



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 003-24

101 GARDEN STREET

### PARKING MODIFICATION, DEVELOPMENT PLAN, AND COASTAL DEVELOPMENT PERMIT

FEBRUARY 29, 2024

Assessor's Parcel Number: 017-630-008; 009; -018; -021; -024; and -027  
Zoning Designation: HRC-2/SP-2/S-D-3 (Hotel and Related Commerce/Cabrillo Plaza Specific  
Plan/Coastal Overlay)  
Application Number: PLN2019-00052, Filing Date: 11/23/2021  
Owner: The Wright Family H. Limited Partnership  
Tony Bortolazzo, Agent  
Applicant: Carolyn Groves, Dudek

The project consists of the merger of six lots, removal of all existing structures, and construction of a new 178,919-square-foot hotel containing 250 rooms (130 extended stay rooms; 120 "select service" rooms) and six affordable housing units (5 low-income studios and 1 moderate -income two-bedroom unit) under State Density Bonus Law, and an 85,298-square-foot subterranean parking garage on a 4.53-acre site at the southwest corner of Garden and E. Yanonali Streets. The "select service" rooms would not have kitchens. Most (119 of 130) of the "extended stay" rooms would have kitchens and would be suitable for families and larger groups. Guest amenities include library, bar, lounge, 208-square-foot market, media salon, meeting rooms, living room, breakfast area, outdoor seating areas with spa, courtyard with pool and spa, fitness room, and a 7,500-square-foot roof deck. The main entrance to the hotel would be from Garden Street, with secondary entrances from E. Yanonali and Santa Barbara Streets. The project includes 267 vehicle parking spaces (238 subterranean and 29 at-grade) and 52 bicycle parking spaces (32 subterranean and 20 at-grade). Eight bicycle rental parking spaces are also provided for guests.

Three onsite trees would be removed (California Pepper, Date Palm, Mexican Fan Palm) and 17 onsite trees would be protected. Landscape plans include installation of approximately 185 new ornamental trees onsite. Five street trees (4 Mexican Fan Palms, 1 Cork Oak) would be removed, and 24 street trees would be protected. There would be 13 new street trees along E. Yanonali Street and Santa Barbara Street. Grading is estimated to consist of 25,900 cubic yards cut/export and 4,600 cubic yards fill. The project also includes restoration of the wetland/drainage area and 15-foot-wide buffer area located along the Garden Street frontage. The proposed project plans have not been revised since the last hearing on August 3, 2023.

The following reports and documents, including recommendation measures therein, are included in the proposed project:

- Air Pollution Control District (APCD) Letter 4-4-2022
- Air Quality (AQ) Response to APCD Letter (Dudek, 10-06-2022)
- APCD Regulations and Conditions Letter 3-15-2023
- Updated AQ & Greenhouse Gas (GHG) Technical Memo (Dudek, 11-22-2023)
- Aquatic Resources Delineation Report (Dudek, September 14, 2022)
- Tree Inventory and Assessment (Bill Spiewak, February 22, 2022)
- Habitat Restoration Plan (True Nature, August 5, 2022) Included in project plans.

- Revised Biological Analysis (SAIC, May 15, 2007)
- Review of Revised Biological Analysis (Dudek, 11/21/2018)
- Sea Level Rise Hazard Analysis and Adaptation Plan (Moffatt & Nichol, May 2019)
- Geotechnical Engineering Report (Earth Systems, April 19, 2022)
- Proposed Water, Sewer, and Storm Drain System Analysis (Flowers & Associates, Inc., May 20, 2022)
- Risk of Upset/Train Safety Analysis (Dudek, May 19, 2022)
- Phase II Soil and Groundwater Assessment (Rincon, September 28, 2012)
- Preliminary Findings of Additional Environmental Site Assessment Activities (Soil and Groundwater) (Geo Enviro Services, Inc., May 18, 2022)
- Additional Soil, Soil Vapor, and Groundwater Assessment (GeoEnviro Services, Inc., June 2022)
- Santa Barbara County Public Health Department, Environmental Health Services (EHS) Letter 7-24-2019
- EHS Letter 11-03-2022
- EHS Letter 12-20-2022
- EHS Letter 1-20-2023
- Final Technical Memorandum – Sewer Capacity (Lee+Ro, 12/05/2022)
- Updated Noise Study (Dudek, 11-29-2023)
- Cabrillo Plaza Specific Plan EIR – 1983

The discretionary applications under the jurisdiction of the Planning Commission at this hearing are:

- A. A Parking Modification to allow less than the required number of parking spaces (Santa Barbara Municipal Code (SBMC) §28. 90.100 and SBMC §28.92.110.A.1);
- B. A Development Plan to allow the construction of approximately 153,000 square feet (net) of nonresidential development (SBMC Chapter 28.85);
- C. A Coastal Development Permit to allow the proposed development in the Appealable and Non-Appealable Jurisdictions of the City’s Coastal Zone (SBMC §28.44.060); and

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

**WHEREAS**, the Planning Commission held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, 14 people appeared to speak and the following exhibits were presented for the record:

- 1. Staff Report with Attachments, February 22, 2024
- 2. Project Plans
- 3. Correspondence received:
  - a. Michael Orlando
  - b. The Moffitt Family
  - c. Bryce Belinski
  - d. Barbara Sharghi

- e. Erica Lofving
- f. Cody Vild
- g. Jennifer Rauch
- h. Jacalyn Gross
- i. Jordan Riparetti
- j. Susanne Wood
- k. Jean Ziesenhenne
- l. Adam Hewitt
- m. Supporters Alliance for Environmental Responsibility (SAFER)
- n. Anonymous
- o. Leslie Kelleher
- p. Marc Chytilo
- q. Noah Boland
- r. June and Terrence O'Rourke
- s. Ellen Zissler
- t. Joanne D'Egidio
- u. Susan Shields
- v. Jayne Johann
- w. Steve Johnson
- x. Brittany Zajic
- y. Pat Saley
- z. Anne Bauman
- aa. Betsy Robertson Cramer
- bb. Amber Rouleau
- cc. Anonymous
- dd. Jennifer Cox
- ee. Deborah Barnes
- ff. Ronit Corry
- gg. Erika Carter
- hh. Richard Untermann
- ii. Jackie Kane
- jj. Wallace Piatt

kk. Coltin Sanders  
ll. Doug Fell  
mm. Brittany Zajic  
nn. Katherine Anderson  
oo. Marc Chytilo  
pp. Gareth Kelly  
qq. Trish Allen  
rr. Noah Boland  
ss. Jordan Naumu  
tt. Bob Ludwick  
uu. Citizens Planning Association  
vv. Steve Johnson  
ww. Marjan Abubo

**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission:

I. Approved the subject application, making the following findings and determinations:

**A. ENVIRONMENTAL REVIEW (CEQA GUIDELINES)**

The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA Certificate of Determination as described in the Staff Report dated February 22, 2024.

**B. PARKING MODIFICATION (SBMC §28.92.110)**

1. The parking modification will not be inconsistent with the purposes and intent of the Zoning Ordinance (Title 28), which are to serve the public health, safety, comfort, convenience, and general welfare and to provide the economic and social advantages resulting from an orderly planned use of land resources, and to encourage, guide and provide a definite plan for the future growth and development of the City. The project will provide alternative transportation incentives with the visitor information program and transportation demand management program, as described in Section VII of the Staff Report dated February 22, 2024 and documented in the conditions of approval.
2. The parking modification will not cause an increase in the demand for parking space or loading space in the immediate area because the project is expected to meet the parking demand onsite based on the Parking Demand Analysis report (Dudek, 8/04 2022), as described in Section VII of the Staff Report dated February 22, 2024.

**C. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act as described in Section VII.B of the Staff Report dated February 22, 2024.

2. The project is consistent with all applicable policies of the City’s Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code because it meets the required parking demand, includes the restoration and enhancement of a biologically- and visually-degraded area, and is compatible with the surrounding neighborhood, as described in Section VII of the Staff Report dated February 22, 2024.
3. Additionally, the project is consistent with LUP Policy 3.2-12 (Lower Cost Visitor and Recreational Facilities) because it qualifies as a moderate (lower cost) hotel that is slightly above the average moderate cost range for the State of California due to the local land, construction, and labor costs; because it includes amenities and the number of employees appropriate for a moderate cost hotel and does not include other amenities that would be provided in a luxury hotel; as described in Section VII of the Staff Report dated February 22, 2024. A condition of approval has been included to ensure it remains a moderate cost hotel as long as the hotel is in operation.

**D. DEVELOPMENT PLAN (SBMC §28.85.040)**

1. The proposed development complies with all applicable provisions of the Zoning Ordinance related to use, setbacks, building height, parking, and nonresidential floor area, as described in Section VII of the Staff Report dated February 22, 2024.
2. The proposed development is consistent with the principles of sound community planning because the hotel use is allowed in the zone, provides six affordable housing units prioritized for employees to address potential impacts to housing resulting from the hotel development, is compatible with the neighborhood, and there are no nearby historic resources, as described in Section VII of the Staff Report dated February 22, 2024.
3. The proposed development will not have a significant adverse impact upon the community’s aesthetics or character in that the size, bulk and scale of the development is compatible with the neighborhood based on review of the Project Compatibility Analysis criteria found in SBMC §30.220.020.F by the Historic Landmarks Commission, as described in Section X of the Staff Report dated February 22, 2024.
4. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy (as approved by City Resolution No. 13-010 dated March 12, 2013, and amended per Resolution No. 20-042 dated June 23, 2020) as expressed in the allocation allowances specified in SBMC §28.85.050, Traffic Management Strategy, as described in Section VII of the Staff Report dated February 22, 2024.

**II. Said approval is subject to the following conditions:**

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
  1. Obtain all required design review approvals.
  2. Pay offsite sewer improvement fee.
  3. Submit an application for and obtain a Building Permit (BLD) to demolish any structures/ improvements and/or perform rough grading. Comply with condition E “Construction Implementation Requirements.”
  4. Complete Voluntary Lot Merger.

5. Record any required documents (see Recorded Conditions Agreement section).
6. Permits.
  - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
  - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** The Owner shall execute a written instrument, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney and Community Development Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on February 29, 2024 is limited to a hotel development of approximately 178,919 square feet, containing 250 moderate cost hotel rooms, six affordable housing units prioritized for employees under State Density Bonus Law, library, bar, lounge, market, media salon, meeting rooms, living room, breakfast area, outdoor seating areas with spa, courtyard with pool and spa, fitness room, and a 7,500-square-foot roof deck, plus a subterranean parking garage of approximately 85,298 square feet with 238 parking spaces, and 29 at-grade parking spaces as described in the Applicant Letter dated February 15, 2024 and as shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits, and any access road, as appropriate.
3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan 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 shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.
5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community

Development Director to determine if an amendment or a new and Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

6. **Rental Housing Restrictions.** Six affordable housing units are required, which will be first offered to employees, all provided as density bonus units, as follows:
    - a. For five of the rental residential units, the rent will not exceed the rent limit specified in the City’s Affordable Housing Policies and Procedures (AHP&P) for low-income units targeted to seventy percent (70%) of Area Median Income (AMI).
    - b. For one of the rental residential units, the rent will not exceed the rent limit specified in the City’s Affordable Housing Policies and Procedures (AHP&P) for moderate-income units targeted to one hundred and ten percent (110%) of Area Median Income (AMI).
    - c. The Affordable Units shall be rented and occupied in conformance with the City’s adopted AHP&P. The rental rates and tenant selection of the Affordable Units shall be controlled by means of a recorded affordability covenant approved as to form and content by the City and executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial occupancy of the project.
  7. **Tsunami Hazard Zone.** The owner acknowledges that: the project site may be subject to hazards from tsunamis; the owner assumes the risks of injury and damage from such hazards in connection with the permitted development; and the owner waives any claim of damage or liability against the City for injury or damage from such hazards. In the event of a tsunami hazard event that damages the development, the owner shall remove all recoverable debris associated with the development from the beach and the ocean and lawfully dispose of the material at an approved disposal site. Such removal shall require authorization through an emergency and/or regular Coastal Development Permit process.
- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Historic Landmarks Commission (HLC). The HLC shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Bicycle parking.** To be consistent with the City’s Access and Parking Design Standards, update plans to specify hardscape materials at all bicycle parking locations.
  2. **Backflow Device.** The backflow devices for fire sprinklers, pools, spas and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the HLC.
  3. **Location of Dry Utilities.** Dry utilities (e.g., above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons by the Public Works Director. If dry utilities must be placed in the public right-of-way, they shall be painted “Malaga Green,” and if feasible, they shall be screened as approved by HLC.

- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in the combined conditions D.1.d. “E. Yanonali Street Public Improvements”, D.1.e. “Garden Street Public Improvements”, and D.1.f. “Santa Barbara Street Public Improvements” shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the Agreement to Construct and Install Improvements (Not a Subdivision).
- b. **Dedications.** Easements, as shown on the approved site plan and described as follows, subject to approval of the easement scope and location by the Public Works Department:
  - i. All street purposes along East Yanonali Street and Santa Barbara Street in order to establish a 12-foot-wide public right-of-way, including a 0’-6” curb, 4’-0” parkway or tree well area, 6’-0” sidewalk and 1’-6” of “frontage zone. The frontage zone may be located within the private property, however walls may not exceed 3’-6” within the frontage zone.
  - ii. Dedicate approximately 3’-3” for the sidewalk corridor along the Yanonali Street frontage.
  - iii. Dedicate a 6’ wide sidewalk along the Southwestern most Santa Barbara Street frontage of approximately 35’ in length to create a pedestrian sidewalk connection to Garden Street.
- c. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner’s signature.
- d. **E. Yanonali Street Public Improvements.** The Owner shall submit C-1 public improvement plans (including both D.1.e. & f.) for construction of improvements along the property frontage on Yanonali Street. Plans shall be submitted separately from plans submitted for a Building Permit and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: 300 linear feet of sidewalk, driveway apron modified to meet Title 24 requirements with a maximum width of 20 feet, 270 linear feet of curb and gutter, Diagonal access ramp, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, connection to water and sewer mains and utilities, public



drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe and connection to new City storm drain catch basin, supply and install 1 commercial City Pole Standard A-16 street light, preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, storm drain stenciling, new street trees per approval of the Parks and Recreation Department, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

- e. **Garden Street Public Improvements.** The Owner shall submit C-1 public improvement plans (including both D.1.d. & f) for construction of improvements along the property frontage on Garden Street. Plans shall be submitted separately from plans submitted for a Building Permit and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: 35 linear feet of sidewalk, raised median island, driveway apron modified to meet Title 24 requirements with a maximum width of 35 feet, 25 linear feet of curb and gutter, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe and connection to new City storm drain catch basin, preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, storm drain stenciling, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
- f. **Santa Barbara Street Public Improvements.** The Owner shall submit C-1 public improvement plans (including both D.1.d. & e.) for construction of improvements along the property frontage on Santa Barbara Street. Plans shall be submitted separately from plans submitted for a Building Permit and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: 260 linear feet of sidewalk, driveway apron modified to meet Title 24 requirements with a maximum width of 20 feet, 250 linear feet of curb and gutter, asphalt concrete on aggregate base along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, supply and install 2 commercial City standard street lights, coordinate with Public Works staff and Edison to retire light standard from existing utility pole, preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, storm drain stenciling, new street trees per approval of the Parks and Recreation Department, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

- g. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site.
- h. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more 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.) in order to help reduce truck traffic on adjacent streets and roadways.
- h. **Agreement to Construct and Install Improvements.** The Owner shall submit an executed *Agreement to Construct and Install Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the Agreement.
- i. **Transportation Demand Management Improvements.** The alternative mode incentives identified in condition G.3 "Transportation Demand Management" that require physical improvements shall be shown on the project plans.
- j. **Visitor Information Program.** Submit a copy of the Visitor Information Program required by condition G.4 "Visitor Information Program" for approval by the Public Works Director.
- k. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.
- l. **Offsite Sewer Improvements.** A portion of the offsite sewer trunk line along Garden Street does not have current capacity sufficient to serve the development intensity of the project. The undersized portion is the 33-inch diameter segment that runs approximately 600 feet, from the Garden Street right-of-way to the easterly side of Laguna Channel. This segment must be increased to 48 inches to match the existing pipeline that runs southerly within the right-of-way of Garden and Yanonali Streets. The cost estimate of the improvement is \$5,505,060. In lieu of construction by the Owner, Owner shall pay to the City 50% of the estimated construction cost for the pipeline. The payment shall be made prior to building permit issuance. Any associated agreement shall be executed before issuance of building permits. The improvement will be constructed by the City as an offsite improvement concurrently with development of the Project. Installation of the pipeline is required before occupancy of the project. The requirements of this condition are additional to payment of capacity and connection charges applicable to the project and construction of any onsite project improvements.
- m. **Certificate of Voluntary Merger Required.** The Real Property known as APN 017-630-008, APN 017-630-009, APN 017-630-018, APN 017-630-021, APN 017-630-024, and APN 017-630-027 shall be merged into one (1) lot, following the procedure in Santa Barbara Municipal Code Chapter 27.30.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B “Recorded Conditions Agreement” to the Community Development Department following recordation of the lot merger and prior to issuance of any building permits.
- b. **Condition Monitor Required.** Submit to the Planning Division a contract with a qualified independent consultant to act as the Condition Monitor. Both the Condition Monitor and the contract are subject to approval by the City’s Community Development Director. The Condition Monitor shall be responsible for assuring full compliance with the provisions of the Conditions of Approval to the City. The contract shall include the following, at a minimum:
  - (1) The frequency and/or schedule of the monitoring of the conditions.
  - (2) A method for monitoring the conditions.
  - (3) A list of reporting procedures, including the responsible party, and frequency.
  - (4) A list of other monitors to be hired, if applicable, and their qualifications.
  - (5) Submittal of **biweekly** reports during demolition, excavation, and grading and **monthly** reports on all other construction activity regarding condition compliance by the Condition Monitor to the Community Development Department/Case Planner.
  - (6) Submittal of a Final Condition Monitoring Report.
  - (7) The Condition Monitor shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the contract and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with conditions.
- c. **Recorded Affordability Covenant.** Submit to the Planning Division a signed affordability control covenant that has been approved as to form and content by the City Attorney and Community Development Director, which includes restrictions as specified in condition B.6. Said Covenant will be recorded against the property in the Office of the County Recorder,

The covenant shall include an assignment of rents whereby the owner assigns to the City all rents collected in violation of the covenant. The covenant shall also require the owner to make periodic reports to the City to verify compliance with the covenant.
- d. **Final Habitat Restoration Plan.** Submit a Final Habitat Restoration Plan for the wetland and wetland buffer area prepared by a qualified restoration biologist or landscape architect subject to review and approval by the Creeks Division. Include all measures described in Section 7 of the Aquatic Resources Delineation Report (Dudek, August 5, 2022). The plan shall include measures for removing existing non-native vegetation and preparing the wetland for revegetation. The plan shall

also provide any necessary erosion control measures for the wetland area. Please provide the total planting area (in square feet) for the restoration site. Include plant numbers by species and a plant total for all species to be installed in the restoration plan. The restoration plan should aim for a high level of diversity of native plant species. The restoration plan must be approved by the Environmental Analyst.

The restoration plan shall include a five-year Restoration Maintenance and Monitoring Program (RMMP). The RMMP shall outline the monitoring and maintenance frequency, the success criteria and monitoring methods, the maintenance methods, the reporting methods and frequency, and the RMMP shall identify the responsible parties. The RMMP shall be consistent with recommendations within the Aquatic Resources Delineation Report (Dudek, August 5, 2022) and must be approved by the Environmental Analyst.

- e. **Energy Conservation Plan.** An Energy Conservation Plan shall be submitted for review and approval by the Planning Division, as required by the Cabrillo Plaza Specific Plan.
- f. **Water Conservation.** Provide documentation that the project will require less than approximately 11.13-acre feet per year (AFY) of potable water, as required by the Cabrillo Plaza Specific Plan.
- g. **Risk of Upset/Train Safety Analysis.** The measures in the Risk of Upset/Train Safety Analysis (Dudek, May 19, 2022) regarding fencing and signage shall be shown on the plans.
- h. **Remediation Action Plan.** Owner shall submit the Final Remediation Action Plan and Soil Management Plan approved by Santa Barbara County Environmental Health Services. All remedial action shall be completed by the Owner in compliance with all applicable statutes, ordinances, regulations, and other provisions of law and in a manner consistent with current regulatory guidelines and industry standards. County Environmental Health Services shall oversee all related work and remedial action. Remediation shall be complete prior to construction of the new project.
- i. **Tree Protection Measures.** The tree protection measures in the Tree Inventory and Assessment report (Bill Spiewak, February 22, 2022) shall be shown on the plans.
- j. **Exterior Long-term Noise.** Project plans shall comply with the recommendations in the Noise Study (Dudek, November 29, 2023). To comply with the Cabrillo Plaza Specific Plan recommended exterior maximum of 60 dBA CNEL, noise barriers shall be required in selected balcony and pool areas.
- k. **Interior Long-term Noise.** Project shall comply with the recommendations in the Noise Study (Dudek, November 29, 2023). To comply with the City's 45 dB CNEL interior noise standard, the building shell for the portion of the southern hotel structure with direct exposure to the UPRR alignment shall have a composite STC rating of not less than 30. Mechanical ventilation and/or air conditioning systems shall be provided for all guest rooms of the hotel such that windows may be kept in

the closed position if desired by guests. Compliance shall be clearly identified on plans.

- l. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal Code Chapter 22.87 (treatment, rate, and volume). The Owner shall submit a hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City’s Storm Water BMP Guidance Manual. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no unpermitted construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

- m. **Archaeological Monitoring Contract.** Submit a contract with an archaeologist from the most current City Qualified Archaeologists List 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 Phase 1 Archaeological Resources Report prepared for this site by Dudek, dated February 2019. The contract shall be subject to the review and approval of the Environmental Analyst.

The archaeologist’s monitoring contract shall include the provisions identified in condition D.2.m “Requirement for Archaeological Resources” below.

- n. **Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately, and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City

Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

- o. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.
- p. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition E.1 “Neighborhood Notification Prior to Construction” below. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
- q. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment to hold the Pre-Construction Conference identified in condition E.2 “Pre-Construction Conference” prior to disturbing any part of the project site for any reason.
- r. **Design Review Requirements.** Plans shall show all design, landscape, and tree protection elements, as approved by the appropriate design review board and as outlined in Section C “Design Review,” and all elements/specifications shall be implemented on-site.
- s. **Disaster Evacuation and Safety Plan.** Provide a Disaster Evacuation and Safety Plan subject to approval by the Fire Department and Planning Division, as required by the Cabrillo Plaza Specific Plan and the Risk of Upset/Train Safety Analysis (Dudek, May 19, 2022).
- t. **Construction Solid Waste Management Plan.** Prior to issuance of a demolition or building permit for the project, the applicant shall develop a Solid Waste Management Plan for Construction, subject to approval by the City’s Environmental Analyst, to ensure that the diversion rate achieved is 85% in order to generate less than 350 tons of construction and demolition debris. All requirements of the plan shall be implemented on-site.
- u. **Solid Waste Management Plan.** The applicant shall develop a Solid Waste Management Plan, subject to approval by the City’s Environmental Analyst and Environmental Services Division, to ensure that the amount of long-term (operational) solid waste going to the landfill is less than 40 tons per year (TPY). All requirements of the plan shall be implemented on-site.
- v. **Groundwater Dewatering.** The applicant shall submit a dewatering plan prepared by a California Professional Geologist or a certified hydro-geologist for review by the Planning Division that includes analysis of the amount and quality of groundwater to be dewatered and a description of the methods for treatment and disposal of water that will be used during construction. If operational dewatering is

necessary, the dewatering plan shall describe the permanent subgrade dewatering system.

The applicant shall also submit plans, prior to the issuance of any building permit, from a licensed engineer showing that the foundation and below grade walls are designed to withstand the hydrostatic pressure associated with the level of groundwater anticipated on the site.

- w. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. The following statement shall be signed prior to issuance of and permits: The undersigned have read and understand the required conditions and agree to abide by any and all conditions which are 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.

- E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.
  - 1. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities, a description of noise-reduction measures, and any additional information that will assist Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.
  - 2. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Community Development Department Building and Planning Divisions, the Property Owner, Archaeologist, Architect, Arborist, Biologist, Geologist, Landscape Architect, Project Engineer, Project Contractor, and each Subcontractor.
  - 3. **Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s),

construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone.

4. **Construction Hours.** Noise-generating construction activities (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m.

Non-noisy construction (e.g., interior painting) may also be permitted Saturdays between the hours of 9:00 a.m. and 4:00 p.m.

No construction is permitted on the following holidays:

New Year's Day	January 1st*
Martin Luther King, Jr. Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4th*
Labor Day	1st Monday in September
Veterans Day	November 11
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

\*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the City to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

5. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.
6. **Construction Parking.** 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 Public Works Director. Parking is not allowed in the public right-of-way or in the City-owned beach parking lots.
7. **Tree Protection Measures.** Trees shall be protected with fencing as described in the Tree Inventory and Assessment report (Bill Spiewak, February 22, 2022).



8. **Final Habitat Restoration Plan.** The project shall comply with the approved Final Habitat Restoration Plan.
  9. **Nesting Birds.** Birds and their eggs nesting on or near the project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. No trimming or removing brush or trees shall occur if nesting birds are found in the vegetation. All care should be taken not to disturb the nest(s). Removal or trimming may only occur after the young have fledged from the nests(s).
  10. **Air Quality and Dust Control.** The project shall comply with the regulatory requirements, and the best practices related to dust control and emission reduction, as recommended in the Air Pollution Control District Letter dated March 15, 2023. All requirements shall be reproduced on the plans.
  11. **Onsite Archaeological Monitoring.** Onsite monitoring by a City-Qualified Archaeologist and as appropriate, a City-qualified Barbareño Chumash Site Monitor, is required for all grading, excavation, trenching, vegetation or paving removal, ground clearance, and site preparation that involves earthmoving operations.
  12. **Construction Noise.** Project shall comply with the recommendations in the Updated Noise Study (Dudek, November 29, 2023) to minimize short-term noise, as follows:
    - a. All construction equipment powered by internal combustion engines shall be properly muffled and maintained. No internal combustion engine shall be operated on the site without a muffler. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory recommended mufflers. Unnecessary idling of internal combustion engines shall be prohibited.
    - b. Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters. Whenever feasible, electrical power shall be used to run air compressors and similar power tools.
    - c. A temporary construction sound barrier wall shall be installed along the northern site boundary.
  13. **Condition Monitoring Reports.** The Condition Monitor shall submit biweekly reports to the Community Development Department, Case Planner, during demolition, excavation, and grading, and monthly reports on all other construction activity regarding condition compliance.
- F. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC Chapter 22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed. Offsite sewer improvements, constructed by the City, shall also be completed.
3. **Rental Affordability Provisions Approval.** Obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the following: (a) the process for selecting the initial residents of the affordable rental units, (b) the eligibility of the initial residents, and (c) the form of the rental agreement used.
4. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the Certificate of Occupancy / Final Inspection, whichever is earlier. Any applicable review fees apply.
5. **Habitat Restoration Plan Contract.** Submit a contract with a qualified consultant acceptable to the City for the five-year monitoring period as described in the approved Final Habitat Restoration Plan.
6. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles and as shown in the visual simulations prior to project approval, shall be taken and submitted to the Planning Division.
7. **Housing Trust Fund.** The Owner shall voluntarily contribute \$500,000k to the Santa Barbara Local Housing Trust Fund before issuance of a Certificate of Occupancy.
8. **Condition Monitoring Report.** Submit a final Condition Monitoring Report.

G. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Waterfront Area Parking District.** The Owner shall waive the right to protest the formation of a waterfront area parking district as required by the Cabrillo Plaza Specific Plan.
3. **Transportation Demand Management.** The following alternative mode incentives shall be incorporated into the project as required by the Cabrillo Plaza Specific Plan. Owner shall be responsible for ensuring compliance with the following provisions:
  - a. **Shuttle Service.** A shuttle service to the airport, train depot, bus depot, and other hotels shall be provided.
  - b. **Bicycle Parking.** A total of forty-six bicycle parking spaces shall be provided for the hotel use, including twenty-six covered employee spaces.
  - c. **Shower and Locker Facilities.** Employee shower and locker facilities shall be provided and maintained as approved by the Public Works Director. The showers

shall be available for use by employees before and during work hours. Notice of these facilities shall be provided when employees are hired.

- d. **Bus Routes and Schedules Posted.** Notice of MTD bus routes and schedules shall be placed and maintained up to date in a central (public) location accessible to employees.
  - e. **Bus Passes.** The Owner and/or all employers shall contact the Metropolitan Transit District (MTD) to purchase bus passes or the equivalent for their employees. 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. A copy of any agreements/correspondence with MTD shall be provided to the Public Works Director prior to issuance of the Certificate of Occupancy for the project.
  - f. **Guaranteed Ride Home.** In the event of an emergency or work requirement that interferes with the normal transportation arrangement of any employee 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.
4. **Visitor Information Program.** A Visitor Information Program shall be prepared and implemented, subject to review and approval by the Public Works Director. The program shall include, but not be limited to:
- a. Provide links to alternative transportation sites on the company website.
  - b. Provide information to visitors via email (prior to them coming) regarding alternative transportation available in Santa Barbara.
  - c. A means of providing train, bus, and airline schedules and maps to prospective hotel guests.
  - d. 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. Explicit notice of the free passes shall be provided to hotel guests upon arrival, and these passes shall be available to any guests who request them.
  - e. 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 and active transportation modes.
  - f. A means of coordinating special events with the City so that appropriate traffic controls, rerouting, and timing of events can be achieved.
  - g. Eight bicycle rentals, as shown on the plans, shall be provided for hotel guests.
5. **Moderate Cost Hotel Provision.** The project shall be maintained as a moderate cost hotel in accordance with Coastal Act section 30213 and Local Coastal Program Coastal Land Use Plan Policy 3.2-12 Lower Cost Visitor and Recreational Facilities. No changes shall

be allowed that would result in a change to its status as a moderate (lower cost) accommodation, such as the addition of amenities that are typically associated with a luxury hotel (e.g., valet parking, bellhop, concierge, conference facilities, multiple full-service restaurants, or an increase of 10% or more of the identified 60 necessary hotel employees). Any proposed change may only be approved through a substantial conformance determination or Amendment to the Coastal Development Permit, the level of which review shall be determined by the Community Development Director.

6. **Recyclable Material Use and Collection for Hotels.** Hotel operators shall encourage guests to recycle by using recyclable materials, and providing sufficient and appropriate receptacles, such as recycling containers, in each room. Recyclable material and green waste collection and pick-up areas shall be provided on-site for the hotel operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.
7. **Recyclable Material Use and Collection for Restaurants.** Restaurant operators shall encourage guests to recycle by using recyclable materials, and providing sufficient and appropriate receptacles, such as recycling containers. Recyclable material (and green waste) collection and pick-up areas shall be provided on-site for the restaurant operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.
8. **BMP Training.** Training on the implementation of Best Management Practices (BMPs) shall be provided to every employee by the property owner/management in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.
9. **Art.** The Owner shall continuously display art from local artists in the hotel lobby.
10. **Approval Limitations.**
  - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
  - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
  - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
11. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors (“City’s Agents”) from any third party legal challenge to the City Council’s denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively “Claims”). Applicant/Owner further

agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.


III. Said approval is subject to the following time Limits:

- A. The Planning Commission action approving the Modification shall terminate three (3) years from the effective date of the approval, per Santa Barbara Municipal Code §28.87.360 unless:
1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
  2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

This motion was passed and adopted on the 29th day of February, 2024 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 2 (Baucke and Wardlow) ABSTAIN: 0 ABSENT: 1 (Boss)

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.

  
\_\_\_\_\_  
Mariah Johnson, Commission Secretary

March 14, 2024  
Date

**PLEASE BE ADVISED:**

**THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.**