lanes, two 10-foot wide travel lanes) to allow for two feet of additional sidewalk on each side of Mason Street.
- (3) The Mason Street crosswalks at the intersection of State Street shall remain 24 feet wide to accommodate vehicles turning right. The width of the Mason Street mid-block crossing shall remain 20 feet wide.
- (4) The striping for parallel parking on Mason Street shall be omitted.
- (5) Reconstruction of Helena Avenue south of Mason Street to the south end of the property frontage. The sidewalk and roadway shall be concrete. The improvements shall include: (i) a transition between the proposed project improvements and existing conditions, and the transition shall extend south of the subject property frontage; and (ii) associated drainage improvements; all to the satisfaction of the Public Works Department.
- (6) Owner shall provide plan and profile sections of all underground pipes and drainage structures on the public right-of-way plans. The drainage improvements shall convey the 25-year storm event.

C. The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to recordation of the Final Map for either Area A, Area B or Area C. All public improvements shall be completed prior to issuance of a Certificate of Occupancy for any structure to be constructed on either Area A, Area B or Area C:

1. The Owner shall submit for the review and approval of the Community Development Director and the Public Works Director, a drainage and polluted runoff control plan (hereinafter the "Plan") for all permanent and temporary development authorized for Area B, designed by a licensed engineer which reduces the volume, velocity and pollutant load of storm water leaving the developed site to the maximum extent reasonably feasible. The Plan shall include but not be limited to the following criteria:
 - a. Post-development peak runoff rates, average volumes, and average pollutant load shall not exceed predevelopment conditions.
 - b. Runoff from all roofs, parking areas, driveways and other impervious surfaces shall be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices designed and

maintained to remove environmental pollutants from storm water runoff. The filter elements shall be designed to 1) trap sediment, particulates or other solids and 2) remove or mitigate contaminants through filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in a non-erosive manner.

- c. The Plan shall include provisions for maintaining the drainage and filtration systems so that they are functional throughout the life of the approved development. Such maintenance shall include at least the following: (1) the drainage and filtration system shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures fail or result in increased erosion, the Applicant/landowner (or its successor-in-interest) shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area, including the use of native vegetation from local stocks.
 - d. The Plan shall include all relevant best management practices.
2. The Owner shall submit to the Public Works Department a Final Map for Area B prepared by a licensed Land Surveyor or registered Civil Engineer.
 3. Owner shall provide an Executed Agreement for Land Development Improvements and improvement security for construction of improvements.
 4. The Owner has submitted an application for a Substantial Encroachment Permit to the City for the arcade encroachment on Mason Street. There shall be no private use or occupation of the encroachment. The encroachment shall be reviewed for approval by the City Council. If the Substantial Encroachment is approved, the Owner shall provide a separation distance of two-feet from the curb to the arcade encroachment.
 5. The Owner shall enter into an agreement to maintain all enhanced roadway pavement within and adjacent to the proposed pedestrian crossings and the intersection of State and Mason Streets. The agreement shall be reviewed and approved by the City Attorney and the Public Works Director, and shall be recorded in the Office of the County Recorder.
- D. The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to issuance of a Public Works Permit or Building permit for the effected area.
1. The Owner shall obtain Minor Encroachment Permit(s) from the Public Works Department for encroachment and continued maintenance of any private improvements or enhanced pavement materials, that are dissimilar to the City approved enhanced paving materials, which extend from the subject property into the public right-of-way at the locations of plazas and paseos.

2. To the maximum extent feasible, the Owner shall underground all overhead utilities, including transmission and distribution lines, fronting and within the subject property, exclusive of those overhead utilities which cross the UPRR right-of-way. The Owner shall contact all public utility companies that have mains and services on State Street, Mason Street, and Helena Avenue, and provide a written request to the public utility companies for an analysis of their existing utilities to see if any main or utility service are aged and require replacement prior to restoration of construction within the public right-of-way. The Owner shall make allowance for and accommodate the utility companies in performing any utility main or service replacement work. The Owner shall submit a completed Underground Utility Personnel Contact Sheet to the Land Development Engineer.
3. As provided by SBMC Section 27.08.025, prior to the issuance of a certificate of completion for either Area A, B or C, all overhead utilities on the west side of Helena Avenue between Mason Street and Cabrillo Boulevard, including the overhead utilities and existing utility poles shown to be removed as shown on sheet DP 6S of the plans approved by the Planning Commission, shall be placed underground at the applicant/developer's expense provided, however, that the undergrounding of the existing utility services to adjacent properties on Helena Avenue which are served by the utility lines indicated to be removed on the approved plans is contingent upon the execution of a license agreement, between each of the affected adjacent property owners and the applicant, for entry on property or work on adjacent buildings owned by adjacent property owners for the purposes of accomplishing the undergrounding of their utility service connection, which license agreement shall be in a form acceptable to the City Engineer and the City Attorney. The License Agreement shall provide that the Applicant will bear the cost and expense of hooking up the underground utility lines to the main electric box or meter of the affected properties on Helena Avenue. The Applicant shall not be obligated to pay the costs and expenses necessary to remedy non-conforming or deficient utility connections of facilities located on the affected properties on Helena Avenue.

Should the agreement fail to be executed by all affected adjacent property owners within sixty (60) days following approval of the form of the agreement by the City Attorney, the applicant shall be relieved of the obligation to underground utilities that serve the affected properties on Helena Avenue. The Owner shall provide for building guy anchors to secure any remnant utility poles associated with the project undergrounding activities to the satisfaction of the utility pole owner.
4. Coordinate all proposed abandonment of City utilities, structures, and meters within the public right-of-way with the Public Works Department Utility Supervisors (805) 564-5409.
5. The Owner shall submit to the Public Works Department a video camera inspection of the existing State Street storm drains, downstream of the subject property. An inspection report or video shall be submitted to the Land

Development Engineer. If obstructions or deficiencies are found in the storm drainpipes, the Owner, prior to issuance of a certificate of occupancy for any improvements, shall rectify obstructions and/or deficiencies to the satisfaction of the Public Works Department.

6. Along the property frontage of Mason Street and Helena Avenue, the Owner shall remove existing concrete curb and replace with sandstone curb as required by the Historic Landmarks Commission. The existing deteriorated or substandard sandstone curb shall be replaced or restored to City standards. Restoration and replacement with sandstone curb shall include new City standard concrete gutter at locations determined appropriate by the Public Works Department. New City standard curb drains shall be provided to convey roof drainage under sidewalks to the street.
7. The existing street address and contractor names within the existing concrete sidewalk shall be protected and preserved to the satisfaction of the Public Works Director and subject to review and approval by the Historic Landmarks Commission.
8. The Owner shall provide State Street Decorative style streetlights along State Street, Mason Street, and Helena Avenue fronting the subject property, as required by the Public Works Facilities Superintendent. Existing light standards may be relocated if approved by the Public Works Facilities Superintendent. The new streetlights shall be metered. The street light standards shall be 'Awlgrip 2' epoxy paint coated, or equivalent, as approved by the Public Works Facilities Superintendent. Along the subject property street frontage, the Owner shall retire all existing street lights located on existing utility poles. The Owner shall coordinate all street light related improvements with the Public Works Facilities Superintendent (805) 564-5415. All existing light standards which are relocated must be coated with 'Awlgrip 2' epoxy paint or equivalent as approved by the Facilities Construction Superintendent, to match in kind the coating of the new light standards. All street light alterations shall be subject to review and approval by the Historic Landmarks Commission.
9. The Owner's contractor shall coordinate all public improvements with any adjacent contractors performing similar work in the vicinity specifically for the narrowing of State Street-related improvements.
10. The Owner's representative shall meet with the City Police Department Crime Analyst to determine how lighting, locking mechanisms, egress, and fencing can be designed and installed so as to reduce the potential number of calls for police service from occupants of the Real Property.
11. The Owner shall create a sign program and install signage for the public rights-of-way within the immediate vicinity of the project site addressing the needs of motorists, bicyclists, pedestrians, transit users, and quadricycle users. This plan shall be subject to review and approval by the Transportation Planning Manager, the Sign Committee, and the Historic Landmarks Commission (and/or Sign

Committee in lieu of HLC as determined by the Community Development Director).

- E. The following Project components are is subject to the review and approval of the Historic Landmarks Commission (HLC), and, as so approved, shall be finalized and specified on the construction plans submitted for building permits. The Planning Commission shall be notified in advance of all HLC reviews of the Entrada project:
1. The Project minimize visual impacts of street utilities (i.e. traffic signal boxes) to the greatest extent reasonably feasible.
 2. Exterior lighting, where provided, shall comply with the City's Lighting Ordinance and shall be of low-intensity in order to provide aesthetically pleasing lighting which promotes safety, but does not impose on adjacent properties and uses. All lighting, other than lighting within time share units, shall be energy-efficient lighting of a type other than incandescent, except as determined to be impractical by the Community Development Director.
 3. The Owner shall submit final building plans that demonstrate that the new improvements on Area A provide a twenty-five (25) foot setback from the "top of bank" (as that term is defined in SBMC 28.87.250) of the then adopted proposal for or the then approved proposal for the widened alignment the Lower Mission Creek Flood Control Project; provided, however, under no circumstances shall the existing Californian Hotel improvements be required to be reconfigured or relocated by reasons of this Condition.
 4. The HLC shall, in its review of Area B of the Entrada project, pay specific attention to the following items:
 - a. Study varying the plate heights in Area B along State Street to reduce the mass of the project.
 - b. Enhance the greenery in the open space areas to have a "Santa Barbara" style of landscaping reflective of the West Beach neighborhood (an example of the Meridian Studios was given).
 - c. Soften and simplify the architecture of the buildings along Mason Street towards Helena Avenue and along Helena Avenue. The architecture should be more "country" or "El Paseo" style.
 - d. Reduce the building on Area B at the southwest corner of Mason Street and Helena Avenue (Unit B301) to two stories and continue the proposed two-story development along Helena Avenue. The time-share unit may be incorporated within Area A, Area B, or Area C as long as the total mass of any Area in which the time-share unit is relocated does not increase.
 - e. Approximately 668 additional square feet of non-residential building area shall be incorporated in its entirety into either Area B or Area C such that the total mass of the Area in which the approximately 668 additional square feet of non-residential building area is incorporated does not increase. Independent of the Area in which the approximately 668

additional square feet of non-residential building area is incorporated, the additional square footage should be located along the State Street frontage, the Mason Street frontage, or along a public plaza or paseo, with the Mason Street frontage being the preferred location.

- F. The historic Hitchcock Motors building at 36 State Street shall be documented for the City's Historical archives, pursuant to the City's standards as outlined in the Community Development Department document entitled "Required Documentation Prior to Demolition" prior to issuance of a building permit for alteration of the subject building.
- G. Prior to issuance of demolition, grading or building permit for either Area B or C, the Owners shall:
1. A complete hazardous materials/waste site assessment shall be obtained by the Owners and approved by the County Protection Services Division delineating the vertical and lateral extent of the contamination.
 2. The Owner shall demonstrate compliance with all applicable federal, state, and local regulations relative to remediation of hazardous materials on the subject property. Evidence of compliance shall be provided to both to the County Protective Services Division and City Community Development Department.
 3. An Emergency Response Plan shall be formulated by the Owner and approved by the City Fire and Police Departments which addresses evacuation of the development in the event of a train derailment or release of hazardous materials from a train car.
 4. Apply for and receive approval from the Parks Commission for the removal and relocation of any existing street tree(s), which the applicant proposes to remove. The Owner shall, at the Owners expense, relocate trees to the location reasonably designated by the City Arborist.
 5. A qualified representative of the Owner/developer, approved by the City Planning Division and paid for by the Owner/developer, shall be designated as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the mitigation monitoring and reporting program to the City. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in this program.
 6. Provide a construction schedule including the name and phone number of the Project Environmental Coordinator (PEC) as a contact person to property owners and tenants (including business owners on Helena Avenue) within 450 feet of the project.
 7. A source reduction/recycling plan shall be developed for the proposed project and submitted for review and approval by the City's Environmental Analyst and the County's Solid Waste Division. This plan shall include, but not be limited to, the following measures which shall be incorporated into the demolition and construction plans submitted for building permits:

- a. Space and/or bins for storage of recyclable material shall be provided within the proposed project site. The timeshare and restaurant operators shall encourage guests to recycle by using recyclable materials, and providing sufficient and appropriate receptacles such as recycling or green waste containers, in each room. Vacation ownership and restaurant operators shall construct facilities to adequately provide recycling for food production areas.
 - b. Recycling of demolition/construction materials shall be carried out and containers shall be provided on site for that purpose.
 8. Contract with a City-approved archaeologist for monitoring during all ground disturbing activities associated with the project including, but not limited to, grading, excavation, trenching, vegetation or paving removal, and ground clearance in the areas identified in the Cultural Resources Study prepared for this site by Heather Macfarlane, dated June 10, 1997 (revised August 10, 1997). The contract shall establish a schedule for monitoring and a report to the City Environmental Analyst on the findings of the monitoring. The Contract shall be subject to the review and approval of the Environmental Analyst, and the executed contract shall be reproduced on demolition, grading and building plans.
 9. The buildings located adjacent to Areas B and C shall be evaluated by a structural engineer to ensure that the buildings are not fragile or extremely fragile. If these buildings are considered fragile or extremely fragile, the applicant shall propose alternative methods of pile driving, as approved by the Community Development Director and Building Official.
 10. A construction conference shall be scheduled by the General Contractor. The conference shall include representatives from the Public Works Department, Building Division, and Planning Division; and the applicant, property owner, Project Environmental Coordinator, and contractor. Coordination of construction activities with other projects in the Waterfront area shall be included in this meeting.
 11. The applicant shall prepare an Odor and Smoke Abatement Plan to be approved by both the City Community Development Director and the County Air Pollution Control District (APCD) prior to issuance of a building permit for any food service use within Area B.
- H. The following requirements shall be incorporated into, or submitted with the construction plans submitted to the Division of Building and Safety with applications for grading, demolition, and building permits, and implemented on-site during the demolition, grading, and construction period. All of these construction requirements must be completed in each Area of the Project prior to the issuance of a Certificate of Occupancy for that Area:
1. During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines

that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

2. Trucks transporting fill material to and from the site shall be covered from the point of origin.
3. The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the City Transportation Engineer.
4. After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:
 - a. Seeding and watering until grass cover is grown.
 - b. Spreading soil binders.
 - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind.
 - d. Other methods approved in advance by the Air Pollution Control District.
5. All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. If any archaeological artifacts, exotic rock (non-native) or unusual amounts of shell or bone are uncovered during any on-site grading, trenching or construction activities, all work must stop immediately in the area, and a City-approved archaeologist retained to evaluate the deposit. The City of Santa Barbara Environmental Analyst must also be contacted for review of the archaeological find(s). If the discovery consists of potentially human remains, the Santa Barbara County Coroner and the California Native American Heritage Commission must also be contacted. Work in the area may only proceed after authorization is granted by the Environmental Analyst. The City-approved archaeologists shall be present during grading and/or construction activities, which disturb the area described above. The archaeologist's monitoring shall include the following provisions:
 - a. Any soils disturbance during site preparation, grading (cut and fill), earthquake retrofit, foundation, and/or utilities trenching in the project

area are monitored by the City-approved archeologist during these activities. For those areas in which the locations of potentially important historic and prehistoric archeological remains are anticipated to occur based on the results of the Phase 1 survey, an extended Phase 1 survey shall be consisting of limited backhoe trenching or shovel test pits (STPs) be conducted prior to the construction phase of work in order to identify and document those resources and determine whether additional Phase 2 evaluation is required.

- b. If cultural resources are encountered or suspected, work shall be halted immediately, and the City Environmental Analyst shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, including but not limited to, redirection of grading and/or excavation activities. If the findings are potentially significant, a Phase 3 recovery program shall be prepared and accepted by the Environmental Analyst and the Historic Landmarks Commission. That portion of the Phase 3 program, which requires work on-site, shall be completed prior to continuing construction in the affected area.
 - c. If prehistoric or other Native American remains are encountered, a Native American representative shall be contacted and shall remain present during all further subsurface disturbances in the area of the find.
7. Construction activity shall be prohibited Saturdays, Sundays, and holidays and between the hours of 7 p.m. to 7 a.m. Holidays are defined as those days which are observed by the City of Santa Barbara as official holidays by City employees.
8. All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
9. Construction parking shall be provided as follows:
 - a. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Community Development Director.
 - b. On-site or off-site storage shall be provided for construction materials and equipment. Storage of construction materials within the public right-of-way is prohibited unless an appropriate temporary encroachment permit is obtained by the Owner.
10. All construction-related trips (workers, equipment and deliveries) shall not be scheduled during peak hours (4:00 p.m. to 6:00 p.m.) to help reduce traffic on adjacent streets and roadways. The routes of all construction related trucks, three tons or more, shall be subject to the review and approval of the Traffic Engineer.
11. A plan for rerouting of vehicular and pedestrian traffic around the project area during project construction shall be submitted by the applicant and reviewed and approved by the Public Works Transportation Division prior to issuance of any

- grading or building permits for the proposed project. This plan shall also include measures to ensure pedestrian safety during project construction, and coordination with construction of other projects in the Waterfront area.
12. The development shall be constructed with fire retardant materials and shall have smoke detectors uniformly installed throughout the project site.
 13. Fire sprinkler systems shall be installed where code and the Fire Chief indicate they are necessary, with special emphasis on the portions of the development which are located immediately adjacent to the areas which could be directly impacted by a train derailment.
 14. Fire hydrants shall be located within 300 feet of all exterior walls by way of access. The hydrant shall be provided with one (1) four inch (4") and two (2) two and a half inch (2 1/2") outlets and shall flow a minimum of 1250 gallons per minute. Show all existing and new hydrants within scope of project on plans.
 15. A project directory including a map and listing of all units on the site shall be posted at the entrance to the property. Note this on the plans.
 16. An automatic sprinkler system shall be provided for new structures and additions over 5000 square feet. The sprinkler system(s) shall be submitted under separate permit. Note this on plans.
 17. Portable fire extinguishers shall be installed pursuant to the Uniform Fire Code. Note this on plans and show locations.
 18. An automatic/manual fire alarm system shall be installed pursuant to City requirements under a separate permit. Note the following on the plans:
 - a. Apartment House or Residential Condominiums – Three (3) or more stories in height or containing 16 or more dwelling units.
 - b. Mixed Use Occupancies – The alarm system shall notify all occupants in the event of a fire. The system shall include automatic smoke detection throughout the entire complex and be provided with a notification system approved by the Chief that indicates the presence of residential dwelling units.
 19. An emergency evacuation plan for each building subject to the approval of the Fire Department shall be provided. Note this on plans.
 20. Commercial dumpsters shall not be placed within five (5) feet of combustible walls, openings or roof eaves lines unless sprinkler coverage is provided.
 21. Industrial interceptors shall be installed, as necessary, for the proper handling of liquid wastes containing grease, flammable wastes, sand, acid or alkaline substances in order to protect liquid wastes resulting from parking and cleaning areas from contaminating the public or private storm drainage systems. These devices shall be maintained by the owner/operator per manufacturer specifications.

22. The Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows:

The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

The construction drawings shall also include one or more separate plan sheets outlining a detailed description of design details considered by both the Planning Commission and the Historic Landmarks Commission in review of the project so that building inspectors on-site may verify that both of the Commissions' directions have been implemented. These details shall include, but not be limited to, building colors and materials, architectural details, landscaping, paseo and plaza dimensions, building separations, and building heights.

23. The building plan cover sheet for Area B shall include tabulations of building statistics for Area B, including square footage of each vacation ownership units and number and type of units and total area of units.
- I. Prior to issuance of the Certificate of Occupancy for Area B, the Owner shall complete the following:
1. Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots are to be pruned under the direction of the City Arborist.
 2. Public improvements as shown on the improvement plans approved by the City Engineer.
 3. A final report on the results of the archaeological monitoring shall be submitted to the Environmental Analyst within 180 days of completion of the monitoring or prior to the issuance of the Certificate of Occupancy (Final Inspection), whichever is earlier.

4. Safety procedures and evacuation routes shall be posted throughout the development and a "safety coordinator" shall be designated for the development to provide efficient interaction with emergency personnel in the event of an emergency and to ensure that safety programs are properly designed and maintained. Such an individual shall know the location and function of all emergency systems in the development.

J. The Owners shall execute an agreement with the City, in a form acceptable to the City Attorney, whereby the Owners must fully indemnify and reimburse the City (and the Redevelopment Agency) in full for any judicial award of attorney fees or litigation expenses made for the benefit of third parties which the City or Agency may be ordered to pay in connection with litigation over the approvals granted pursuant to these conditions and the Owners Master Application.

**CONDITIONS OF APPROVAL FOR
ENTRADA DE SANTA BARBARA
AREA C**

AUGUST 21, 2001

- A. Prior to the issuance of building permits for the Project (Area C) on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded by the Owner with the Final Map as part of an Agreement Relating to Subdivision Conditions Imposed on Real Property which agreement shall be reviewed as to form and content by the City Attorney, Community Development Director, and Public Works Director:
1. Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits, and any access road as appropriate. Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
 2. Owner shall assign to the City of Santa Barbara the exclusive right to extract water from under the Real Property.
 3. Owner shall comply with the Area C Landscape Plan as approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property (Area C) shall be provided and regularly maintained in accordance with said landscape plan.
 4. The development of the Real Property (the Area C "Project") is limited to that project description and development and site plan for Area C approved by the Planning Commission on July 11, 2001, more specifically described as 7,936 sq. ft. of non-residential building area, 17 time-share units (34 units including lock-out units), a 2,500 sq. ft. Visitor Information Center, and the improvements shown on the Tentative Subdivision Map/Development Plan for Area C signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. Pursuant to the Planning Commission's approval of the Project, the mass of Unit B301 shall be removed from its location shown on the development and site plan for Area B. The time-share unit may be incorporated within Area A, Area B, or Area C as long as the total mass of any Area in which the time-share unit is relocated does not increase. Also pursuant to the Planning Commission's approval of the project, approximately 668 additional square feet of non-residential building area shall be incorporated in its entirety into either Area B or Area C such that the total mass of the Area in which the approximately 668 additional square feet of non-residential building area is incorporated does not increase. Independent of the Area in which the approximately 668 additional square feet of non-residential building area is incorporated, the additional square footage should be located along the State Street frontage, the Mason Street

frontage, or along a public plaza or paseo, with the Mason Street frontage being the preferred location.

5. All exterior lighting, where provided, shall comply with the City's Lighting Ordinance and shall be of low intensity in order to provide aesthetically pleasing lighting which promotes safety, but shall not impose on adjacent properties and uses. No floodlights shall be allowed. All lighting shall be directed toward the ground.
6. Owner shall enter into an agreement with the Santa Barbara Metropolitan Transit District ("MTD") which provides that:
 - a. Owner and all businesses operating from the Real Property (Area C) shall contact the MTD to purchase bus passes or the equivalent for those employees requesting such passes. The passes shall be provided free of charge to employees who request them and shall allow travel to and from work. Notice of the free passes shall be provided to employees at the time they are hired. Notice of the free passes shall be posted continuously along side the employee rights.
 - b. Notice of MTD bus routes and schedules shall be placed and maintained in an up-to-date manner at a central (public) location accessible to all Project employees and time-share residents.
7. All Project employees shall also be made aware of the Ride-Sharing Program or similar successor programs administered by the Santa Barbara County Association of Governments or successor agency. All businesses operating from the Property (Area C) shall have all employees registered semi-annually in the Ride-Sharing Program and shall make every effort to encourage participation in the Ride-Sharing program.
8. Parking lot sweeping and trash pickup operations shall be prohibited on the Project site between the hours of 10:00 p.m. and 7:00 a.m.
9. A minimum of 10 bicycle parking spaces shall be provided and maintained on Area C.
10. The Agreement shall provide express requirements imposed on the owner(s) of the time-share estates (and their operator or agents) which assure full compliance with the requirements of the City's Transient Occupancy Tax ordinance (SBMC Chapter 4.08) including, but not limited to, the following requirements:
 - a. For the reporting to the City Finance Director of all transient occupancy revenues from the time-share units (whether primary or "lock-out" type).
 - b. For the collection of the applicable Transient Occupancy Tax, including any applicable late penalties.
 - c. For the prompt timely payment of such taxes and applicable penalties to the City.

- d. Record keeping requirements sufficient to establish, to the City's reasonable satisfaction, when a time-share unit (whether primary or "lock-out" type) has been occupied by a time-share owner, a member of the owner's immediate family, or a non-paying guest of the owner under circumstances where no monetary consideration accrues to the owner as a result of the guest's or family member's occupancy and, therefore, S.B.M.C. Chapter 4.08, as currently enacted, does not apply to the occupancy.
 - e. A methodology for establishing the daily fair market rent paid as a result of the occupancy of a time-share unit (whether primary or "lock-out" type) by a non-owner where the occupancy is not a result of the payment of cash consideration.
 - f. Appropriate record keeping requirements sufficient to allow the City to audit the time-share owners (or the Project operator or agents thereof) for compliance with the City's Transient Occupancy Tax Ordinance; and
 - g. The Owner will expressly acknowledge that the above-stated Transient Occupancy Tax conditions are for the express purpose of enforcing the reporting and collection of the City's Transient Occupancy Tax as such tax is enacted on the date of the approval of Owner's Project.
 - h. Owner shall also expressly acknowledge that the City Council of the City may, through an amendment to SBMC Chapter 4.08, extend the applicability of the Transient Occupancy Tax to the occupancy of its time-share units by the owners of such units (including non-paying family members and guests). The Owner will further acknowledge that, should such an amendment to SBMC Chapter 4.08 be enacted, the provisions of the above-referenced agreement with respect to the record keeping, reporting, and collection of City Transient Occupancy Taxes will apply with equal force to the occupancy of time-share units by an owner thereof, as well as to members of the owner's family and non-paying guests of the owner.
11. The Owner shall enter into a Public Parking Agreement with the City with respect to the permanent availability of not less than 68 off-street parking spaces for use by the general public on a non-preferential basis (i.e., without preference to patrons, employees, or tenants of the Project or the time-share units) in a manner consistent with the parking program of the City. The Agreement shall also provide that the 30 additional parking spaces which are not committed to parking for the time-share units (112 spaces) and for public parking (68 spaces) shall be operated on a shared parking basis which provides that, to the extent the parking spaces are not required by the retail tenants or the time-share units, the shared parking spaces will be available to the general public under the terms of the Public Parking agreement. Such agreement shall be recorded at the Office of the County Recorder, and include, but not be limited to the following requirements:

- a. Conditions of operation which assure that the public parking will have an initial period of free parking at least equal to the period of free parking offered by the City at the majority of its Central Business District public retail parking facilities.
 - b. Conditions which require an hourly parking, rate structure for the public parking spaces which is not greater than that charged by the City at the majority of its Central Business District parking facilities.
12. All Existing Development Rights under Title 28 of the Santa Barbara Municipal Code for the Sending and Receiving Sites, measured by number of hotel rooms and square feet of floor area, shall be clearly and accurately designated on the Sending and Receiving Site Development Plans pursuant to SBMC 28.95.070.B.2. The agreement by which the Existing Development Rights are to be transferred shall be reviewed and approved by the City Attorney and the Community Development Director pursuant to SBMC 28.95.070.B.3 and recorded with the County Recorder. Proof of the elimination of the Existing Development Rights from the sending site area shall be reviewed and approved by the Community Development Director prior to recordation of the transfer instrument pursuant to SBMC 28.95.070.B.4. Proof of recordation and proof of elimination of the Existing Development Rights on the sending site shall also be submitted to the Community Development Director pursuant to SBMC 28.95.070.B.5.
13. The proposed vacation-ownership units shall be marketed as time-share units (as defined by California Business and Professions Code Section 11003.5) in accordance with a sales/marketing plan to be submitted to the City and approved by the Community Development Director and the City Attorney, prior to the recordation of any one of the Final Subdivision Maps for the project. The sales/marketing plan shall include, but not be limited to, the times, areas, and methods used to sell the vacation ownership time-share units, marketing methods to be used, on-and off-site marketing and signage, and provisions for re-sale of units. The sales/marketing plan shall also include provisions to ensure that no sale or re-sale of interest in the project shall allow for any occupancy of one primary unit or lockout unit by owner or other occupants in excess of 30 consecutive days.
14. The Owner shall also provide a time-share-marketing contingency and conversion plan outlining actions to be taken by the applicant if 50 percent of the time available to be sold for the vacation-ownership estates located on Area A, Area B, or Area C fail to sell within two years of the issuance of the Certificate of Occupancy for the first unit located on Area A, Area B, or Area C. This plan shall include enforceable mechanisms to ensure compliance with the contingency and conversion plan or appropriate conversion of the remaining units to transient occupancy hotel uses in a manner consistent with the applicable zoning and the City's Certified LCP to the satisfaction of the Community Development Director and the City Attorney. Any time-share conversion proposed pursuant to this plan

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- to a use other than transient occupancy hotel use shall be subject to review and approval by the Planning Commission and shall require an amendment to the Coastal Development Permit.
15. The plaza and paseo areas, and access to the parking structure, as shown on the approved plans, are to remain open and available for public use. If security issues related to the plaza, paseo, or courtyard areas arise, the Owner may propose alternatives to keeping these areas open to the public, and any change in this regard shall be subject to review and approval of the Planning Commission.
 16. The Owner shall provide a plan for the encouragement of public use of the plaza and paseo areas as shown on the approved plans. The plan shall include adequate provisions for the installation and maintenance of a variety of amenities (street furniture, tables, benches, etc.) available for the use of the general public. The plan shall be subject to the review and approval by the Community Development Director.
 17. All weekday deliveries to the Project premises shall be scheduled for times outside of the weekday evening 4-6 p.m. peak traffic hours and all day on weekends and Holidays.
 18. A Visitor Information Program shall be prepared and implemented to provide information to vacation ownership unit occupants prior to arrival at the project. The program shall be subject to review and approval by the Community Development Department and the Transportation Planning Division and shall include, but not be limited to:
 - a. A means of providing train, bus, time-share shuttle and airline schedules, maps, and information to prospective time-share unit guests.
 - b. A means of providing time-share unit guests with information on the availability of valet parking upon check-in, alternative transportation modes, schedules, and maps of access to the Central Business District, beach area and other local and regional points of interest. In addition, the time-share unit operator shall contact the Metropolitan Transit District to purchase bus and/or shuttle passes or tokens for hotel guests. The availability of these passes shall be made known to all guests.
 - c. An explanation of the City's clean air and energy reduction goals, and an explanation of the benefits of using alternative transportation modes.
 - d. Provisions for optional valet parking at registration/check-in.
 19. The Owner shall provide shuttle service to the Santa Barbara Airport and Railroad Depot for arriving and departing vacation ownership unit occupants.
 20. The Owner shall provide a plan for the retention of the existing coastal recreational uses (i.e. bike and kayak rentals) on the subject property prior to issuance of a demolition, grading, or building permit for the project. The plan shall be subject to review and approval by the Community Development Director.

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21. Any changes of the land uses located on Area C (to the extent such changes constitute "development" under Public Resources Code Section 30106 of the California Coastal Act) approved as part of this Coastal Development Permit shall require an amendment to the Coastal Development Permit for Area C.
22. The Owner shall prepare for the review and the approval of the Community Development Director a plan for the operation of the proposed time-share units located on Area C which includes:
 - a. Operation provisions that any timeshare unit located on Area C which is not in use by the timeshare estate owner or his/her authorized guests or invitees or authorized timeshare exchange guests ("Vacant Timeshare Unit"), shall be available for public use as a transient occupancy hotel unit.
 - b. Implementation of an operational plan which will maximize the rental of the vacant time-share units in Area C to the general public for transient occupancy hotel purposes.
23. The Owner provide a Share/Off-Site Parking Agreement which provides for shared parking in the Parking Facilities located in Areas A, B, and C among, between and for the benefit of Areas A, B and C and for the permanent maintenance of the Parking Facilities.

The form and content of the Share/Off-Site Parking Agreement shall be subject to review and approval of the City Attorney, Community Development Director, and Public Works Director, and shall be recorded in the official records of Santa Barbara County as real property covenants with respect to Areas A, B, and C. Any modification to the Shared Parking Agreement, the Parking Facilities or their operation as described in the Project Approvals for Areas A, B and C shall require an amendment to the Coastal Development Permits for Areas A, B and C.

B. The following Condition of Approval are imposed with respect to the Entrada Project's obligation relative to improvements on State Street, Mason Street, and Helena Avenue.

1. "Final Approval" (as defined herein) or implementation of the State Street Sidewalk Widening Project is not a condition of approval of the Entrada Project.

"Final Approval" for the purposes of this condition shall mean that the City of Santa Barbara City Council has decided to adopt an ordinance of the City to approve the State Street Sidewalk Widening Project and said decision is final, either because it has been approved by the voters of the City as required by an ordinance of the City or such approval is not required and the City Council's approval ordinance has become effective in accordance with the requirements of the City Charter.

2. If the State Street Sidewalk Widening/Road Narrowing Project is Finally Approved then the Entrada Project will have the following financial responsibility for the State Street Sidewalk Widening/Road Narrowing Project:

- a. If the State Street Sidewalk Widening/Road Narrowing Project is Finally Approved prior to issuance of a building permit for Areas B or C, then the Entrada Project will build, at Entrada's expense, the State Street Sidewalk Widening/Road Narrowing Project as part of the Entrada Project.
 - b. If the State Street Sidewalk Widening/Road Narrowing Project is Finally Approved after issuance of a building permit for Areas B or C, and the City commits to build the State Street Sidewalk Widening/Road Narrowing Project prior to the date that the Developer of the Entrada Project commences selling Timeshare Units or five years from the date of Final Approval of the Entrada Project, then the Entrada Project will be obligated to construct the State Street Sidewalk Widening/Road Narrowing Project improvements within one year of the date of Final Approval of the State Street Sidewalk Widening/Road Narrowing Project.
 - c. However, if the State Street Sidewalk Widening/Road Narrowing Project is not Finally Approved prior to the date that the Developer of the Entrada Project commences selling Timeshare Units or five years from the date of Final Approval of the Entrada Project, or the City does not commit to build the State Street Sidewalk Widening/Road Narrowing Project prior to that date, then the Entrada Project shall not bear any cost of expense of the State Street Sidewalk Widening/Road Narrowing Project.
3. If the State Street Sidewalk Widening/Road Narrowing Project is implemented pursuant to B.2.a. or B.2.b. above then the Entrada Project shall prepare as part of the State Street Sidewalk Widening/Road Narrowing Project an evacuation plan for the Waterfront Area. Said plan shall include:
- Optimum evacuation routes.
 - An evacuation route traffic control plan.
 - Refuge areas with the capacity to shelter evacuated population.
 - Simplified maps depicting evacuation zones, routes, and refuge areas.
 - Dissemination of information procedures.
- Said Evacuation plan shall be subject to review and approval of the Community Development Director.
4. If the Entrada Project is Finally Approved and if the State Street Sidewalk Widening/Road Narrowing Project is Finally Approved prior to issuance of a building permit for Areas B or C, then the Entrada Project The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to issuance of a building permit recordation of the Final Map for either Area B or Area C. All public improvements shall be completed prior to issuance of a Certificate of Occupancy for any structure to be constructed on Area B or Area C:

- a. Owner shall provide Improvement Plans for construction of improvements on State Street, Mason Street, and Helena Avenue as such improvements are generally indicated on the Plans approved by the Planning Commission, DP2S, DP3S, and DP4S, and these conditions of approval. Improvements shall include, but are not limited to, curbs, gutters, sidewalks, driveways, City-approved pavement on aggregate base, pavement striping, underground utilities, street lights with underground wiring, appropriate directional and regulatory traffic control signs, extension and/or replacement of City utility mains, sewer system, water system, and drainage system, including adequate positive drainage. The improvement plans shall include the road narrowing transition improvements to accommodate the proposed reduction in traffic lanes on State Street. Improvements shall also include relocated bus pockets near the intersection of State and Mason Streets and public improvements as indicated on the project plans approved by the Planning Commission. A copy of the Conditions of Approval shall be placed on the Improvement Plans. The Improvement Plans shall be prepared by a registered Civil Engineer and reviewed by the City Engineer, the Transportation Manager, and shall be signed by the City Engineer.

The Owner shall indicate on the Improvement Plans that all existing utility mains that were installed more than ten years ago beneath all new "Enhanced Pavement" areas including sidewalks, as indicated on the plans approved by the Planning Commission, shall be replaced with new pipe prior to the placement of the enhanced pavement. Proposed Enhanced Pavement materials shall be reviewed and approved by the Public Works Department and the Historic Landmarks Commission.

The Improvement Plans shall also include the following items, subject to review and approval by the Public Works Department:

- (1) The crosswalks at the intersection of State and Mason shall be configured to match the State Street Plaza design per the approval of the Public Works Director and Historic Landmarks Commission.
- (2) The width of Mason Street where parking is provided on both sides shall be 36 feet (two 8-foot wide parking lanes, two 10-foot wide travel lanes) to allow for two feet of additional sidewalk on each side of Mason Street.
- (3) The Mason Street crosswalks at the intersection of State Street shall remain 24 feet wide to accommodate vehicles turning right. The width of the Mason Street mid-block crossing shall remain 20 feet wide.
- (4) The striping for parallel parking on Mason Street shall be omitted.

- (5) Reconstruction of Helena Avenue south of Mason Street to the south end of the property frontage. The sidewalk and roadway shall be concrete. The improvements shall include: (i) a transition between the proposed project improvements and existing conditions, and the transition shall extend south of the subject property frontage; and (ii) associated drainage improvements; all to the satisfaction of the Public Works Department.
 - (6) Owner shall provide plan and profile sections of all underground pipes and drainage structures on the public right-of-way plans. The drainage improvements shall convey the 25-year storm event.
5. If the Entrada Project is Finally Approved and the State Street Sidewalk Widening/Road Narrowing Project is Finally Approved after issuance of a building permit for Areas B or C, or the State Street Sidewalk Widening/Road Narrowing Project is not Finally Approved then the Entrada Project shall submit the following or evidence of completion of the following to the Public Works Department prior to issuance of a building permit for either Area B or Area C. All public improvements shall be completed prior to issuance of a Certificate of Occupancy for any structure to be constructed on Area B or Area C:
 - a. Owner shall provide Improvement Plans for construction of improvements on State Street, Mason Street, and Helena Avenue as such improvements are generally indicated on the Plans approved by the Planning Commission, DP2S, DP3S, and DP4S, except the State Street Sidewalk Widening/Road Narrowing Project, and these conditions of approval. Improvements shall include, but are not limited to, curbs, gutters, sidewalks, driveways, City-approved pavement on aggregate base, pavement striping, underground utilities, street lights with underground wiring, appropriate directional and regulatory traffic control signs, extension and/or replacement of City utility mains, sewer system, water system, and drainage system, including adequate positive drainage. Improvements shall also include relocated bus pockets near the intersection of State and Mason Streets. A copy of the Conditions of Approval shall be placed on the Improvement Plans. The Improvement Plans shall be prepared by a registered Civil Engineer and reviewed by the City Engineer, the Transportation Manager, and shall be signed by the City Engineer.

The Owner shall indicate on the Improvement Plans that all existing utility mains that were installed more than ten years ago beneath all new "Enhanced Pavement" areas including sidewalks, as indicated on the plans approved by the Planning Commission, shall be replaced with new pipe prior to the placement of the enhanced pavement. Proposed Enhanced Pavement materials shall be reviewed and approved by the Public Works Department and the Historic Landmarks Commission.

The Improvement Plans shall also include the following items, subject to review and approval by the Public Works Department:

- (1) The crosswalks at the intersection of State and Mason shall be configured to match the State Street Plaza design per the approval of the Public Works Director and Historic Landmarks Commission.
- (2) The width of Mason Street where parking is provided on both sides shall be 36 feet (two 8-foot wide parking lanes, two 10-foot wide travel lanes) to allow for two feet of additional sidewalk on each side of Mason Street.
- (3) The Mason Street crosswalks at the intersection of State Street shall remain 24 feet wide to accommodate vehicles turning right. The width of the Mason Street mid-block crossing shall remain 20 feet wide.
- (4) The striping for parallel parking on Mason Street shall be omitted.
- (5) Reconstruction of Helena Avenue south of Mason Street to the south end of the property frontage. The sidewalk and roadway shall be concrete. The improvements shall include: (i) a transition between the proposed project improvements and existing conditions, and the transition shall extend south of the subject property frontage; and (ii) associated drainage improvements; all to the satisfaction of the Public Works Department.
- (6) Owner shall provide plan and profile sections of all underground pipes and drainage structures on the public right-of-way plans. The drainage improvements shall convey the 25-year storm event.

C. The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to recordation of the Final Map for either Area A, Area B or Area C. All public improvements shall be completed prior to issuance of a Certificate of Occupancy for any structure to be constructed on Area A, Area B or Area C:

1. The Owner shall submit for the review and approval of the Community Development Director and the Public Works Director, a drainage and polluted runoff control plan (hereinafter the "Plan") for all permanent and temporary development authorized for Area C, designed by a licensed engineer which reduces the volume, velocity and pollutant load of storm water leaving the developed site to the maximum extent reasonably feasible. The Plan shall include but not be limited to the following criteria:
 - a. Post-development peak runoff rates, average volumes, and average pollutant load shall not exceed predevelopment conditions.
 - b. Runoff from all roofs, parking areas, driveways and other impervious surfaces shall be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices designed and

maintained to remove environmental pollutants from storm water runoff. The filter elements shall be designed to 1) trap sediment, particulates or other solids and 2) remove or mitigate contaminants through filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in a non-erosive manner.

- c. The Plan shall include provisions for maintaining the drainage and filtration systems so that they are functional throughout the life of the approved development. Such maintenance shall include at least the following: (1) the drainage and filtration system shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures fail or result in increased erosion, the Applicant/landowner (or its successor-in-interest) shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area, including the use of native vegetation from local stocks.
 - d. The Plan shall include all relevant best management practices.
2. The Owner shall submit to the Public Works Department a Final Map for Area C prepared by a licensed Land Surveyor or registered Civil Engineer.
 3. Owner shall provide an Executed Agreement for Land Development Improvements and improvement security for construction of improvements.
 4. The Owner has submitted an application for a Substantial Encroachment Permit to the City for the arcade encroachment on Mason Street. There shall be no private use or occupation of the encroachment. The encroachment shall be reviewed for approval by the City Council. If the Substantial Encroachment is approved by the City Council, the Owner shall provide a separation distance of two-feet from the curb to the arcade encroachment.
 5. The Owner shall enter into an agreement to maintain all enhanced roadway pavement within and adjacent to the proposed pedestrian crossings and the intersection of State and Mason Streets. The agreement shall be reviewed and approved by the City Attorney and the Public Works Director, and shall be recorded in the Office of the County Recorder.
- D. The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to issuance of a Public Works Permit or Building permit for the effected area.
1. The Owner shall obtain Minor Encroachment Permit(s) from the Public Works Department for encroachment and continued maintenance of any private improvements or enhanced pavement materials, that are dissimilar to the City approved enhanced paving materials, which extend from the subject property into the public right-of-way at the locations of plazas and paseos.

2. To the maximum extent feasible, the Owner shall underground all overhead utilities, including transmission and distribution lines, fronting and within the subject property, exclusive of those overhead utilities which cross the UPRR right-of-way. The Owner shall contact all public utility companies that have mains and services on State Street, Mason Street, and Helena Avenue, and provide a written request to the public utility companies for an analysis of their existing utilities to see if any main or utility service are aged and require replacement prior to restoration of construction within the public right-of-way. The Owner shall make allowance for and accommodate the utility companies in performing any utility main or service replacement work. The Owner shall submit a completed Underground Utility Personnel Contact Sheet to the Land Development Engineer.
3. As provided by SBMC Section 27.08.025, prior to the issuance of a certificate of completion for either Area A, B or C, all overhead utilities on the west side of Helena Avenue between Mason Street and Cabrillo Boulevard, including the overhead utilities and existing utility poles shown to be removed as shown on sheet DP 6S of the plans approved by the Planning Commission, shall be placed underground at the applicant/developer's expense provided, however, that the undergrounding of the existing utility services to adjacent properties on Helena Avenue which are served by the utility lines indicated to be removed on the approved plans is contingent upon the execution of a license agreement, between each of the affected adjacent property owners and the applicant, for entry on property or work on adjacent buildings owned by adjacent property owners for the purposes of accomplishing the undergrounding of their utility service connection, which license agreement shall be in a form acceptable to the City Engineer and the City Attorney. The License Agreement shall provide that the Applicant will bear the cost and expense of hooking up the underground utility lines to the main electric box or meter of the affected properties on Helena Avenue. The Applicant shall not be obligated to pay the costs and expenses necessary to remedy non-conforming or deficient utility connections of facilities located on the affected properties on Helena Avenue.

Should the agreement fail to be executed by all affected adjacent property owners within sixty (60) days following approval of the form of the agreement by the City Attorney, the applicant shall be relieved of the obligation to underground utilities that serve the affected properties on Helena Avenue. The Owner shall provide for building guy anchors to secure any remnant utility poles associated with the project undergrounding activities to the satisfaction of the utility pole owner.
4. Coordinate all proposed abandonment of City utilities, structures, and meters within the public right-of-way with the Public Works Department Utility Supervisors (805) 564-5409.
5. The Owner shall submit to the Public Works Department a video camera inspection of the existing State Street storm drains, downstream of the subject property. An inspection report or video shall be submitted to the Land

Development Engineer. If obstructions or deficiencies are found in the storm drainpipes, the Owner, prior to issuance of a certificate of occupancy for any improvements, shall rectify obstructions and/or deficiencies to the satisfaction of the Public Works Department.

6. Along the property frontage of Mason Street and Helena Avenue, the Owner shall remove existing concrete curb and replace with sandstone curb as required by the Historic Landmarks Commission. The existing deteriorated or substandard sandstone curb shall be replaced or restored to City standards. Restoration and replacement with sandstone curb shall include new City standard concrete gutter at locations determined appropriate by the Public Works Department. New City standard curb drains shall be provided to convey roof drainage under sidewalks to the street.
7. The existing street address and contractor names within the existing concrete sidewalk shall be protected and preserved to the satisfaction of the Public Works Director and subject to review and approval by the Historic Landmarks Commission.
8. The Owner shall provide State Street Decorative style streetlights along State Street, Mason Street, and Helena Avenue fronting the subject property, as required by the Public Works Facilities Superintendent. Existing light standards may be relocated if approved by the Public Works Facilities Superintendent. The new streetlights shall be metered. The street light standards shall be 'Awlgrip 2' epoxy paint coated, or equivalent, as approved by the Public Works Facilities Superintendent. Along the subject property street frontage, the Owner shall retire all existing street lights located on existing utility poles. The Owner shall coordinate all street light related improvements with the Public Works Facilities Superintendent (805) 564-5415. All existing light standards which are relocated must be coated with 'Awlgrip 2' epoxy paint or equivalent as approved by the Facilities Construction Superintendent, to match in kind the coating of the new light standards. All street light alterations shall be subject to review and approval by the Historic Landmarks Commission.
9. The Owner's contractor shall coordinate all public improvements with any adjacent contractors performing similar work in the vicinity specifically for the narrowing of State Street-related improvements.
10. The Owner's representative shall meet with the City Police Department Crime Analyst to determine how lighting, locking mechanisms, egress, and fencing can be designed and installed so as to reduce the potential number of calls for police service from occupants of the Real Property.
11. The Owner shall create a sign program and install signage for the public rights-of-way within the immediate vicinity of the project site addressing the needs of motorists, bicyclists, pedestrians, transit users, and quadricycle users. This plan shall be subject to review and approval by the Transportation Planning Manager, the Sign Committee, and the Historic Landmarks Commission (and/or Sign

Committee in lieu of HLC as determined by the Community Development Director).

- E. Prior to the recordation of the Final Subdivision Map for Area C, the Owner shall enter into a written Owner Participation Agreement with the Redevelopment Agency of the City of Santa Barbara, in a form and content acceptable to the Agency Executive Director and Agency Counsel, which provides for the following:
1. The construction, as part of Area C improvements, (at the location shown in the approved plan for Area C) of a commercial condominium structure of approximately 2,500 square feet to be either sold or leased to the Redevelopment Agency or the City of Santa Barbara at a mutually agreed upon price determined by a certified appraiser acceptable to the Agency or City and owner based on a fair market value for a restricted public/community priority use as a community visitor center with public restrooms. If the purchase of the building proves infeasible for the Redevelopment Agency or the City of Santa Barbara, then a long-term lease may be substituted for sale of the condominium space.
 2. That the Agency will provide a public parking facility located at 125 State Street in order to satisfy the parking needs of the Visitor Information Center prior to the issuance of a Certificate of Occupancy for the Visitor Information Center.
- F. The following Project Components are subject to the review and approval of the Historic Landmarks Commission (HLC), and as so approved, shall be finalized, and specified on the construction plans submitted for building permits. The Planning Commission shall be notified in advance by Staff of all HLC reviews of the Entrada project:
1. The Project shall minimize visual impacts of street utilities (i.e. traffic signal boxes) to the greatest extent reasonably feasible.
 2. Exterior lighting, where provided, shall comply with the City's Lighting Ordinance and shall be of low-intensity in order to provide aesthetically pleasing lighting which promotes safety, but does not impose on adjacent properties and uses. All lighting, other than lighting within time share units, shall be energy-efficient lighting of a type other than incandescent, except as determined to be impractical by the Community Development Director.
 3. The Owner shall submit final building plans that demonstrate that the new improvements on Area A provide a twenty-five (25) foot setback from the "top of bank" (as that term is defined in SBMC 28.87.250) of the then adopted proposal for or the then approved proposal for the widened alignment the Lower Mission Creek Flood Control Project; provided, however, under no circumstances shall the existing Californian Hotel improvements be required to be reconfigured or relocated by reasons of this Condition.
 4. The HLC shall, in its review of Area C of the Entrada project, pay specific attention to the following items:

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- a. Enhance the greenery in the open space areas to have a "Santa Barbara" style of landscaping reflective of the West Beach neighborhood (an example of the Meridian Studios was given).
 - b. Soften and simplify the architecture of the buildings along Mason Street towards Helena Avenue and along Helena Avenue. The architecture should be more "country" or "El Paseo" style.
 - c. Reduce the building on Area B at the southwest corner of Mason Street and Helena Avenue (Unit B301) to two-stories. The time-share unit may be incorporated within Area A, Area B, or Area C as long as the total mass of any Area in which the time-share unit is relocated does not increase.
 - d. Approximately 668 additional square feet of non-residential building area shall be incorporated in its entirety into either Area B or Area C such that the total mass of the Area in which the approximately 668 additional square feet of non-residential building area is incorporated does not increase. Independent of the Area in which the approximately 668 additional square feet of non-residential building area is incorporated, the additional square footage should be located along the State Street frontage, the Mason Street frontage, or along a public plaza or paseo, with the Mason Street frontage being the preferred location.
- G. The historic Santa Barbara Motors building at 100 State Street shall be documented for the City's Historical archives, pursuant to the City's standards as outlined in the Community Development Department document entitled "Required Documentation Prior to Demolition" prior to issuance of a building permit for alteration of the subject building.
- H. Prior to issuance of demolition, grading or building permit for either Area B or C, the Owners shall:
1. A complete hazardous materials/waste site assessment shall be obtained by the Owners and approved by the County Protection Services Division delineating the vertical and lateral extent of the contamination.
 2. The Owner shall demonstrate compliance with all applicable federal, state, and local regulations relative to remediation of hazardous materials on the subject property. Evidence of compliance shall be provided to both to the County Protective Services Division and City Community Development Department.
 3. An Emergency Response Plan shall be formulated by the Owner and approved by the City Fire and Police Departments which addresses evacuation of the development in the event of a train derailment or release of hazardous materials from a train car.
 4. Apply for and receive approval from the Parks Commission for the removal and relocation of any existing street tree(s), which the applicant proposes to remove. The Owner shall, at the Owners expense, relocate trees to the location reasonably designated by the City Arborist.

5. A qualified representative of the Owner/developer, approved by the City Planning Division and paid for by the developer, shall be designated as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the mitigation monitoring and reporting program to the City. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in this program.
6. Provide a construction schedule including the name and phone number of the Project Environmental Coordinator (PEC) as a contact person to property owners and tenants (including business owners on Helena Avenue) within 450 feet of the project.
7. A source reduction/recycling plan shall be developed for the proposed project and submitted for review and approval by the City's Environmental Analyst and the County's Solid Waste Division. This plan shall include, but not be limited to, the following measures which shall be incorporated into the demolition and construction plans submitted for building permits:
 - a. Space and/or bins for storage of recyclable material shall be provided within the proposed project site. The timeshare and restaurant operators shall encourage guests to recycle by using recyclable materials, and providing sufficient and appropriate receptacles such as recycling or green waste containers, in each room. Vacation ownership and restaurant operators shall construct facilities to adequately provide recycling for food production areas.
 - b. Recycling of demolition/construction materials shall be carried out and containers shall be provided on site for that purpose.
8. Contract with a City-approved archaeologist for monitoring during all ground disturbing activities associated with the project including, but not limited to, grading, excavation, trenching, vegetation or paving removal, and ground clearance in the areas identified in the Cultural Resources Study prepared for this site by Heather Macfarlane, dated June 10, 1997 (revised August 10, 1997). The contract shall establish a schedule for monitoring and a report to the City Environmental Analyst on the findings of the monitoring. The Contract shall be subject to the review and approval of the Environmental Analyst, and the executed contract shall be reproduced on demolition, grading and building plans.
9. An interior noise analysis for the vacation ownership units located in Area C and identified in the Noise Analysis prepared by Dudek and Associates, dated October 5, 1998, shall be submitted to the Community Development Department, and approved by the Environmental Analyst. This study shall include the implementation of measures to attenuate interior noise levels to 45 dB(A) Ldn, including air-conditioning and/or mechanical ventilation, or the inclusion of sound-rated windows. Mechanical Ventilation shall be provided in these units only if no other sound attenuation options prove feasible.

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10. The buildings located adjacent to Areas B and C shall be evaluated by a structural engineer to ensure that the buildings are not fragile or extremely fragile. If these buildings are considered fragile or extremely fragile, the applicant shall propose alternative methods of pile driving, as approved by the Community Development Director and Building Official.
 11. A construction conference shall be scheduled by the General Contractor. The conference shall include representatives from the Public Works Department, Building Division, and Planning Division; and the applicant, property owner, Project Environmental Coordinator, and contractor. Coordination of construction activities with other projects in the Waterfront area shall be included in this meeting.
 12. The applicant shall prepare an Odor and Smoke Abatement Plan to be approved by both the City Community Development Director and the County Air Pollution Control District (APCD) prior to issuance of a building permit for any food service use within Area C.
- I. The following requirements shall be incorporated into, or submitted with the construction plans submitted to the Division of Building and Safety with applications for grading, demolition, and building permits, and implemented on-site during the demolition, grading, and construction period. All of these construction requirements must be completed in each Area of the Project prior to the issuance of a Certificate of Occupancy for that Area:
1. During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving, or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
 2. Trucks transporting fill material to and from the site shall be covered from the point of origin.
 3. The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the City Transportation Engineer.
 4. After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:
 - a. Seeding and watering until grass cover is grown.

- b. Spreading soil binders.
 - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind.
 - d. Other methods approved in advance by the Air Pollution Control District.
5. All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. If any archaeological artifacts, exotic rock (non-native) or unusual amounts of shell or bone are uncovered during any on-site grading, trenching or construction activities, all work must stop immediately in the area, and a City-approved archaeologist retained to evaluate the deposit. The City of Santa Barbara Environmental Analyst must also be contacted for review of the archaeological find(s). If the discovery consists of potentially human remains, the Santa Barbara County Coroner and the California Native American Heritage Commission must also be contacted. Work in the area may only proceed after authorization is granted by the Environmental Analyst. The City-approved archaeologists shall be present during grading and/or construction activities, which disturb the area described above. The archaeologist's monitoring shall include the following provisions:
- a. Any soils disturbance during site preparation, grading (cut and fill), earthquake retrofit, foundation, and/or utilities trenching in the project area are monitored by the City-approved archeologist during these activities. For those areas in which the locations of potentially important historic and prehistoric archeological remains are anticipated to occur based on the results of the Phase 1 survey, an extended Phase 1 survey shall be consisting of limited backhoe trenching or shovel test pits (STPs) be conducted prior to the construction phase of work in order to identify and document those resources and determine whether additional Phase 2 evaluation is required.
 - b. If cultural resources are encountered or suspected, work shall be halted immediately, and the City Environmental Analyst shall be notified. The archaeologist shall assess the nature, extent and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, including but not limited to, redirection of grading and/or excavation activities. If the findings are potentially significant, a Phase 3 recovery program shall be prepared and accepted by the Environmental Analyst and the Historic Landmarks Commission. That portion of the Phase 3 program, which requires work on-site, shall be completed prior to continuing construction in the affected area.

- c. If prehistoric or other Native American remains are encountered, a Native American representative shall be contacted and shall remain present during all further subsurface disturbances in the area of the find.
7. Construction activity shall be prohibited Saturdays, Sundays, and holidays and between the hours of 7 p.m. to 7 a.m. Holidays are defined as those days which are observed by the City of Santa Barbara as official holidays by City employees.
8. All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
9. Construction parking shall be provided as follows:
 - a. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Community Development Director.
 - b. On-site or off-site storage shall be provided for construction materials and equipment. Storage of construction materials within the public right-of-way is prohibited unless an appropriate temporary encroachment permit is obtained by the Owner.
10. All construction-related trips (workers, equipment and deliveries) shall not be scheduled during peak hours (4:00 p.m. to 6:00 p.m.) to help reduce traffic on adjacent streets and roadways. The routes of all construction related trucks, three tons or more, shall be subject to the review and approval of the Traffic Engineer.
11. A plan for rerouting of vehicular and pedestrian traffic around the project area during project construction shall be submitted by the applicant and reviewed and approved by the Public Works Transportation Division prior to issuance of any grading or building permits for the proposed project. This plan shall also include measures to ensure pedestrian safety during project construction, and coordination with construction of other projects in the Waterfront area.
12. The development shall be constructed with fire retardant materials and shall have smoke detectors uniformly installed throughout the project site.
13. Fire sprinkler systems shall be installed where code and the Fire Chief indicate they are necessary, with special emphasis on the portions of the development which are located immediately adjacent to the areas which could be directly impacted by a train derailment.
14. The rear wall of the parking structure directly adjacent to the railroad tracks in Area C shall be designed and constructed in a manner which provides for the optimum resistance to damage from a train collision (some flexibility in the supporting members would probably be desirable), and primary structural support for the parking structure should be provided principally in the central and southern portions of Area C (in the event that the rear wall is heavily damaged, these structures could have their primary support at other points not anticipated to be damaged from train derailment).

15. Fire hydrants shall be located within 300 feet of all exterior walls by way of access. The hydrant shall be provided with one (1) four inch (4") and two (2) two and a half inch (2 1/2") outlets and shall flow a minimum of 1250 gallons per minute. Show all existing and new hydrants within scope of project on plans.
16. A project directory including a map and listing of all units on the site shall be posted at the entrance to the property. Note this on the plans.
17. An automatic sprinkler system shall be provided for new structures and additions over 5000 square feet. The sprinkler system(s) shall be submitted under separate permit. Note this on plans.
18. Portable fire extinguishers shall be installed pursuant to the Uniform Fire Code. Note this on plans and show locations.
19. An automatic/manual fire alarm system shall be installed pursuant to City requirements under a separate permit. Note the following on the plans:
 - a. Apartment House or Residential Condominiums – Three (3) or more stories in height or containing 16 or more dwelling units.
 - b. Mixed Use Occupancies – The alarm system shall notify all occupants in the event of a fire. The system shall include automatic smoke detection throughout the entire complex and be provided with a notification system approved by the Chief that indicates the presence of residential dwelling units.
20. An emergency evacuation plan for each building subject to the approval of the Fire Department shall be provided. Note this on plans.
21. Commercial dumpsters shall not be placed within five (5) feet of combustible walls, openings or roof eaves lines unless sprinkler coverage is provided.
22. Industrial interceptors shall be installed, as necessary, for the proper handling of liquid wastes containing grease, flammable wastes, sand, acid or alkaline substances in order to protect liquid wastes resulting from parking and cleaning areas from contaminating the public or private storm drainage systems. These devices shall be maintained by the owner/operator per manufacturer specifications.
23. The Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows:

The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner

Date

Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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The construction drawings shall also include one or more separate plan sheets outlining a detailed description of design details considered by both the Planning Commission and the Historic Landmarks Commission in review of the project so that building inspectors on-site may verify that both of the Commissions' directions have been implemented. These details shall include, but not be limited to, building colors and materials, architectural details, landscaping, paseo and plaza dimensions, building separations, and building heights.

24. The building plan cover sheet for Area C shall include tabulations of building statistics for Area C, including square footage of each vacation ownership units and number and type of units and total area of units.
- J. Prior to issuance of the Certificate of Occupancy for Area C, the Owner shall complete the following:
1. Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots are to be pruned under the direction of the City Arborist.
 2. Public improvements as shown on the improvement plans approved by the City Engineer.
 3. A final report on the results of the archaeological monitoring shall be submitted to the Environmental Analyst within 180 days of completion of the monitoring or prior to the issuance of the Certificate of Occupancy (Final Inspection), whichever is earlier.
 4. Safety procedures and evacuation routes shall be posted throughout the development and a "safety coordinator" shall be designated for the development to provide efficient interaction with emergency personnel in the event of an emergency and to ensure that safety programs are properly designed and

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maintained. Such an individual shall know the location and function of all emergency systems in the development.

5. An exterior noise analysis for the recreation area on Site C shall be prepared by a qualified noise consultant and submitted to the Environmental Analyst. The noise analysis shall verify that the noise attenuation measures described in the Supplement to October 1988 Noise and Vibration Report for the Entrada de Santa Barbara reduce noise levels in the recreation area to 70 dB(A) Ldn.
- K. The Owners shall execute an agreement with the City, in a form acceptable to the City Attorney, whereby the Owners must fully indemnify and reimburse the City (and the Redevelopment Agency) in full for any judicial award of attorney fees or litigation expenses made for the benefit of third parties which the City or Agency may be ordered to pay in connection with litigation over the approvals granted pursuant to these conditions and the Owners Master Application.