ORDINANCE NO. 4920

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF SANTA BARBARA AND AMERICAN TRADITION, A CALIFORNIA GENERAL PARTNERSHIP, FOR THE DEVELOPMENT OF A REDEVELOPMENT PROJECT CONSISTING OF A PUBLIC PARK, A LUXURY HOTEL, AND RELATED MITIGATION MEASURES AND MAKING THE NECESSARY FINDINGS REQUIRED BY LAW AND IMPOSING THE NECESSARY DEVELOPMENT CONDITIONS REQUIRED BY THE CITY

WHEREAS, Government Code Sections 65864-65869.5 authorize local agencies to enter into a binding Development Agreement (as such agreements are defined by Government Code §§65864-65869.5) with a property owner for the development of property in order to give assurances to the property owner and the City that, once approved under the applicable planning and zoning codes, a development project can proceed in accordance with existing land development policies, rules and regulations.

WHEREAS, Government Code Section 65869 specifically provides that a statutory development agreement need not be approved by the state Coastal Commission for any development project located in an area for which a local coastal program is required so long as the required local coastal program has been certified pursuant to the Coastal Act by the Coastal Commission prior to the date the development agreement is approved by the local agency.

WHEREAS, the City of Santa Barbara's Local Coastal Program was certified by the state Coastal Commission on November 12, 1986 and duly amended from time to time since then.

WHEREAS, under the Santa Barbara City Charter, the City exercises control over municipal affairs, including the land development process, and has the authority to enter into development agreements for purposes consistent with the public health, safety and general welfare.

WHEREAS, California Health and Safety Code Section 33220 (a provision of the California Community Redevelopment Law) provides, that a City may enter into a "cooperation agreement" with a redevelopment agency "for the purpose of aiding and cooperating in the planning, undertaking, construction or
operation of redevelopment projects located within the area in
which it is authorized to act in the planning, undertaking, 
construction, or operation of redevelopment projects . . . "

WHEREAS, the recitals of the attached Development Agreement
(A through R) between the City of Santa Barbara and American
Tradition, a California general partnership, hereinafter referred
to as the "Parker Family," (the "Development Agreement") are a
complete and accurate recitation of the review conducted for and
consideration given the Project (as defined in the Development
Agreement) by the City, the Redevelopment Agency and the Parker
Family and such recitals are incorporated herein by this
references as though fully set forth herein.

WHEREAS, pursuant to and in furtherance of the goals
expressed in the Development Agreement, the City is entering into
the Development Agreement concurrently with and in full
consideration of several other agreements by and between the
Agency and the Parker Family which agreements are as follows (and
hereinafter referred to as the "Project Agreements"): 1. the
Escrow Agreement by and between the Agency and the Parker Family,
2. the Reimbursement Agreement by and between the Parker Family
and the Agency (hereinafter the "Reimbursement Agreement"), 3.
the First Amended and Restated Option Agreement by and between
the Parker Family and the Agency, 4. the Declaration of
Construction and Operating Covenants and Reciprocal Easements by
and between the Agency and the Parker Family (hereinafter
referred to as the "Declaration"), 5. the Grant Deed with Power
of Termination granting certain land to the Agency for use as a
public park subject to an express power of termination.

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS
FOLLOWS:

SECTION 1. Unless the context otherwise requires, the
capitalized terms used in this ordinance shall have the meanings
defined in the Declaration and the other Project Agreements and
such meaning shall be equally applicable to both the singular and
plural forms.

SECTION 2. The City Council finds and determines with
respect to the Project as follows:

A. CEQA FINDINGS. The following environmental findings
and determinations are made pursuant to and in accordance with
the California Environmental Quality Act (Public Resources Code
§§ 21000 - 21178.1):

a. The City Council read and considered the
Waterfront Park, Hotel and Youth Hostel EIR
(ENV92-0107) and its Addendum dated June 8, 1995.

b. The Waterfront Park, Hotel and Youth Hostel EIR
identifies significant unavoidable traffic.
parking, air quality, noise and vibration and visual resources impacts as a result of the park and hotel. No feasible mitigation measures have been identified which could reduce the parking, air quality, noise and vibration or visual resources impacts to a less than significant level. The traffic impact on the Cabrillo/101 Ramps intersection can be mitigated by its signalization or redesign into a roundabout configuration. However, neither the Redevelopment Agency nor the Parker Family has enough funds available to do all of the required improvements at the time of park construction. This particular improvement is more closely based on Hotel impacts than the other required improvements. The hotel generates 80% to 90% of the peak hour impacts generated by the total project at the intersection. Overall, the Hotel generates about 70% of the Friday P.M. Peak Hour Trips (PHTs) and 55% of the Sunday P.M. PHTs.

c. Changes and/or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the following significant effects identified in the EIR: short-term air quality impacts, short and long term traffic and noise impacts, long term visual resources impacts, biological resources impacts, risk of upset impacts and hazardous materials impacts, as follows:

(1) Construction-related traffic and parking impacts will be mitigated by requiring a truck routing plan to be prepared and implemented which includes avoidance of impacted intersections and peak traffic hours and reduction of conflicts between trucks and other traffic through the provision of a towing lane. In addition, a construction parking plan will be required.

(2) Operational traffic impacts will be mitigated by requiring that the Carpinteria Street access be limited to right turns only, that the median be redesigned on Salsipuedes Street and that Salsipuedes Street be extended across the railroad tracks, that a traffic signal be installed at the intersection of Cabrillo Boulevard and U.S. Highway 101 at the time the Hotel is constructed and that a Transportation Demand System be submitted, approved and implemented.
(3) Operational parking impacts for the Park will be mitigated in the long term by the extension of Garden Street and the resulting expansion and redesign of the Santa Barbara Street public parking lot.

(4) Operational parking impacts for the Hotel will be mitigated by the provision of 100 additional parking spaces either in the Red Lion Resort parking lot or in a lot adjacent to the proposed hotel immediately north of the railroad tracks.

(5) Construction-related noise and vibration impacts will be mitigated by the requirement that all construction equipment is required to be well maintained with functional mufflers, construction activity is limited to weekdays between 8 AM and 5 PM and if a method other than a pile-supported method is used.

(6) Long term noise impacts on the Park, Hotel and Hostel will be mitigated by the construction of an acoustical barrier along the northerly edge of the Park, the use of closed, acoustically upgraded window assemblies and ventilation for all Hotel and Hostel windows and because the Hostel will not include any balcony along the northerly side of the building.

(7) Long term visual impacts on views will be mitigated by protecting all existing views of the Riviera and mountains except for those blocked by the proposed Hotel and by prohibiting windrowing of trees.

(8) Impacts on the cliff aster, a sensitive plant species, will be mitigated by including the cliff aster in the landscape plan along the northerly edge of the Project where Monterey shale is present.

(9) Impacts on the Project resulting from train derailment will be mitigated by requiring the preparation and implementation of an emergency response plan, posting safety procedures and evacuation routes throughout the development, constructing buildings of fire retardant materials and installing sprinkler systems, by requiring that the rear wall of the fire lane behind the proposed hotel be constructed to provide optimum damage resistance and requiring that the
project comply with all risk of upset provisions of the Specific Plan.

(10) Impacts on the Project related to contamination of the park and hotel site and the area of the Salsipuedes Street extension will be mitigated by completing and implementing a Phase II site remediation plan.

(11) Impacts on the Project related to storage of hazardous materials on site will be mitigated by requiring that all hazardous materials be stored in compliance with local, State and Federal regulations.

d. Specific economic, social or other considerations make infeasible the Project alternatives identified in the Final EIR for the following reasons:

(1) The other sites considered in the EIR are not available to the applicants and have the potential for significant environmental impacts.

(2) The Environmentally Superior Alternative will not allow for the provision of annual maintenance funding by the Hotel applicant to provide for a more extensive and active Park with more facilities available to both residents of and visitors to Santa Barbara.

(3) The Environmentally Superior Alternative would not provide the additional 0.4 acres of Park space proposed by the Redevelopment Agency and the Parker Family with development of the Hotel.

(4) The Environmentally Superior Alternative would not lead to the construction of the Hostel, but would only provide the land and funds for engineering, design and permit processing of the Hostel. This would be less consistent with the Local Coastal Plan in that the lower income-serving visitor use would not be available at the same time the Project is completed.

(5) The Environmentally Superior Alternative may have a negative impact on other existing visitor-serving retail and restaurant businesses whereas the Hotel may generate business for such existing businesses.
(6) The Hotel will provide substantially greater tax revenues to the City than would the Environmentally Superior Alternative. In a time of budget deficiencies, this is an important consideration, especially when coupled with the provision and development of a significant public park space.

B. CEQA STATEMENT OF OVERRIDING CONSIDERATIONS. The following statement of overriding considerations are adopted:

1. The City Planning Commission and, after a full consideration of the above-stated findings and the following considerations, the City Council has balanced the benefits of the Project against the unavoidable environmental impacts and has concluded that the benefits of the project outweigh the significant short term parking impact for the Park, the impacts on the Cabrillo/Highway 101 intersection until such time as the Hotel is built, the short term air quality impacts, the short and long term noise impacts and the short term visual resources impacts sufficiently to justify approval of the Project. The Planning Commission made (and the City Council hereby adopts) the following Statements of Overriding Considerations which support approval of the Project notwithstanding the identified impacts that are not mitigated:

a. Salsipuedes Street will be extended across the railroad tracks and paid for by the Hotel developer, the Redevelopment Agency, the City, ISTEAA funds and other future developers in the area, which will not only mitigate this and other projects' impacts on the Milpas Street/U.S. 101 intersections, but will also improve overall traffic circulation in the area.

b. The Cabrillo Boulevard/U.S. 101 intersection will be signalized and paid for by the Hotel developer and the Redevelopment Agency at the time the Hotel is constructed, which will not only mitigate this and other projects' impacts on this intersection, but will improve overall traffic circulation in the area until such time as the California Department of Transportation constructs permanent improvements to that intersection.

c. A total of 4.943 acres of park land will be deeded to the Redevelopment Agency by the Parker Family under the Grant Deed subject to the Power of Termination and, eventually, by the Agency to the City of Santa Barbara. Funds for Park maintenance will be provided through a public benefit assessment lien applicable to the Hotel Parcel at the rate of $62,500 per year until such time.
the Hotel is constructed. If the Hotel is constructed within the term of the Development Agreement, the annual public assessment lien against the Hotel Parcel will provide funds for maintenance at the rate of $125,000 per year (adjusted annually) for 35 years from the date of Hotel completion.

d. A 100 bed youth Hostel will be constructed by the Parker Family or its successor in interest prior to the construction of the Hotel, which Hostel will provide low cost, visitor-serving lodging in the Waterfront Area. Without this Project and under the previous Specific Plan applicable to the Site, only the land for such a hostel would be dedicated and funds set aside for design, engineering and permit processing of such a hostel.

e. The Hotel and, to a lesser degree, the Hostel will directly generate transient occupancy tax revenues for the City of Santa Barbara and the Hotel will (and the Hostel may) directly generate property tax revenues to the local property taxing entities.

f. Guests of the Hotel and the youth Hostel will spend money in the City and the surrounding community which will indirectly generate additional sales tax and other tax revenue, while not creating substantial new retail facilities that will compete with other existing local businesses.

g. The property tax revenues generated by the Hotel may allow the Redevelopment Agency to generate funds to pay for the costs of developing a high quality public Park.

h. The Redevelopment Agency and the Parker Family have agreed to provide $90,000 to the Santa Barbara County Air Pollution Control District to either retrofit three existing buses to low emission fuels or to contribute funding to the matching funds provided by the APCD to meet ISTEA funding to purchase five new buses for the Clean Air Express Commuter Service or to provide needed operating funds. In addition, the Hotel will be required to participate in any shuttle pass program developed in cooperation with the Metropolitan Transit District for the electric shuttles. This will result in mitigating the long term air quality impacts from nitrogen oxide and reactive organic gas emissions and short term air quality impacts from nitrogen oxide emissions to.
acceptable levels. In addition, the provision of additional Clean Air Express Commuter Service buses will reduce the amount of traffic in the South Coast area.

i. The proposed project will provide an important expansion and completion of the park space in the Waterfront Area and will provide an attractive Hotel that will be an important focal point along Cabrillo Boulevard.

j. The Project will complete a pedestrian linkage along the north side of Cabrillo Boulevard through the development of the Park and the completion of a pedestrian sidewalk in front of the Cabrillo Ball Field between Calle Puerto Vallarta and Milpas Street. This pedestrian linkage will also help to mitigate the short term parking impact by improving access to the park area from other parts of the Waterfront Area park system.

k. The Project will provide a safe pedestrian crossing across Cabrillo Boulevard at Carpinteria Street through the provision of a signalized crosswalk or pedestrian over-crossing or under-crossing.

l. The Project will provide traffic mitigation measures above and beyond the impact generated by the Project itself and will pay for all of the costs in the case of the Cabrillo/U.S. 101 intersection signalization and a substantial portion of the local costs in the case of the Salisipuedes Street extension. In addition, the Hotel will participate in any shuttle pass program developed to encourage tourists, especially Hotel guests, to use the shuttle.

m. The Park will be constructed, starting within approximately one year from the date of the adoption of this ordinance, rather than being delayed to coincide with Hotel construction. With the exception of the improvements at the Cabrillo/Highway 101 intersection and a portion of the payment to the Air Pollution Control District, all of the improvements necessary to mitigate impacts that are related to both construction of the Park and Hotel will be completed at the time of Park construction.

C. FINDINGS FOR THE DEVELOPMENT AGREEMENT. The following findings are made with respect to the Development Agreement as required by Government Code Section 65864 - Section 65869.5):
1. The Development Agreement is consistent with the General Plan and the applicable specific plan; and

2. The Development Agreement is in substantial conformance with public necessity, convenience, general welfare and good zoning practices; and

3. The Development Agreement provides assurances to the Hotel developer of the right to develop a Hotel and Hostel in accordance with the terms of the Development Agreement and that adequate consideration is provided to the City, in that early completion of the public park, street and circulation improvements (particularly improvements) and delay of the private improvements will provide for a more orderly and timely mitigation of traffic and air quality impacts.

D. FINDINGS APPLICABLE TO THE PARK AND HOTEL WITH RESPECT TO SANTA BARBARA MUNICIPAL CODE CHAPTERS 28.22, 28.45 AND 28.87. The following findings and determinations in connection with the City’s own Title 28 requirements for the review and approval this Project:

1. For the Coastal Development Permit:

   This Project is consistent with the provisions of the Local Coastal Plan, the Coastal Act and all applicable guidelines, as follows:

   a. Recreation Policies 3.1 and 3.2 will be met because the land used for park purposes will be zoned PR, Park and Recreation, and all of the park land will be dedicated in fee to the City of Santa Barbara.

   b. Recreation Policies 3.3 and 3.4 will be met because the new park land provided will exceed the demand generated by the proposed Project and the park land will include pedestrian walkways, bike facilities and other amenities to limit circulation impacts, as well as the extension of Salsipuedes Street across the railroad tracks.

   c. Recreation Policies 3.6 and 3.13 will be met by the provision of additional parking and park land north of Cabrillo Boulevard.

   d. Recreation Policy 3.7 will be met because the Parks and Recreation Department will be in charge of scheduling events in the Park as they are for other park areas in the Waterfront Area and will continue to coordinate events so that traffic and circulation congestion will not increase.
e. Recreation Policy 3.8 will be met because the City has considered the relocation of the Arts and Crafts Show and has concluded that it is not appropriate at this time.

f. Visitor-Serving Policy 4.1 has been met because Park and Hotel portions of the Site are zoned HRC-2, Hotel and Related Commerce 2.

g. Visitor-Serving Policy 4.2 will be met because the Historic Landmarks Commission has and will continue to review the Project for compatible architectural design, the Project will be consistent with the Visual Quality policies, as discussed below, and will provide public view corridors, open spaces and pedestrian walkways and facilities. The Hotel provides adequate off-street parking to meet its demand, as will the Park when the Garden Street extension is completed.

h. Visitor-Serving Policy 4.4 will be met because the proposed Hotel will provide a high-end luxury hotel not previously available in Santa Barbara and construction of the youth Hostel will provide lodging facilities for lower income visitors rather than merely providing land and funding for design, engineering and permit processing as previously required under the approval of the original Specific Plan for the Site and the approval of the Red Lion project. In addition, 0.4 acres of additional park land will be dedicated and the Park will be fully improved as a public park with public recreational facilities and not merely open-space as previously required under the original Specific Plan.

i. Visitor-Serving Policy 4.6 has been met due to the existence of the Specific Plan that addresses the opportunities and issues raised by the Site. Approval of the Hotel and Park will not affect the requirement that priority uses be visitor-serving and recreational in nature.

j. Housing Policy 5.5 will be met because the Redevelopment Agency will use at least 20% of the tax increment monies accruing to the Agency from this Project to assist in the construction of low and moderate income affordable housing.

k. Water and Marine Environments Policies 6.1, 6.8 and 6.9 will be met because the riparian and wetlands habitats associated with Laguna Channel will be protected, restored and expanded by the proposed Project.
1. Water and Marine Environments Policy 6.10 will be met because native vegetation will be used as a setback and buffer between the creek banks and any proposed improvements of the Project.

m. Water and Marine Environments Policy 6.11 will be met because there will be no channelization or other substantial alteration of Laguna Channel.

n. Visual Quality Policy 9.1 will be met because existing views to, from and along the coastal area will be protected through the dedication of land for parks and open space and the protection of the existing corridors therein and the setbacks of the Hotel's first, second and third stories from Cabrillo Boulevard.

o. Visual Quality Policies 9.3 and 9.5 will be met because all existing and proposed utilities will be undergrounded and all parking facilities will be screened from public view as recommended by the Scenic Highways Element.

p. Public Services Policy 11.2 will not apply to this Project because the Crosstown Freeway improvements have been completed.

q. Public Services Policies 11.5 and 11.7 will be met in the long-term because all of the parking required to meet the parking demands for both the Park and the Hotel will be provided and the parking spaces lost within the Carpinteria Street right-of-way will be replaced.

r. Public Services Policy 11.11 will be met because Transportation Demand Management measures will be required for Hotel employees and shuttle services to and from the airport and train station will be provided for Hotel guests.

s. Public Services Policy 11.15 will be met because pedestrian movement and safety will be provided for in the circulation pattern of the proposed Park and access to the beach will be provided by a safe pedestrian crossing at Carpinteria Street. In addition, a continuous pedestrian walkway will be provided along the north side of Cabrillo Boulevard due to the pedestrian access provided on the Project site and along the frontage of Cabrillo Ball Field between Calle Puerta Vallarta and Milpas Street.

t. Land Use Policy 12.1 will not apply to this Project because the Crosstown Freeway improvements have been completed.
u. Land Use Policy 12.2 will be met because this Project will contribute to the Openness, Lack of Congestion, Naturalness and Rhythm of the Waterfront Area.

2. For the Development Plan:

a. With the approval of the modification of parking requirements for the hotel, the proposed Project will comply with all provisions of the Zoning Ordinance.

b. The proposed Project is consistent with the principles of sound community planning as evidenced by its consistency with the Local Coastal Plan as stated above.

c. The proposed Project will not have a significant adverse impact on the neighborhood’s aesthetics/character in that the size, bulk and scale of the development will be compatible with the neighborhood as evidenced by the Project’s consistency with the Visual Quality policies of the Local Coastal Plan as stated above.

d. The proposed Project will not have a significant unmitigated adverse impact upon City and South Coast housing stock because the Redevelopment Agency has taken and will take those steps necessary to mitigate the adverse housing impacts caused by this Redevelopment Project as such mitigation measures are required by state Health & Safety Code Section 33334.2 and Section 33334.6.

e. The proposed Project will not have a significant unmitigated adverse impact on the City’s water resources because the City’s water demand of approximately 11,200 AFY is substantially less than its supply of 16,500 AFY and this Project will have a demand of 25.72 AFY of potable water and 14.31 AFY of reclaimed water, for a total water use of 40.03 AFY.

f. The proposed Project will not have a significant unmitigated adverse impact on the City’s traffic because Salsipuedes Street is required to be extended across the railroad tracks which will divert enough existing traffic from the Milpas Street/U.S. 101 intersections that the increase in traffic cause by the project at those intersections will be offset and the Cabrillo Boulevard/U.S. 101 intersection will be required to be signalized which will improve the traffic level of service and volume to capacity ratio at that intersection. The Cabrillo/Highway 101...
intersection will not be improved until such time as the hotel is constructed. However, the Park has been declared a Community Priority by the City Council and traffic impacts may be overridden for such projects. A Statement of Overriding Considerations for this traffic impact is outlined above.

g. Resources will be available and traffic improvements will be in place at the time of Project occupancy because the extension of Salsipuedes Street is already funded and approval of the railroad crossing by the California Public Utilities Commission will be required prior to issuance of building permits for the Project and the applicants have agreed to pay for the signalization of the Cabrillo Boulevard/U.S. 101 intersection, the California Department of Transportation ("CalTrans") has already indicated its acceptance of this proposal and final approval of the design and encroachment permits will be required from CalTrans prior to issuance of building permits for the Hotel. In addition, both the extension of Salsipuedes Street and the signalization of the Cabrillo Boulevard/U.S. 101 intersection will be required prior to issuance of the Certificate of Occupancy for the Project. The Cabrillo/Highway 101 intersection will not be improved until such time as the Hotel is constructed. However, the Park has been declared a Community Priority by the City Council and traffic impacts may be overridden for such projects. A Statement of Overriding Considerations for this traffic impact is outlined above.

SECTION 3. CONDITIONS OF APPROVAL. As determined by the City Planning Commission and as modified herein, the following conditions of approval for Waterfront Park and Hotel are imposed as conditions of the Project (hereinafter referred to as the "Conditions of Approval"):

PHASE I - CONSTRUCTION OF THE PARK:

The following Conditions of Approval shall be complied with at such time as Phase I (i.e., the Park phase) is developed:

A. Prior to the issuance of any building permit for the Park, the following conditions shall be imposed on the use, possession and enjoyment of the real property of which the Park will consist (hereinafter the "Park Real Property") and shall be recorded by the Redevelopment Agency (hereinafter the "Agency") in a written instrument which shall be reviewed as to form and
content by the City Attorney and Community Development Director (which "written instrument" may be one or more of the Project Agreements and need not be a separate agreement):

1. The Agency shall provide for the flow of water through the Park Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Agency shall be 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 Park Real Property or any adjoining property.

2. No recreational vehicles, boats or trailers shall be stored on the Park Real Property.

3. The Agency 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 Park Real Property shall be provided and maintained in accordance with said landscape plan.

4. The development of the Park Real Property approved by the Planning Commission on August 19, 1993, is limited to 10,197 gross sq. ft. of building area for the park and the improvements shown on the Park Development Plan.

5. Exterior lighting, where provided, shall be of low intensity in order to promote safety, but shall not impose on adjacent properties and uses. Minimal floodlighting shall be allowed in the park. Additional floodlighting shall be prohibited unless authorized on a temporary basis by the Parks and Recreation Director. Lighting shall be directed toward the ground.

6. The existing 88 trees shown on the Park Development Plan to remain shall be preserved, protected and maintained. During construction, protection measures shall be provided, including but not limited to fencing of the area surrounding the drip-line of the trees. Should any of the 88 trees to be retained be damaged during construction and require removal, they shall be replaced on-site on a three to one basis, subject to approval by the Historic Landmarks Commission.

7. The owner/operator of the Hotel site shall contribute $62,500 annually until the Hotel is constructed towards the cost of maintaining the...
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Park. This annual contribution shall be secured by a public benefit assessment lien against the Hotel Real Property.

8. Upon completion of the hotel, the owner/operator of the hotel shall contribute $125,000 annually for an additional 35 years, indexed annually for inflation based on the Consumer Price Index-Urban Wage Earners and Clerical Workers (Los Angeles-Anaheim-Riverside, CA, All Items, Base 1982-84 = 100) as published by the United States Department of Labor, Bureau of Labor Statistics towards the maintenance of the Park in accordance with the Declaration. This annual contribution shall be secured by a public benefit assessment lien against the Hotel Real Property.

9. The roof peak of the buildings shall not exceed a height of 45 feet above the grade at the time of submittal.

10. The following vehicle use dis-incentive shall be incorporated into the project to reduce traffic impacts caused by the park. Such provision shall be included in the lease/rental agreements of any future tenant as a required "Transportation Management Plan." A copy of the clause in the lease/rental agreement needed to comply with this condition shall be provided to the Community Development Director and Transportation and Parking Manager:

Items for sale in the concession area near the pump and screen plant shall include common sundries that might be wanted by park and beach users in the area which might include sunscreens, tissues, magazines or other items for which a demand is determined to exist.

11. The owner shall record an agreement, subject to the approval of the Community Development Director and the City Attorney, which indicates that the approved park uses are a visitor serving use exclusively available to the general public. The deed restriction shall also specify that conversion of any portion of the approved facilities to a private or member only use or the implementation of any program to allow extended or exclusive use or occupancy of the park facilities by an individual or limited group or segment of the public is not authorized and would require an amendment or new coastal development permit.

12. A temporary hedge or other planting or natural
screening shall be installed and maintained around the hotel parcel until such time as it is developed as an interim use that includes its own landscaping or the hotel is constructed. Any existing use that is relocated on this site shall be properly fenced. Screening shall be reviewed by the Police Department Crime Analyst to assure that it is designed and installed to reduce the potential number of calls for police service.

B. The Agency shall submit the following or evidence of completion of the following to the Public Works Department prior to the issuance of a Building Permit for the Park:

1. Improvement plans for construction of improvements on Salsipuedes Street, Santa Barbara Street and Cabrillo Boulevard. As determined by the Public Works Department, the improvements shall include but not be limited to curbs, gutters, sidewalks, asphalt/concrete pavement on aggregate base, underground utilities, street lights with underground wiring, appropriate directional and regulatory traffic control signs, traffic signals, pavement striping and marking, curb sandblasting and/or painting and stenciling, sewer system, water system, and adequate positive drainage. Prior to or at the time the Hotel is constructed, said Salsipuedes Street improvements shall include shortening the median and providing a left turn lane to store vehicles entering the Hotel. The improvement plans shall be prepared by a registered Civil Engineer and reviewed and signed by the City Engineer. Approval of the at-grade crossing of the Southern Pacific Railroad at Salsipuedes Street from the California Public Utilities Commission and funding of the improvement shall be required prior to issuance of the Building Permit for the Park.

2. Improvement plans for construction of either a signalized pedestrian crosswalk, a pedestrian under-crossing or a pedestrian over-crossing across Cabrillo Boulevard at Carpinteria Street. As determined by the Public Works Department and CalTrans, the improvements shall include, but not be limited to, regulatory traffic control signs, traffic signals and pavement striping and marking. The improvement plans shall be prepared by a registered Civil Engineer and reviewed and signed by the City Engineer. The improvement plans shall be approved by Cal Trans prior to issuance of the Building Permit.
3. Improvement plans for construction of a sidewalk along the northerly side of Cabrillo Boulevard between Calle Puerto Vallarta and Milpas Street. As determined by the Public Works Department, the improvements shall include but not be limited to sidewalks, asphalt/concrete pavement on aggregate base. The improvement plans shall be prepared by a registered Civil Engineer and reviewed and signed by the City Engineer. Said sidewalk location and design shall be subject to approval by the Historic Landmarks Commission and the Parks and Recreation Department.

4. An engineered drainage plan.

5. The Lagoon shall be redesigned so that the east-west sewer line is not under the lagoon at any point and the north-south sewer line has a minimum length under the Lagoon. No manholes shall be under or within the Lagoon. Water drained from the Lagoon shall be piped to the wastewater treatment plant unless otherwise approved by the Regional Water Quality Control Board. Water entering the Lagoon shall be pretreated, as necessary, to ensure that water quality is compatible with the wetland/riparian species along the Lagoon edges. Water treatment, circulation and drainage shall be designed in consultation with an expert in wetlands creation, restoration and management. Lagoon depth shall be limited to eighteen inches (18") within six feet (6') of any edge or bank accessible to the public.

6. A structural engineer's analysis. All recommendations shall be incorporated into the plans.

7. Executed Agreement for Land Development Improvements (in the form of a "Cooperation Agreement between the Agency and the City) and improvement security acceptable to the City for construction of improvements in a form satisfactory to the City Attorney.

8. Dedicate or offer to dedicate:

   a. All street purposes along Salsipuedes Street in order to establish an 84-foot wide public right of way.

   b. All street purposes along the extension of Garden Street from the Southern Pacific Railroad tracks to Cabrillo Boulevard in order to establish a 104-foot wide public right of way.
c. Park land outside the 3.0 acre area of the hotel parcel defined on the Development Plan in accordance with the Declaration.

9. Encroachment permits from other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easement.

10. Removal or relocation of any public utilities, structures, or trees must be performed by the Owner or by the person or persons having ownership or control thereof. Removal and relocation must be accomplished at no expense to the City.

11. Parking provided for the Park within the Park area and at the southwesterly corner of Mason and Santa Barbara Streets shall be free to Park users.

12. Evidence of an executed agreement for land acquisition by the City through dedication or other means (in the form of a "Cooperation Agreement" between the Agency and the City) of the Garden Street right of way between Yannoni Street and the railroad tracks or submittal of a plan to provide 21 parking spaces in other public parking lots in the Waterfront Area. In either case of the Garden Street extension or parking in another location, the 21 additional parking spaces shall be provided within five years of completion of the Park.

C. The following is subject to the review and approval of the Historic Landmarks Commission (HLC):

1. The landscape and grading plans shall include the following tree protection measures:
   a. Fencing or protective barriers around the drip-line of the 88 trees to remain during construction.
   b. Landscaping under the tree(s) that is compatible with the preservation of the tree(s).
   c. A qualified Arborist, acceptable to the City Arborist, shall be present during any excavation adjacent to or beneath the drip-line of the tree(s) which is/are required to be protected.
   d. Any roots encountered shall be cleanly cut...
e. The tree(s) shall be thinned as needed in accordance with recommendations of a qualified Arborist acceptable to the City Arborist.

f. Any root pruning and trimming shall be done under the direction of a qualified Arborist acceptable to the City Arborist.

2. Textured or colored pavement shall be used in areas of the park to minimize the visual effect of the expanse of paving.

3. Exterior lighting, where provided, 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 shall be energy-efficient lighting of a type other than incandescent, except as determined to be impractical by the Community Development Director.

4. A trash enclosure shall be provided on the Park Real Property and screened from view from surrounding properties and the street. Such structure shall be located at least five (5) feet from any building or shall otherwise meet Fire Code requirements.

5. Prior to Final Approval, the Parks & Recreation staff 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 users of the Park Real Property.

6. The anti-backflow devices for fire sprinkler systems shall be provided in a location screened from public view or included in the exterior wall of any structure.

7. New skyline trees shall not be planted within the existing view corridors delineated in the EIR nor shall such trees be planted in windrows. Skyline trees and view corridors shall be designated on the landscape plan.

8. Cliff asters shall be included in the landscape plan for the area along the northern edge of the park site within areas containing Monterey Shale, subject to review, approval and supervision by a qualified botanist or biologist.

9. The Laguna Channel and Lagoon areas of the park...
shall be planted with native wetland/riparian plant species. Planting shall be designed to discourage access to the water by the public. The design of the restoration and planting of these wetland/riparian areas shall be subject to review, approval and supervision by a qualified botanist or biologist who is an expert in wetlands creation, restoration and management.

10. A temporary hedge or other plantings or natural screening shall be installed and maintained around the hotel parcel until such time as it is developed as an interim use that includes its own landscaping or the hotel is constructed. Any existing use that is relocated on this site shall be properly fenced. Screening shall be reviewed by the Police Department Crime Analyst to assure that it is designed and installed to reduce the potential number of calls for police service.

The Agency shall complete the following prior to the issuance of building permits for the Park:

11. The final details of the Mitigation Monitoring Program shall be reported back to the Planning Commission upon approval of the MMP by City Council and the Project Environmental Coordinator (PEC) shall report periodically to the Planning Commission on the progress of the MMP. Mitigation monitors responsible for permit compliance monitoring must be hired. The Park’s mitigation monitors shall include, but not be limited to, a PEC. The Environmental Analyst shall have the authority to resolve any disputes which may arise between the PEC and the General Contractor. The PEC will be responsible for monitoring daily activities, enforcement of permit compliance conditions, presentation of mitigation monitor briefing sessions, maintaining contact with the Owner(s), the Environmental Analyst, and the public, as well as issuing Environmental Quality Control Reports. This program may be coordinated with the ones for the hostel at 12 E. Montecito Street and the hotel. Such reports must be submitted to the Owner(s) and the Environmental Analyst. The mitigation monitoring program shall include, but not be limited to:

a. A list of the project’s mitigation measures.

b. An indication of the frequency of the monitoring of these mitigation measures.

c. A schedule of the monitoring of the mitigation measures.
d. A list of reporting procedures.

e. A list of the mitigation monitors to be hired.

12. A qualified archaeologist shall be present during all ground disturbing activity associated with the proposed Park project site, including but not limited to, grading, excavation, brush removal and ground clearance, demolition of buildings and removal of pavement. In the event that prehistoric or historic features, artifacts or other remains are encountered, all work in the area of the find shall be halted until the nature and significance of the find can be determined and the Environmental Analyst shall be notified. 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. If prehistoric or other Native American remains are encountered, a Native American representative shall be contacted and shall remain present during all further subsurface disturbance in the area of the find. 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 and prior to the issuance of the Certificate of Occupancy.

13. Payment of the necessary fees as follows:

a. Air pollution off-site offset fee of $36,000, payable to the Santa Barbara County Air Pollution Control District (APCD), designated for use in support of the Clean Air Express Commuter Bus Program, for one of the following purposes:

(1) Inclusion in matching funds necessary to receive a government grant for the purchase of new low emissions buses; or

(2) Retrofitting of existing diesel-powered buses with electric or other low emissions engines; or

(3) Operating expenses for the program.

In the event that the Clean Air Express Commuter Bus Program ceases, any unspent funds shall revert to the City and shall be...
used to increase operating hours, decrease headways or expand routes for the electric shuttle.

14. A construction conference shall be scheduled by the Park General Contractor. The conference shall include representatives from the Public Works Department, Parks and Recreation Department, Building Division, Planning Division, the Project Environmental Coordinator, the Property Owner and Contractor. The following information shall be specified on the construction plans submitted for building permits:

a. The Mitigation Monitoring Plan and Conditions of Approval shall be reviewed at the Construction Conference.

b. Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic on adjacent streets and roadways.

c. The route of construction-related traffic established to minimize trips through surrounding neighborhoods. Neither the Cabrillo Boulevard/U.S. 101 or the Milpas Street/U.S. 101 interchanges shall be used for truck traffic.

d. Construction prohibited on Saturday, Sunday, Holidays, and between the hours of 7:00 p.m. and 7:00 a.m.

e. During construction, queueing trucks shall queue on-site and a brief traffic lane shall be designated along Cabrillo Boulevard. In addition, a traffic control person shall assist in directing traffic when trucks are entering Cabrillo Boulevard.

f. Construction parking provided as follows:

(1) 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.

(2) 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.
g. Regular water sprinkling schedule during site grading and the transportation of fill materials, using reclaimed water whenever the Public Works Director determines that it is reasonably available. Water sprinkling shall be done in sufficient quantities to prevent dust from leaving the site and to create a crust after each day's activities. Said system shall keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this will include wetting down such areas in late morning and after work is completed each day. Tanker trucks using either potable or reclaimed water will have proper permits and backflow devices.

h. Upon completion of grading activities, re-vegetation according to the landscape plan shall commence immediately in order to reduce dust and improve visual quality.

i. Trucks transporting fill material to and from the site shall have the load covered by tarps from the point of origin. Such trucks shall have a minimum of 54 cubic yard capacity.

j. Soils stockpiled for more than two (2) days shall be covered, kept moist or treated with soil binders to prevent dust generation.

k. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary (particularly when wind speeds exceed 15 miles per hour). This person may be the Project Environmental Coordinator (PEC) or the PEC's designee. Their duties shall include holiday and weekend periods when work may not be in progress. The telephone numbers of such persons shall be provided to the Air Pollution Control District prior to issuance of grading permits. In addition, the Santa Barbara Arts and Crafts Show shall be provided the names and telephone numbers of the designated dust control program monitor, which will enable show director(s) to make contact in the event dust control becomes a problem.

l. Equipment engines shall be maintained in good working condition and in proper tune per manufacturer's specifications and with proper mufflers.
m. During smog season (May through October), construction efforts which generate dust or require extensive use of pollutant-generating emissions shall be scaled back in order to reduce quarterly emissions loading and minimize the number of vehicles and equipment operating at the same time. The form of activity reduction shall be designated by the contractor and may include completing activities at a less intense rate each day (fewer employees and equipment), shorter working days or fewer working days per week.

n. Construction activities shall use new technologies to control ozone precursor emissions as they become available and feasible. At a minimum, such measures shall include use of reformulated diesel fuel, two-degree engine timing retard and installation of high pressure fuel injectors.

o. Tree protection measures are established and included in the building plans.

p. Schedule for the qualified Arborist’s presence during grading and construction activities near the tree(s) which are to be preserved pursuant to applicable conditions contained herein. Said arborist shall be acceptable to the City Arborist.

15. If the Agency has not done so previously, it shall submit a Phase II hazardous materials investigation and shall work with the Santa Barbara County Department of Environmental Health Services or successor agency to prepare and implement the required remediation plan to reduce contamination to acceptable levels. Remediation shall be completed prior to issuance of grading permits.

D. The following requirements shall be incorporated into, or submitted with the construction plans, submitted to the Division of Land Use Controls with applications for building permits for the Park. All of these construction requirements must be completed prior to the issuance of a Certificate of Occupancy for the Park:

1. A drainage and grading plan.

2. Soils and geology report(s) prepared by a licensed engineer, geologist or equal. Such reports shall include an assessment of alternative construction methods other than pile insertion.
If an alternative method is not available, a test pile shall be driven and measures to mitigate noise and vibration impacts recommended, which shall be incorporated into construction documents and plans.

3. A hydrologic and hydraulic report prepared by a licensed engineer, geologist or equal.

4. The following tree preservation measures:
   a. Landscaping under the tree(s) that is compatible with the preservation of the tree(s) as determined by the Historic Landmarks Commission and the City Arborist.
   b. Notes on the grading plans that specify the following:
      (1) A qualified Arborist, acceptable to the City Arborist, shall be present during any excavation adjacent to or beneath the drip-line of the tree(s) which is/are required to be protected.
      (2) Any roots encountered shall be cleanly cut.
      (3) The tree(s) shall be thinned as needed in accordance with recommendations of a qualified Arborist acceptable to the City Arborist.
      (4) Any root pruning and trimming shall be done under the direction of a qualified Arborist acceptable to the City Arborist.

5. Driveway access for fire vehicles and for access to sewer and storm drain maintenance points shall be 16-20 ft. wide, all-weather concrete or asphalt pavement capable of supporting a 40,000 lb. fire truck, subject to approval by the Fire and Public Works Departments. Vertical clearance shall be a minimum of 13 feet 6 inches (13' 6''). Driveway access shall be sixteen feet (16') in width to within 150 feet of all exterior walls of the structure. A cul-de-sac or hammerhead turnaround shall be provided in accordance with City standards if any access road exceeds 300 feet in length, subject to approval by the Fire Department. Driveway access for fire vehicles to the west side of the Hotel shall not be constructed until such time as the Hotel is built. Landscaping that is easily removed may be placed...
in the required Hotel emergency access area until such time as the Hotel is constructed.

6. Fire sprinkler system with appropriate backflow devices shall be provided pursuant to City requirements.

7. Fire extinguishers shall be installed pursuant to the Fire Code.

8. Fire alarm system shall be provided pursuant to City requirements.

9. A hood extinguishing system may be required for the snack bar/food concession area of the park, subject to review and approval by the Fire Department.

10. Commercial dumpsters shall not be placed within five feet (5') of combustible walls, openings or combustible roof eaves unless sprinkler coverage is provided.

11. Provide an emergency evacuation plan subject to approval by the Fire Department which shall include the following:

   a. The plan shall address evacuation procedures in the event of earthquake, tsunami, train derailment or release of hazardous materials.

   b. Safety procedures and evacuation routes shall be posted throughout the park.

   c. A Safety Coordinator(s) shall be designated for the park. The Safety Coordinator(s) shall know the location and function of all emergency systems.

12. Vehicles exiting or entering Carpinteria Street shall be restricted to right turns only, and a NO LEFT TURN sign shall be posted and maintained on-site advising motorists of this restriction.

13. A "STOP" sign must be posted at Carpinteria Street.

14. Provide light standards as determined by the Public Works Department in accordance with City Standards (consult with the Southern California Edison for appropriate underground fee-point location).

15. All plumbing fixtures shall be water-conserving devices in new construction, pursuant to Santa...

16. An acoustic barrier with a minimum height of eight feet (8') relative to the railroad tracks and a minimum height of seven feet (7') relative to the park and a maximum of ten feet (10') in height shall be erected along the property line adjacent to the railroad tracks.

17. The design, placement and installation of the public address system for the Park Pavilion area of the park shall be completed to prevent amplified noise greater than 80 dB(A), to direct sound southwesterly across the park and away from the hotel and to be controlled from the pump and screen plant.

18. All 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 it is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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<th>Property Owner</th>
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E. Prior to issuance of the Certificate of Occupancy for the Park, Agency 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
qualified Arborist.

2. The existing curb-cut shall be removed and replaced with curb cut and gutter, sidewalk, and/or parkway.

3. Public improvements as shown in the improvement plans.

4. Provide commercial fire hydrants within 300 feet of the pump and screen plant and the carousel. The hydrant shall be located within 300 feet of all exterior walls by way of access. They shall be provided with one (1) four inch (4") and two (2) two and one half inch (2½") outlets and shall have a fire flow in excess of 1250 gallons per minute.

5. Provide an approved anti-backflow device placed on the property side of consumer’s service pursuant to Santa Barbara Municipal Code Section 14.20.120. (Applied to fire line services or as determined by the Public Works Department).

6. Raise all sewer and water manholes on easements to final finished grade. All such manholes shall be accessible from the driveway access delineated in Condition E.5.

7. Place utilities underground from the transmission source and within the Real Property.

8. The City monitoring wells near the pump and screen plant shall be protected and shall be accessible for maintenance purposes, subject to review and approval by the Public Works Department.

9. Signage prohibiting swimming and wading in Laguna Channel and the Lagoon shall be designed and installed, subject to approval by the Parks and Recreation Department and the City Sign Committee.

10. All City-owned and deeded land within the Amended Specific Plan Area shall be rezoned to the PR, Park and Recreation, Zone.

11. Completion of the Salsipuedes Street extension.

12. Completion of either a signalized pedestrian crosswalk or a pedestrian over-crossing or under-crossing at Carpinteria Street across Cabrillo Boulevard.

13. Completion of a sidewalk on the northerly side of Cabrillo Boulevard between Calle Puerto Veniero.
and Milpas Street, at Cabrillo Ball Field.

14. Appropriate signage shall be provided between the northwest corner of Salsipuedes Street and Cabrillo Boulevard and the easterly entrance to the floral gateway (as shown on the Santa Barbara Waterfront Park and Hotel Plan, dated June 15, 1992), at the northeast corner of Santa Barbara Street and Cabrillo Boulevard, and facing Cabrillo Boulevard adjacent to the pump house which clearly states that the recreation and open space areas are for the use and enjoyment of the general public. Interpretive signage about wetland habitat and other natural history features of the site shall be provided at appropriate locations in the park area.

PHASE II - CONSTRUCTION OF THE HOTEL:

The following Conditions of Approval shall be complied with at such time as Phase II, the Hotel, is developed:

A. Prior to the issuance of any building permit for the Hotel on the Hotel Parcel, the following conditions shall be imposed on the use, possession and enjoyment of the Hotel Parcel and shall be recorded by the Hotel Parcel Owner (hereinafter referred to as the "Owner") in a written instrument which shall be reviewed as to form and content by the City Attorney and Community Development Director (which "written instrument" may be one or more of the Project Agreements and need not be a separate agreement):

1. Owner shall provide for the flow of water through the Hotel Parcel 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 Hotel Parcel or any adjoining property.

2. No recreational vehicles, boats or trailers shall be stored on the Hotel Parcel.

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 Hotel Parcel shall be provided and maintained in accordance with said landscape plan.
4. Owner shall assign to the City of Santa Barbara the exclusive right to extract water from under the Hotel Parcel. Said assignment and any related agreements are subject to the review and approval of the City Attorney.

5. The development of the Hotel Parcel approved by the Planning Commission on August 19, 1993, is limited to 244,383 gross sq. ft. of building area for the Hotel and the improvements shown on the Hotel Development Plan.

6. Exterior lighting, where provided, shall be of low intensity in order to promote safety, but shall not impose on adjacent properties and uses. Lighting shall be directed toward the ground.

7. Upon the completion of the Hotel, the Hotel Parcel shall be subject to a public benefit assessment district lien in the amount of $125,000 annually for 35 years, indexed annually for inflation based on the Consumer Price Index-Urban Wage Earners and Clerical Workers (Los Angeles-Anaheim-Riverside, CA, All Items, Base 1982-84 = 100) as published by the United States Department of Labor, Bureau of Labor Statistics which shall be used by the City to maintain the Park in accordance with the Declaration.

8. The roof peak of the building shall not exceed a height of 45 feet above the grade at the time of approval.

9. The owner shall record an agreement, subject to the approval of the Transportation Engineer, that tandem parking spaces will have adequate attendants to park the vehicles 24 hours a day, 365 days a year.

10. The following vehicle use dis-incentives shall be incorporated into the Hotel project to reduce traffic impacts caused by the Hotel. Such provisions shall be included in the lease/rental agreements of future hotel operators as a required "Transportation Management Plan." A copy of the clause in the lease/rental agreement needed to comply with this condition shall be provided to the Community Development Director and Transportation and Parking Manager.

   a. A minimum of 10 preferential parking spaces for carpools shall be designated by "Carpool Permit Parking Only" signs. Carpool limit permits shall be issued to those employees who arrive at the Hotel Parcel with two
or more persons in the car, four (4) or more times a week, except for part-time employees who are eligible if they carpool every day that they work.

b. Owner or all employers shall contact the Metropolitan Transit District (MTD) to purchase bus passes or the equivalent for their employees and guests. These passes shall be provided free of charge to employees who request them for travel to and from work. Notice of the free passes shall be provided to existing employees and new employees when they are hired and hotel guests upon arrival.

c. Notice of MTD bus routes and schedules shall be placed and maintained up-to-date in a central (public) location accessible to employees.

d. Male and female employees shower and locker facilities shall be provided and maintained in a restroom (the location is subject to the review and approval of Transportation Staff). The showers shall be available for use before, during and after work hours. Notice of these facilities shall be provided when employees are hired.

e. Employees shall be made aware of the Ride-Sharing Program or similar successor programs administered by the Area Planning Council or successor agency. The Owner and/or all employers shall have all employees registered semi-annually in the Ride-Sharing Program and shall make every effort to encourage participation in the program.

f. An employee lunchroom shall be provided in the Hotel of a minimum of 700 square feet in size, including the following amenities: refrigerator, microwave oven, sink, food preparation area, tables and chairs.

g. A minimum of 14 covered bicycle parking spaces shall be provided.

h. In the event of an emergency or work requirement which interferes with the normal transportation arrangement of any employees using mass transportation, a carpool, or a vanpool to get to work, the Owner or employer shall provide cab fare, a company car, or other means to guarantee a free ride home.
i. A Visitor Information Program shall be prepared and implemented. The program shall include, but not be limited to:

1. A means of providing train, bus and airline schedules and maps to prospective hotel guests.

2. A means of providing hotel guests with information on 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 hotel operator shall contact the Metropolitan Transit District to purchase bus and/or shuttle passes or tokens for hotel guests. These passes shall be available to any guests who request them.

3. Advertisement for and solicitation of meetings and other events which includes explanation of the City's clean air and energy reduction goals and an explanation of the benefits of using alternative transportation modes.

4. A means of coordinating special events with the City so that appropriate traffic controls, rerouting and timing of events can be achieved.

j. Free shuttle service to the airport, train depot, bus depot and other hotels shall be provided.

k. Bike rentals shall be made available to Hotel guests.

l. The Hotel will be subject to the Transportation Demand Ordinance (TDM), as amended from time to time.

m. The Hotel operator shall participate in any shuttle pass program developed by the Metropolitan Transit District, the City of Santa Barbara and/or the City of Santa Barbara Redevelopment Agency.

11. The owner shall record an agreement, subject to the approval of the Community Development Director and the City Attorney, which indicates that the approved Hotel uses are a visitor serving use exclusively available to the general public.
deed restriction shall also specify that conversion of any portion of the approved facilities to a private or member only use or the implementation of any program to allow extended or exclusive use or occupancy of the facilities by an individual or limited group or segment of the public is not authorized and would require an amendment or new coastal development permit.

B. The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to the issuance of a Building Permit for the project:

1. Improvement plans for construction of traffic signals at the intersection of Cabrillo Boulevard, Coast Village Road and U.S. Highway 101 southbound on and offramps. As determined by the Public Works Department and the California Department of Transportation (CalTrans), the improvements shall include, but not be limited to, regulatory traffic control signs, traffic signals and pavement striping and marking. The improvement plans shall be prepared by a registered Civil Engineer and reviewed and signed by the City Engineer. The improvement plans shall be approved by CalTrans and funding of the improvement in place prior to issuance of the Building Permit.

2. An engineered drainage plan.

3. A structural engineer's analysis. All recommendations shall be incorporated into the plans.

4. Executed Agreement for Land Development Improvements and improvement security for construction of improvements in a form satisfactory to the City Attorney.

5. Execute and record a dedication of water rights in a form satisfactory to the City Attorney, including but not limited to, existing wells and any related facilities.

6. Encroachment permits from other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easement.

7. Removal or relocation of any public utilities, structures, or trees must be performed by the Owner or by the person or persons having ownership or control thereof. Removal and relocation must
be accomplished at no expense to the City.

8. Provide the specific off-site parking and, if applicable, the public open space improvement agreement to the City Attorney for review and approval. The applicant shall provide 100 off-site parking spaces. If the parking demand is not met, the project is to be returned to the Environmental Review Committee. This offsite parking shall be provided in one of the following ways:

a. The Owner shall enter into an agreement with Fess Parker’s Red Lion Resort (Red Lion) to set aside 100 parking spaces in the westerly end of the Red Lion parking lot. The agreement shall include provisions for coordination of special events between the two hotels. Parking spaces available to the proposed hotel shall be designated in an exhibit attached to the agreement and shall be physically marked in the Red Lion parking lot. There shall be a semi-annual review of the status of the agreement and a monthly reporting requirement. Parking in the Red Lion parking lot shall be limited to valet parking of hotel guests’ cars and to employee parking with either self parking or valet parking. Acceptance of the final agreement by all parties shall be completed prior to issuance of the Certificate of Occupancy for the Hotel. Or

b. The Owner shall provide 100 parking spaces in a parking lot immediately north of the Hotel across the Southern Pacific Railroad tracks in accordance with the provisions of the Zoning Ordinance. Completion of this parking lot shall be required within ninety (90) days of issuance of the Certificate of Occupancy for the Hotel.

c. If Option (a) above is pursued, then, on the Red Lion Parcel, within the 75-foot wide City owned or easement area, the Hotel developer shall redesign the pedestrian paths to promote public use, provide twelve (12) to twenty-four (24) benches and signage which indicates that this area is public open space available for public use, subject to the approval of the design by the Historic Landmarks Commission. If the owners of the Red Lion Parcel object to such changes, the Hotel project shall return to the Planning Commission for further review.
C. The following is subject to the review and approval of the Historic Landmarks Commission (HLC):

1. Textured or colored pavement shall be used in areas of the hotel to minimize the visual effect of the expanse of paving.

2. Exterior lighting, where provided, 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 shall be energy-efficient lighting of a type other than incandescent, except as determined to be impractical by the Community Development Director.

3. A trash enclosure shall be provided on the Hotel Parcel and screened from view from surrounding properties and the street. Such structure shall be located at least five (5) feet from any building or shall otherwise meet Fire Code requirements.

4. Prior to Final Approval, the Hotel developer 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 users of the Hotel Parcel.

5. The anti-backflow devices for fire sprinkler systems shall be provided in a location screened from public view or included in the exterior wall of the building.

6. All roof top equipment at the hotel shall be concealed from potential viewers through screening, paint color or other appropriate method.

D. The Owner shall complete the following prior to the issuance of building permits:

1. The final details of the Mitigation Monitoring Program shall be reported back to the Planning Commission upon approval of the MMP by City Council and the Project Environmental Coordinator (PEC) shall report periodically to the Planning Commission on the progress of the MMP. Mitigation monitors responsible for permit compliance monitoring must be hired. The Hotel project’s mitigation monitors shall include, but not be limited to, a PEC. The Environmental Analyst shall have the authority to resolve any disputes which may arise between the PEC and the General
Contractor. The PEC will be responsible for monitoring daily activities, enforcement of permit compliance conditions, presentation of mitigation monitor briefing sessions, maintaining contact with the Owner(s), the Environmental Analyst, and the public, as well as issuing Environmental Quality Control Reports. This program may be coordinated with the ones for the hostel at 12 E. Montecito Street and the park. Such reports must be submitted to the Owner(s) and the Environmental Analyst. The mitigation monitoring program shall include, but not be limited to:

a. A list of the project’s mitigation measures.

b. An indication of the frequency of the monitoring of these mitigation measures.

c. A schedule of the monitoring of the mitigation measures.

d. A list of reporting procedures.

e. A list of the mitigation monitors to be hired.

2. The Owner shall submit the building plans to the APCD for review and comment on the building design and materials to assure that materials and designs are used that minimize air emissions. To the degree reasonably feasible, the APCD’s recommendations shall be incorporated into the project design. Any letter from the APCD shall be submitted to the Planning Division for consideration during plan check.

3. A qualified archaeologist shall be present during all ground disturbing activity associated with the proposed hotel project site, including but not limited to, grading, excavation, brush removal and ground clearance, demolition of buildings and removal of pavement. In the event that prehistoric or historic features, artifacts or other remains are encountered, all work in the area of the find shall be halted until the nature and significance of the find can be determined and the Environmental Analyst shall be notified. 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. If prehistoric or other Native American remains are encountered, a Native
American representative shall be contacted and shall remain present during all further subsurface disturbance in the area of the find. 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 and prior to the issuance of the Certificate of Occupancy.

4. Evidence shall be submitted that the building permits for the youth hostel and the park have been issued and that grading has commenced.

5. Payment of the necessary fees as follows:

a. Air pollution offsets offset fee of $54,000, payable to the Santa Barbara County Air Pollution Control District (APCD), designated for use in support of the Clean Air Express Commuter Bus Program, for one of the following purposes:

(1) Inclusion in matching funds necessary to receive a government grant for the purchase of new low emissions buses; or

(2) Retrofitting of existing diesel-powered buses with electric or other low emissions engines; or

(3) Operating expenses for the program.

In the event that the Clean Air Express Commuter Bus Program ceases, any unspent funds shall revert to the City and shall be used to increase operating hours, decrease headways or expand routes for the electric shuttle.

6. A construction conference shall be scheduled by the Hotel General Contractor. The conference shall include representatives from the Public Works Department, Parks and Recreation Department, Building Division, Planning Division, the Project Environmental Coordinator, the Property Owner and Contractor. The following information shall be specified on the construction plans submitted for building permits:

a. The Mitigation Monitoring Plan and Conditions of Approval shall be reviewed at the Construction Conference.

b. Construction-related truck trips shall not be...
scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic on adjacent streets and roadways.

c. The route of construction-related traffic established to minimize trips through surrounding neighborhoods. Neither the Cabrillo Boulevard/U.S. 101 or the Milpas Street/U.S. 101 interchanges shall be used for truck traffic.

d. Construction prohibited on Saturday, Sunday, Holidays, and between the hours of 7:00 p.m. and 7:00 a.m.

e. During construction, queuing trucks shall queue on-site and a brief traffic lane shall be designated along Cabrillo Boulevard. In addition, a traffic control person shall assist in directing traffic when trucks are entering Cabrillo Boulevard.

f. Construction parking provided as follows:

(1) 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.

(2) 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.

g. Regular water sprinkling schedule during site grading and the transportation of fill materials, using reclaimed water whenever the Public Works Director determines that it is reasonably available. Water sprinkling shall be done in sufficient quantities to prevent dust from leaving the Hotel site and to create a crust after each day's activities. Said system shall keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this will include wetting down such areas in late morning and after work is completed each day. Tanker trucks using either potable or reclaimed water will have proper permits and backflow devices.

h. Upon completion of grading activities,
vegetation according to the landscape plan shall commence immediately in order to reduce dust and improve visual quality.

i. Trucks transporting fill material to and from the site shall have the load covered by tarps from the point of origin. Such trucks shall have a minimum of 54 cubic yard capacity.

j. Soils stockpiled for more than two (2) days shall be covered, kept moist or treated with soil binders to prevent dust generation.

k. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary (particularly when wind speeds exceed 15 miles per hour). This person may be the Project Environmental Coordinator (PEC) or the PEC’s designee. Their duties shall include holiday and weekend periods when work may not be in progress. The telephone numbers of such persons shall be provided to the Air Pollution Control District prior to issuance of grading permits. In addition, the Santa Barbara Arts and Crafts Show shall be provided the names and telephone numbers of the designated dust control program monitor, which will enable show director(s) to make contact in the event dust control becomes a problem.

l. Equipment engines shall be maintained in good working condition and in proper tune per manufacturer’s specifications and with proper mufflers.

m. During smog season (May through October), construction efforts which generate dust or require extensive use of pollutant-generating emissions shall be scaled back in order to reduce Quarterly emissions loading and minimize the number of vehicles and equipment operating at the same time. The form of activity reduction shall be designated by the contractor and may include completing activities at a less intense rate each day (fewer employees and equipment), shorter working days or fewer working days per week.

n. Construction activities shall use new technologies to control ozone precursor emissions as they become available and feasible. At a minimum, such measures shall include use of reformulated diesel fuel, the
degree engine timing retard and installation of high pressure fuel injectors.

7. The Owners shall submit a Phase II hazardous materials investigation and shall work with the Santa Barbara County Department of Environmental Health Services or successor agency to prepare and implement the required remediation plan to reduce contamination to acceptable levels. Remediation shall be completed prior to issuance of grading permits.

E. The following requirements shall be incorporated into, or submitted with the construction plans, submitted to the Division of Land Use Controls with applications for building permits. All of these construction requirements must be completed prior to the issuance of a Certificate of Occupancy for the Hotel:

1. A drainage and grading plan.

2. Soils and geology report(s) prepared by a licensed engineer, geologist or equal. Such report(s) shall include an assessment of alternative construction methods other than pile insertion. If an alternative method is not available, a test pile shall be driven and measures to mitigate noise and vibration impacts recommended, which shall be incorporated into construction documents and plans.

3. A hydrologic and hydraulic report prepared by a licensed engineer, geologist or equal.

4. Driveway access for fire vehicles and for access to sewer and storm drain maintenance points shall be 16-20 ft. wide, all-weather concrete or asphalt pavement capable of supporting a 40,000 lb. fire truck, subject to approval by the Fire and Public Works Departments. Vertical clearance shall be a minimum of 13 feet 6 inches (13' 6''). Driveway access shall be sixteen feet (16') in width to within 150 feet of all exterior walls of the structure. A cul-de-sac or hammerhead turnaround shall be provided in accordance with City standards if any access road exceeds 300 feet in length, subject to approval by the Fire Department.

5. Fire sprinkler system with appropriate backflow devices shall be provided.

6. Fire extinguishers shall be installed pursuant to the Fire Code.
7. Fire alarm system shall be provided pursuant to City requirements.

8. A hood extinguishing system shall be provided for the commercial kitchen area of the hotel, subject to review and approval by the Fire Department.

9. Commercial dumpsters shall not be placed within five feet (5') of combustible walls, openings or combustible roof eaves unless sprinkler coverage is provided.

10. Provide an emergency evacuation plan subject to approval by the Fire Department which shall include the following:

   a. The plan shall address evacuation procedures in the event of earthquake, tsunami, train derailment or release of hazardous materials.

   b. Safety procedures and evacuation routes shall be posted throughout the hotel.

   c. A Safety Coordinator(s) shall be designated for the hotel. The Safety Coordinator(s) shall know the location and function of all emergency systems.

11. A project directory (including map and parking directional signs) listing all facilities on-site shall be indicated on the project plans. This directory shall be located as required by the Fire Department and shall be subject to Sign Committee Approval.

12. Provide light standards as determined by the Public Works Department in accordance with City Standards (consult with the Southern California Edison for appropriate underground fee-point location).


14. Acoustically upgraded exterior wall constructions shall be installed and closed, well sealed, acoustically upgraded window assemblies having an STC rating of 32-34 shall be installed in all windows of the hotel.

15. The design, selection and placement of equipment for the hotel shall be completed to avoid
impacting the park and hotel guests.

16. The development shall be constructed with fire retardant materials and shall have smoke detectors uniformly installed throughout the hotel area.

17. The rear wall of the fire lane shall be designed and constructed in a manner which provides optimum resistance to damage from a train car collision and primary structural support for hotel areas shall be provided principally in the central and southern portions of the building.

18. All 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 it is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Date</th>
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<tbody>
<tr>
<td>Contractor</td>
<td>Date</td>
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<tr>
<td>Architect</td>
<td>Date</td>
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<tr>
<td>Engineer</td>
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</tbody>
</table>

F. Prior to issuance of the Certificate of Occupancy, the Owner of the Hotel Parcel 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 a qualified Arborist.

2. The existing curb-cut shall be removed and replaced with curb cut and gutter, sidewalk, and/or parkway.

3. Public improvements as shown in the improvement
4. The youth Hostel and the park shall be shown to have been issued a Certificate of Occupancy as a prerequisite for issuance of the Certificate of Occupancy for the Hotel.

5. Provide commercial fire hydrants within 300 feet of the hotel. The hydrant shall be located within 300 feet of all exterior walls by way of access. They shall be provided with one (1) four inch (4") and two (2) two and one half inch (2½") outlets and shall have a fire flow in excess of 1250 gallons per minute.

6. Provide an approved anti-backflow device placed on the property side of consumer's service pursuant to Santa Barbara Municipal Code Section 14.20.120. (Applied to fire line services or as determined by the Public Works Department).

7. Place utilities underground from the transmission source and within the Hotel Parcel.

8. The water well on the easterly end of the property shall be capped and abandoned in accordance with a permit issued by the Santa Barbara County Department of Environmental Health Services or successor agency.

9. Security devices shall be installed, including secondary locks on doors and windows and solid-core exterior doors. Louvered windows on the first floor shall be prohibited. Said devices shall be in compliance with the Uniform Building Code and Fire Department Codes and shall be subject to the approval of the Chief of Building and Zoning.

10. Completion of traffic signals at the intersection of Cabrillo Boulevard, Coast Village Road and U.S. Highway 101 southbound on and offramps.

SECTION 4. AUTHORIZATION TO EXECUTE AND DELIVER DEVELOPMENT AGREEMENT. The form of the agreement, dated as of August 8, 1995, and entitled the Development Agreement by and between the City of Santa Barbara and American Tradition, a California general partnership, submitted to the Council at this meeting is hereby approved and the City Administrator and the City Clerk are hereby authorized and directed to execute and deliver for and in the name of the City (when and as required by the Escrow Agreement), the Development Agreement in substantially the form submitted to the Council at this meeting (as such form may be approved by the City Attorney), with such additions and changes therein as the
City Administrator and City Attorney may require or approve with such approval to be conclusively evidenced by the their mutual execution and delivery thereof with such additions or changes.

SECTION 5. AUTHORIZATION TO EXECUTE AND DELIVER THE COOPERATION AGREEMENT. The form of the agreement, dated as of August 8, 1995, and entitled the Waterfront Park Cooperation Agreement by and between the City of Santa Barbara and the Redevelopment Agency of the City of Santa Barbara submitted to the Council at this meeting is hereby approved and the City Administrator and the City Clerk are hereby authorized and directed to execute and deliver for and in the name of the City (when and as required by the Escrow Agreement), the Cooperation Agreement in substantially the form submitted to the Council at this meeting (as such form may be approved by the City Attorney), with such additions and changes therein as the City Administrator and City Attorney may require or approve with such approval to be conclusively evidenced by the their mutual execution and delivery thereof with such additions or changes.

Bill No. 4937
Ordinance No. 4920
Adopted August 15, 1995