



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** August 21, 2007  
**AGENDA DATE:** August 30, 2007  
**PROJECT ADDRESS:** 103 S Calle Cesar Chavez (MST2004-00791)  
 Waterfront Hotel Parking Lot  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Jan Hubbell, AICP, Senior Planner  
 Peter Lawson, Associate Planner

### I. PROJECT DESCRIPTION

The proposed project is for the construction of a 111 stall parking lot with a 100 square foot kiosk with a key box on a vacant lot. The parking lot would provide part of the required parking for the approved Waterfront Hotel located to the south of the site at the corner of Calle Cesar Chavez and Cabrillo Boulevard, addressed as 433 E. Cabrillo Blvd. As part of the project, a portion of the El Estero Drain located on the project site would be restored. This would also include removal of non-native vegetation both in the drain and within approximately five to twenty feet from the top of bank. A detention basin, designed to handle a 25 year storm event, would capture runoff from the parking lot. Additionally, due to soil contamination on the project site, a remediation program is proposed. The remediation would consist of "hot spot" removal and approximately six locations for removing soil to varying depths have been identified. However, there is no soil remediation proposed in the El Estero Drain. The project site includes approximately 18 separate lots and, as part of the project, the applicant will merge the lots. Access to the site would be directly from Calle Cesar Chavez.

### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

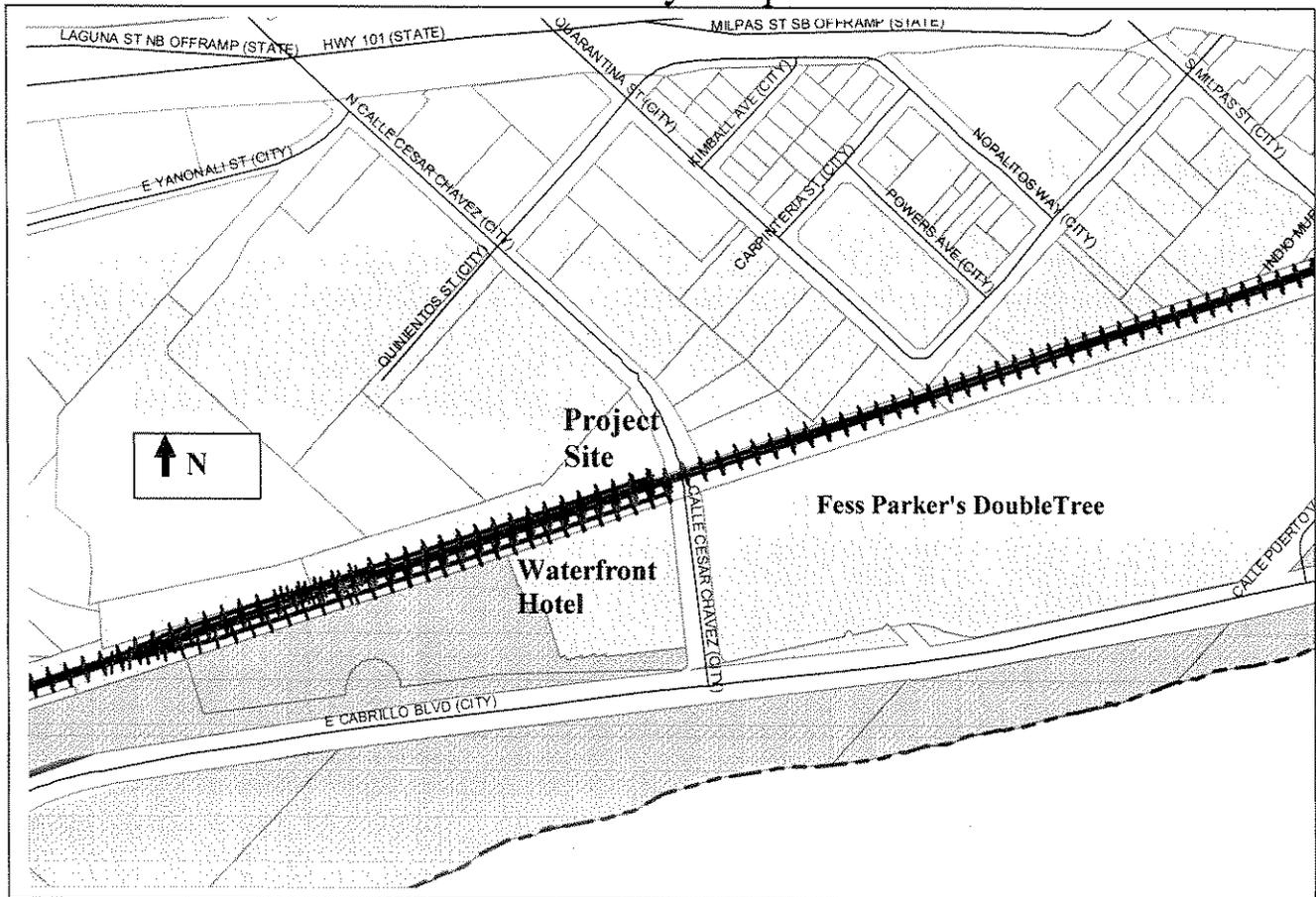
1. A Coastal Development Permit (CDP2007-00007) to allow development in the non-appealable jurisdiction of the Coastal Zone (SBMC §28.44.060) and;
2. A Conditional Use Permit to allow development other than that specifically expressed in the Ocean-Oriented Light Manufacturing Zone (SBMC §28.73.030.B).

### III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan policies. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning

Commission approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.

### Vicinity Map



**APPLICATION DEEMED COMPLETE:**  
**DATE ACTION REQUIRED:**

June 29, 2007  
September 27, 2007

**IV. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

Applicant: Rick Fogg	Property Owner: American Tradition LLC
Parcel Number: 017-133-020	Lot Area: 98,581 s.f.
General Plan: Ocean-Oriented Light Manufacturing	Zoning: OM-1/SD-3
Existing Use: Vacant	Topography: 0-2%
Adjacent Land Uses: North – Office/Warehouse/El Estero Wastewater Treatment Plant South – Union Pacific RR	East – Vacant & Industrial  West – Open yard industrial

**V. ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/ Allowance	Existing	Proposed
Building Height	Four (4) stories and not to exceed sixty feet (60')	Vacant	10' – kiosk only
Parking	Based upon approval of Waterfront Hotel	Vacant	111 spaces per hotel approval
Lot Coverage			
-Paving/Driveway	N/A	Vacant	21,867 s.f 22%
-Landscaping/Restoration	N/A	Vacant	76,714 s.f 78%

With the approval of the findings for the Conditional Use Permit that the project site would have no feasible economic value if limited to ocean-dependent or ocean-related uses, the proposed project would meet the requirements of the OM-1 Zone. See discussion in Section VI.C below.

**VI. ISSUES**

**A. DESIGN REVIEW**

This project was reviewed by the Architectural Review Board (ABR) on two separate occasions on July 2 and July 9, 2007 (meeting minutes are attached as Exhibit D). On July 9, 2007, the ABR stated that they appreciated the setback from Calle Cesar Chavez and that the chain link fence would be appropriate with a hedge. At the meeting of July 2, 2007, the ABR expressed support for the restoration plan in the El Estero Drain.

**B. PLANNING COMMISSION CONCEPTUAL REVIEW**

The proposed project was conceptually reviewed by the Planning Commission on July 19, 2007, to receive input on the scope of the project and environmental review. Also, the hearing

provided an opportunity for staff to provide an overview of the Waterfront Hotel project and its progress to date. The Commission expressed support for the restoration of the El Estero Drain, but did ask that additional landscaping be provided along Calle Cesar Chavez to off set the lack of landscaping within the parking area. The Commission asked if additional development could be proposed on the project site that would support the hotel, such as administrative offices or employee related facilities. Additionally, the Commission asked the applicant to consider solar or photovoltaic panels on the site. The applicant considered the Commission's suggestions for additional development, as well as the solar; however, due to the time constraints that the project presents; the applicant, as stated in their letter addressed to the Planning Commission (Attachment C), is unable to expand the scope of current proposal for a parking lot.

### **C. COMPLIANCE WITH THE GENERAL PLAN AND THE LOCAL COASTAL PLAN**

The project site is within Local Coastal Plan (LCP) Component 5 and the General Plan land use designation for the project site area is Industrial. Under the Land Use Element of the General Plan, the project site is identified as being in the East Beach neighborhood. The General Plan and LCP describe this area as a mix of industrial, hotel-motel, residential and public facility uses.

The proposed parking would be consistent with these types of uses as there are large parking lots in the area to serve the public, as well as visitor-serving, office and industrial uses. The project includes an extensive restoration and landscape plan. Thus, the visual impacts would be minimized from the public viewing areas. The project can also be found consistent with the Noise Element due to its industrial zoning designation, proximity to the 101 Freeway, the Southern Pacific Railroad tracks and adjacent industrial uses. There are no Potential Noise Conflict Areas in the project vicinity.

The property is zoned OM-1, Ocean-Oriented Light Manufacturing, which focuses on uses that support ocean-dependent uses, including marine storage, boat sales and repair, sail manufacturing and repair, seafood processing and similar uses, as well as El Estero Wastewater Treatment Plant. However, in establishing the OM-1 zone, it was also recognized that there might be limited demand for these uses or that land values might preclude these uses. Thus, a provision was included that allowed property owners to consider other uses allowed in the M-1 (Light Manufacturing) Zone, subject to the issuance of a Conditional Use Permit (CUP). In addition to the usual CUP findings required to approve the use, it would also be necessary to make additional findings, as follows:

- a. The use is compatible with ocean-dependent or ocean-related uses; and
- b. The property would have no feasible economic value if limited to ocean-dependent or ocean-related uses. This finding shall be substantiated by competent evidence determined by the Planning Commission to be objective which includes no present or future demand for ocean-dependent or ocean-related uses.

The proposed project would provide part of the required parking for the approved Waterfront Hotel, which provides lodging for guests of the Waterfront area. The two-acre lot is constrained due to its configuration and the El Estero Drain on the south. If the site was limited to ocean-

related or –dependent uses, the actual development area would be constrained due to the setback from the wetland on the south, the need for required parking for the proposed development and the pie-shaped lot. Because of the unusual shape of the lot, the 111 space parking lot will only function because of tandem parking being served by valet parking. If this site were a public parking lot, which is a permitted use, approximately 40 spaces would fit on the site without tandem parking. Finally, as discussed in the applicant's letter (Exhibit C), before the lot is developed, there will be significant soil remediation and biological restoration costs incurred. The economics of this work, which would be required for any use of the land, make it difficult to offset the costs with a typical low revenue generating use, such as the ocean-related and –dependent uses allowed in the OM-1 zone.

Because staff believes that the findings can be made to support the requested CUP, the project would be consistent with both the General Plan and the Local Coastal Plan.

#### **D. ENVIRONMENTAL REVIEW**

The Waterfront Park, Hotel and Youth Hostel Environmental Impact Report (EIR), dated June 18, 1993, was prepared for the proposed project. An Addendum to this EIR, dated August 13, 2007, has been prepared for the project (Exhibit E). The EIR, which was prepared by Interface Planning and Counseling Corporation, assessed the impacts of the Waterfront Hotel, the Waterfront Park and the Youth Hostel. Given the proximity of the Waterfront Hotel and the Park to the proposed project site and that the parking lot would replace the approved parking on the hotel site; staff determined that the Addendum would be appropriate. The EIR includes some characterizations of the surrounding area, including traffic impacts on surrounding intersections, quality of adjacent wetlands and visual quality of the area. The following is a detailed description of the four issue areas identified and how the project would either be an improvement or not cause further impacts. Environmental impacts being considered for the proposed project includes visual, biological, traffic and hazardous materials/wastes.

##### Traffic and Parking

The original hotel project description included underground parking on the hotel site, as well as parking on the western portion of the DoubleTree site, located directly across Calle Cesar Chavez. As proposed under the current Waterfront Hotel substantial conformity, the underground parking would shift to the proposed parking lot to the north, which would be used primarily for employees. Both parking lots would be served by valets. On the proposed parking lot, employees would arrive in the parking lot and drop off their cars with the valets, then proceed on foot to the hotel. Because there would be dedicated personnel to park autos, the proposed "stacked" parking spaces would be acceptable. Guests of the Waterfront Hotel would arrive onsite and leave their cars with the valets. Most of the hotel guest autos would be parked on the DoubleTree lot. There would be approximately 10 to 12 parking spaces on the hotel site to allow queuing while the cars are being parked, as well as dedicated handicap parking.

The Waterfront Hotel was originally approved with a total of 301 parking spaces, of which 201 were provided under the approved hotel. However, overflow parking of between 50 and 100 spaces was also required based on concerns that special events at the hotel could result in parking demand not being met onsite. When Fess Parker's DoubleTree Resort's conference

facility capacity was expanded in the late 1990's, an easement was approved on the westerly portion of the DoubleTree parking area to provide future parking for the Waterfront Hotel. The agreement involves an area that accommodates a total of 150 non-valet parking spaces. Most of the time, 100 parking spaces will be available to the Waterfront Hotel. The Waterfront Hotel can request up to 50 additional parking spaces from the DoubleTree if major events are scheduled at the Waterfront Hotel. The DoubleTree may also request 50 of the Waterfront Hotel's spaces for major events at the DoubleTree. Because the parking area on the DoubleTree site can be configured for valet parking the actual parking available to the Waterfront Hotel will be greater than the 150 spaces outlined in the easement area.

Waterfront Hotel parking will be now provided as follows:

Location	# of spaces
Onsite	12
North of RR tracks	111
DoubleTree	100-150*
<b>TOTAL:</b>	<b>223-273</b>

\*Assumes standard, not valet parking layout.

There is no change in the number of hotel rooms, thus hotel traffic and parking impacts as reviewed in the EIR, would remain the same. Shifting the parking offsite would have minimal traffic impacts. Since the EIR was prepared, both Garden and Salsipuedes (now Calle Cesar Chavez) Streets were connected to the Waterfront, providing more options for entering and exiting the Waterfront area. Calle Cesar Chavez, where the project site is located, is not considered a main artery to and from the Waterfront, but a local access to the industrial areas on the north and south sides of the 101 Freeway. The industrial traffic on or near Calle Cesar Chavez arrives from or departs to the 101 Freeway to the north, either via the Milpas Street exit or Garden Street exit. Thus the lower portion of Calle Cesar Chavez at the intersection of Cabrillo Boulevard would mainly serve the DoubleTree and the proposed hotel site. A parking and traffic study, dated January 18, 2007, was prepared by ATE and no new significant impacts were found with the new parking lot location. The Waterfront Hotel is obligated to pay for the construction of a traffic signal at the intersection of Cabrillo Boulevard, U.S. 101 Southbound On and Off ramps and Coast Village Road to mitigate its impacts at this intersection. Because the improvements at this intersection will be completed as part of the U.S. Highway 101 Improvements Project, the applicant will pay the funds to the California Department of Transportation.

#### Visual

As discussed in the EIR, the hotel site and surrounding area was visually degraded, with buildings in various states of deterioration and some homeless camps on site. Additionally, the uses and buildings to the north of the project site reflect the industrial zoning of that neighborhood. Since the Waterfront Park was constructed, the visual landscape along the

Waterfront has improved greatly. The EIR acknowledged that the proposed hotel would reduce the views of the Riviera to the north, thus the recently approved substantial conformity determination for the revised hotel plans ensured there would be no changes to the originally approved height of the structure. The proposed parking lot would be located on the north side of the hotel and would not be visible from the public areas along the Waterfront. There are no significant above grade structures other than light posts proposed for the parking lot and a covered valet shelter, with a bench and a secure key box, which would be constructed at the western end of the parking lot. The landscaping and restoration plans proposed for the parking lot would add to the visual improvements as viewed from Calle Cesar Chavez. The entire length of the El Estero Drain, as discussed below, would be improved and landscaping along Calle Cesar Chavez would reduce the visual impacts of the parking lot. The project was reviewed by the ABR on July 2, 2007 and a copy of the minutes is attached.

#### Biological

The project site includes a significant portion of the El Estero Drain, which eventually intersects with the Laguna Drain to the west. The EIR characterized the wetlands of this area as degraded and included mitigations to improve the wetlands on the park site, which have now been completed. Additionally, under a separate project, the El Estero Wastewater Treatment Plant property includes a proposal to improve portions of the El Estero and Laguna Drains. This project would provide a missing link in the improvement of the wetlands in the area. A habitat restoration plan, dated May 2007, was prepared by URS and includes removal of non-native vegetation and debris to be replaced with native plant material. The proposed project will include monitoring to ensure protection of the southwest pond turtle during restoration. Additionally, a drainage plan prepared by MAC Design includes a detention basin that is capable of handling runoff from a 25-year event storm. The detention basin and the down slope natural swale would filter pollutants from the parking area before entering the El Estero Drain. Finally, a fence would be included along the parking lot and along the railroad right-of-way to prevent further human activity in the channel.

#### Hazardous Materials/Wastes

The EIR identified soil contamination on the hotel and the park site. The parking, which is located approximately fifty feet north of the hotel site, also has soil contamination. An updated soil remediation proposal prepared by URS, dated July 11, 2007, now includes both the hotel and the parking area. As proposed under the current plan, selective areas would be excavated to varying depths. Given the fact that the proposed site would not include any residential development and there would be no grading within the El Estero Drain, the mitigations from the original EIR would continue to apply.

### **VII. FINDINGS**

The Planning Commission finds the following:

**A. FINDINGS FOR THE WATERFRONT PARK AND HOTEL AND YOUTH HOSTEL FEIR ADDENDUM (CEQA GUIDELINES 15164)**

1. In the Planning Commission's independent judgment there is no substantial evidence that this project will have a significant effect on the environment; and,
2. Minor technical changes and additions are necessary to complete environmental review. However, a Supplemental Environmental Impact Report is not required because the proposed project remains largely unchanged from the existing project described in the Final Environmental Impact Report for the Waterfront Park, Hotel and Youth Hostel (SCH# 92091038).
3. No substantial changes are proposed in the project and no substantial changes have occurred with respect to the circumstances under which the project is undertaken which would require major revisions of the Final Environmental Impact Report. No new information of substantial importance shows a new or more severe impact. Additionally, no new information of substantial importance shows that a previously considered infeasible mitigation or alternative and no new mitigation or alternative that would substantially reduce the impact of the maintenance project are known to exist (CEQA Guidelines §15162(a)).
4. Pursuant to Section §15164 of the California Environmental Quality Act Guidelines, the Planning Commission adopts the Final Environmental Impact Report and Addendum dated August 15, 2007.

**B. THE CONDITIONAL USE PERMIT (SBMC §28.94.020)**

1. Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan.

The parking lot supports an approved visitor-serving use. Visitor-serving uses are considered a high priority in the Coastal Zone.

2. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.

The parking lot will be secured and staffed by the hotel operator, which will substantially reduce existing concerns with human intrusion into this area. Maintenance of the restored El Estero Drain wetland area will also reduce the potential fire hazard.

3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

The proposed parking lot is surrounded by industrial uses and vacant land and would not result in detrimental impacts on the surrounding area.

4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.

Parking demand for the Waterfront hotel will be met by the parking provided on the hotel site, in a parking area on Fess Parker's DoubleTree Resort property and on the parking lot included in this project.

5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Planning Commission shall have the authority to approve the design of open space. Design shall mean size, shape, location and usability for proposed private, public, or quasi-public purposes and development. Approval of such open spaces may be expressly conditioned upon an offer of conveyance by the owner to the City of Santa Barbara of the development rights, the right to prohibit the construction of additional buildings, or other property rights, necessary to achieve the purpose set forth in this title.

Substantial landscaping will be provided as part of the project, subject to review and approval by the Architectural Board of Review. Landscaping will be further enhanced by the wetland restoration plan for El Estero Drain.

6. Compliance with any additional specific requirements for a conditional use permit.

The Planning Commission may impose such other conditions and restrictions upon the proposed use consistent with the Comprehensive General Plan and may require security to assure satisfactory performance of all conditions and restrictions. Any use other than those permitted by Section 28.73.030.A of the OM-1 Zone and permitted in the M-1 Zone and subject to those findings required in Section 28.73.030.B and Section 28.94.020

- a. The use is compatible with ocean-dependent or ocean-related uses.

The parking lot will not result in impacts on adjacent existing uses. It is compatible with ocean-related and -dependent uses.

- b. The property would have no feasible economic value if limited to ocean-dependent or ocean-related uses. This finding shall be substantiated by competent evidence determined by the Planning Commission to be objective which includes no present or future demand for ocean-dependent or ocean-related uses.

Given site constraints, including the shape of the parcel and the costs of soil remediation and wetland restoration, there will be no feasible economic value if property use is limited to ocean-dependent or -related uses, as outlined in the information provided by the applicant.

**C. COASTAL DEVELOPMENT PERMIT (SBMC §28.45.009)**

1. The project is consistent with the policies of the California Coastal Act.
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.
3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated August 2, 2007
- D. ABR Minutes dated July 2 & 9, 2007
- E. Addendum to the Waterfront Park, Hotel and Youth Hostel EIR

**PLANNING COMMISSION CONDITIONS OF APPROVAL**

103 S CALLE CESAR CHAVEZ  
*COASTAL DEVELOPMENT PERMIT AND CONDITIONAL USE PERMIT*  
AUGUST 30, 2007

In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute a written instrument, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
  2. **Recreational Vehicle Storage Prohibition.** No recreational boats or trailers shall be stored on the Real Property.
  3. **Landscape Plan and Restoration Plan Compliance.** The Owner shall comply with the Landscape Plan, including the Restoration Plan for the El Estero Drain approved by the Architectural Board of Review (ABR), unless modified by the California Department of Fish and Game, the U.S. Army Corps of Engineers or other similar regulatory agency. Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping or plants included in the restoration is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
  4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, 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 applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new 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.

5. **Development Rights Restrictions.** The Owner shall not make any use of the restoration area of the Real Property as designated on the approved Development Plan in order that those portions of the Real Property remain in their natural, restored state. These restrictions include, but are not limited to, the right to develop the restricted portions with any grading, irrigation, buildings, structures, ornamental landscaping, or utility service lines. The Owner shall continue to be responsible for (i) maintenance of the restricted area, and (ii) compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
  6. **Approved Development.** The development of the Real Property approved by the Planning Commission on August 23, 2007 is limited to development of a 111 space parking lot, which includes restoration of the El Estero Drain, with no alteration to the physical size of the Drain, removal of contaminated soil and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
  7. **Landscape and Restoration Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan and Restoration Plan shall be maintained and preserved at all times in accordance with the Plans.
  8. **Use Limitations.** Due to configuration of the parking spaces, all automobiles shall be parked on the subject site by professional valets employed by the hotel located at 433 E. Cabrillo Boulevard. No other uses are permitted without further environmental and/or Planning Commission review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.
  9. **Pesticide or Fertilizer Usage Near El Estero Drain.** The use of pesticides or fertilizer shall be prohibited within the 25 foot **setback** area, as measured from the top of bank and the retention basin which drains directly into **El Estero Drain**. The use of pesticides and fertilizer shall be strongly discouraged elsewhere on site.
  10. **BMP Training.** Employee training shall be provided on the implementation of Best Management Practices (BMPs) in order to prevent or reduce the discharge of pollutants to storm water from the parking area and landscaped areas. 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.
- B. California Department of Fish and Game Fees Required.** (This condition shall apply if work in the El Estero Drain occurs) Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified

Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are \$2,500 for projects with Environmental Impact Reports and \$1,850 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination (which the City is required to file within five days of project approval) cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game.

**C. Design Review.** The following items are subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following conditions have been satisfied.

1. **Appropriate Plants consistent with a Restoration Plan.** Special attention shall be paid to the appropriateness of the existing and proposed plant material within the twenty five foot (as measured from the top of bank) riparian area. All non-native plant material shall be removed and replaced with appropriate wetland plant material native to the South Coast of Santa Barbara County.
2. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure.
3. **Landscape Screening.** Landscaping with low water use plants and fence shall be provided to buffer the parking area from the designated riparian area and screen the parking area from the public street.
4. **Minimize Visual Effect of Paving.** Textured or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving.
5. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
6. **Lighting.** Special care shall be taken to minimize lighting of the restored El Estero Drain.

**C. Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.

1. **Recordation of Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
3. **Dedication.** Easements described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:

- a. A three-foot (3) wide easement for all road purposes for a total of a six-foot (6') wide commercial sidewalk at back of driveway. A one (1)-foot wide easement for all road purposes for a total of six-foot (6') wide commercial sidewalk approximately two hundred forty linear feet (240 lf) along property frontage per SBMC 22.44.080.
4. **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 will prepare said agreement for the Owner's signature.
5. **Drainage Calculations.** The Owner shall submit (drainage calculations) prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
6. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that storm water runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, storm water treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants, or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.
7. **Calle Cesar Chavez Public Improvement Plans.** The Owner shall submit C-1 public improvement for construction of improvements along the property frontage on Calle Cesar Chavez. The C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, asphalt concrete, raised planter center island or striped center island, create Northbound left-hand turn lane including striping, re-stripe Southbound single to double lanes and Northbound double to single lane, crack and slurry seal the street along entire subject property frontage and a minimum of 20 feet beyond the limit of all trenching and re-striping, underground service utilities, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of (drainage pipe, curb drain outlets, slot/trench drain, drop inlet, detention, erosion protection (provide off-site storm water BMP plan), etc.), preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic

control signs, storm drain stenciling, off-site biofilter/swale sized per drainage calculations, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

8. **Agreement to Construct and Install Improvements (Not a Subdivision).** The Owner shall submit an executed "Agreement to Construct and Install Improvements (Not a Subdivision)," 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.
9. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
10. **Off-Site Parking Agreement Required.** Submit an off-site parking agreement to provide off-site parking to meet the (generated) parking demand for the hotel at 433 East Cabrillo Boulevard, as determined by the Public Works Director. The agreement shall comply with the provisions of Subsection 28.90.001.18 of the Santa Barbara Municipal Code and is subject to review and approval by the City Attorney.
11. **Voluntary Lot Merger Required.** The eighteen (18) lots that comprise the subject lot located at 103 Calle Cesar Chavez shall be merged into one (1) lot, following the procedure in Santa Barbara Municipal Code Chapter 27.30.

D. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:

1. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Owner, subject to approval of the contract and the representative by the Planning Division, to act as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
  - a. The frequency and/or schedule of the monitoring of the mitigation measures.
  - b. A method for monitoring the mitigation measures.
  - c. A list of reporting procedures, including the responsible party, and frequency.
  - d. A list of other monitors to be hired, if applicable, and their qualifications.
  - e. Submittal of biweekly reports during demolition, excavation, grading and restoration and (monthly) reports on all other construction activity regarding

MMRP and condition compliance by the PEC to the Community Development Department.

The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures. The PEC may be hired to handle all required activities at the associated hotel and hostel site, as well as the subject site.

2. **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 Project Environmental Coordinator (PEC) and Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. 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.
3. **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 copy of the notice to the Planning Division.
4. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Transportation Manager.
5. **Habitat Restoration Plan.** All items identified in the Habitat Restoration Plan, prepared by URS Corporation, dated May 2007, shall be implemented in the field. Monitoring of restoration success shall occur for a minimum of five years after construction or until minimum coverage standards have been met. The final restoration plan shall be reviewed and approved by the Community Development and Public Works Departments, in consultation with the Creeks Division, to assure that all appropriate standards have been included, and that the plan will work together with the restoration plan for the portion of El Estero Drain owned by the City of Santa Barbara.
6. **Archaeological Monitoring Contract.** Submit to the Planning Division 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 Archaeological

Resources Report prepared for this site by, dated. The contract shall be subject to the review and approval of the Planning Division.

The archaeologist's monitoring contract shall include the following provisions: If cultural resources are encountered or suspected, work shall be halted or redirected by the archaeologist 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, preparation of further site studies and/or mitigation.

If the discovery consists of possible human remains, the Owner shall contact the Santa Barbara County Coroner immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. The Owner shall retain 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, the Owner shall retain 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.

7. **Remediation Plan.** All items identified in the Habitat Restoration Plan, prepared by URS Corporation, dated July 11, 2007, shall be implemented in the field. Prior to issuance of the Building Permit, the plan shall be reviewed by Community Development and Public Works.
8. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, the Archaeologist, the Architect, the Landscape Architect, the Biologist, the Geologist, the Project Engineer, the Project Environmental Coordinator, the Contractor and each subcontractor.

H. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.

1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section E above.
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, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner Archaeologist, Architect, Landscape Architect, Biologist, Geologist, Project Engineer, Project Environmental Coordinator, Mitigation Monitors, Contractor and each Subcontractor.
3. **Grading Plan 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.

4. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The

Owner shall passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Building and Safety Division. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition A-6, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

5. **Construction Erosion/Sedimentation Control Plan.** This plan shall comply with the most current Building & Safety Erosion/Sedimentation Control Policy and shall incorporate all Best Management Practices to prevent the migration of dirt and other pollutants offsite or from entering a new or existing City Storm Drain System.
6. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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Property Owner	Date
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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- I. **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. (Community Development Department staff shall review the plans and specifications to assure that they are incorporated into the bid documents, such that potential contractors will be aware of the following requirements prior to submitting a bid for the contract.)

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
2. **Construction-Related Truck Trips.** 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.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
3. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Public Works Director.
4. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Public Works Director.
5. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
6. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
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 Chief of Building and Safety 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 night 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.

7. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
  - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
  - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits *without extensions* may be issued for the life of the project.
  - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
8. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur on-site, using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
9. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
10. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
11. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.

12. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
  13. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) (and Project Environmental Coordinator's (PEC)) name, contractor(s) (and PEC's) telephone number(s), 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.
  14. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
  15. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
- J. **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 damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. 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 improvement/building plans, including utility service undergrounding and installation of street trees.
  3. **Record Drawings.** Submit Record Drawings identifying "asbuilt" conditions of public improvements to the Public Works Inspector for verification and approval.
  4. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street tree(s) have been properly pruned and trimmed.
  5. **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 Final Inspection, whichever is earlier.
  6. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
  7. **Biological Monitoring Contract.** Submit a signed contract with a qualified biologist acceptable to the City for on-going monitoring.

8. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section A have been recorded.

K. **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 the City Council denial of the appeal and approval of 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.

#### **NOTICE OF APPROVAL TIME LIMITS:**

The Planning Commission's action approving the Conditional Use Permit shall terminate two (2) years from the 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 within and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
3. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the application, unless otherwise specified by state or federal law.

#### **NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission's action approving the Coastal Development Permit shall expire two (2) years from the date of approval, per Santa Barbara Municipal Code §28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.

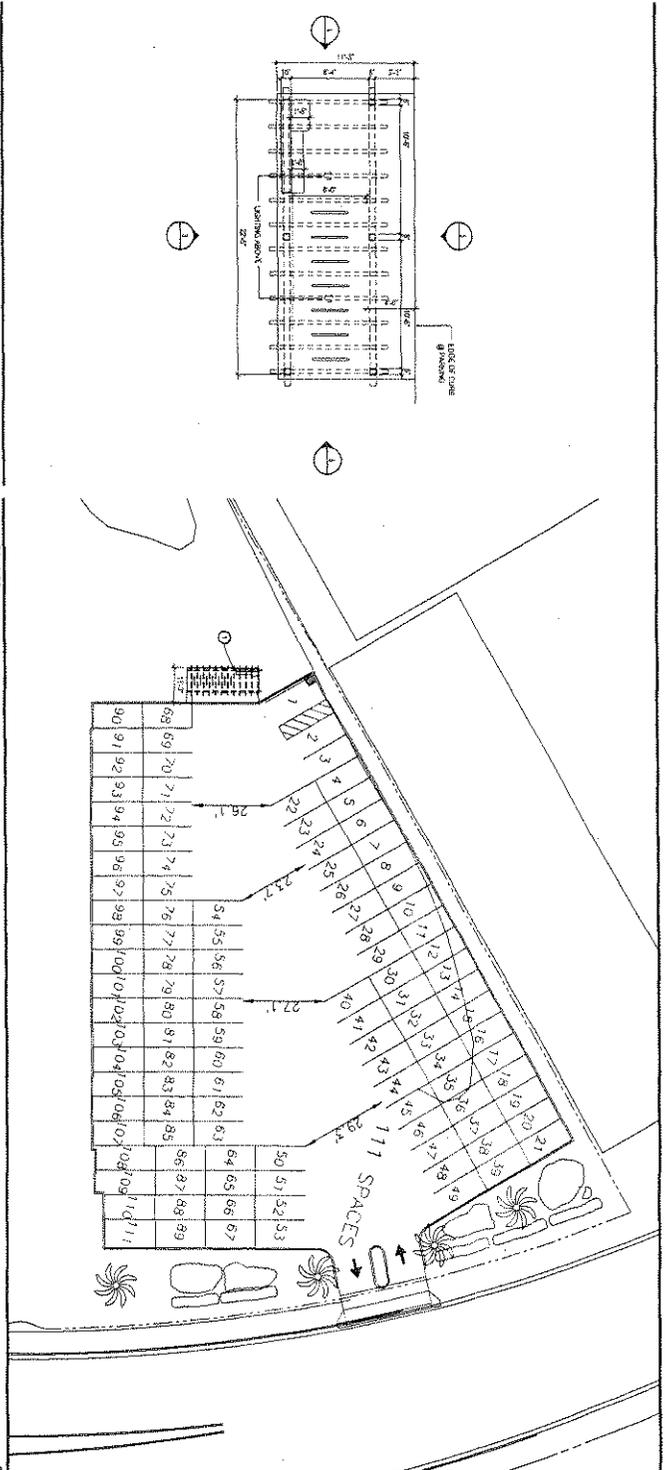
**KEY NOTES**

- 1. UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE IN FEET AND INCHES.
- 2. DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

**FESS PARKER'S HOTEL**  
 413 EAST CARRILLO BLVD.  
 SANTA BARBARA, CA

**Genstar**  
 2000 Broadway  
 Santa Monica, CA 90404  
 Phone: 310.316.5555

**SHEET NOTES**



**FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"

**2 SITE PLAN**  
 SCALE: 1/8" = 1'-0"

**ELEVATIONS**  
 SCALE: 3/8" = 1'-0"

**KEY PLAN**

**REVISIONS**

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

**PROJECT INFORMATION**

PROJECT: FESS PARKER'S HOTEL  
 SHEET: A02.01K  
 DATE: 10/15/11

Richard E. Fogg  
Attorney at Law

1334 Anacapa Street  
Santa Barbara, CA 93101

August 2, 2007

**BY EMAIL**

City of Santa Barbara Planning Commission  
c/o Mr. Peter Lawson  
630 Garden Street  
Santa Barbara, CA 93101

RE: 103 South Cesar Chavez  
Project Summary: Proposed Surface Valet Parking Lot in Conjunction with  
Park Plaza Hotel Waterfront Project

Dear Planning Commissioners:

As you know, I represent American Tradition LLC, the owner of the above referenced property. This letter is intended to address several of the comments that were raised during your July 19, 2007 concept review hearing of my client's proposed satellite valet parking lot for the Fess Parker Waterfront Hotel project. I have attempted to be comprehensive and I will be available for further comment at the scheduled hearing:

Pedestrian Access Along Railroad Right of Way:

The possibility of defining and inviting pedestrian access adjacent to the southerly boundary of my client's property at the railroad right of way was raised at the July 19 hearing. My client is opposed to pursuing this because of the substantial measures that are to be undertaken in improving the El Estero drainage wetland habitat area bordering that very location. In accordance with the *Habitat Restoration Plan* we have submitted, and the fencing plan set out in our landscape plans, my client will be responsible for substantial work in restoring the wetland area and improving the drainage course. These improvements will be a major improvement to the area and preserving their benefit once completed should be a priority.

The need of restoration in the first place owes in large part to pedestrian access that is presently occurring down there. Because of the difficulty of accessing that right of way there is also presently an unusually large volume of criminal and homeless activity in the right of way and wetland area. My client has for some time been working closely with the Fire Department and Police Department to address this problem, but because of the wetland there is only so much that can be done. We feel it would be a significant shame to spend substantial resources improving the habitat area and drainage course only to risk upsetting that effort through human interference. What's more, we are confident your own Police and Fire Departments would concur that encouraging pedestrian access along the right of way in that area is undesirable.

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**EXHIBIT C**

Richard E. Fogg,  
Attorney at Law

1334 Anacapa Street  
Santa Barbara, CA 93101

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City of Santa Barbara  
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August 2, 2007

### Upgrade Fencing Around Parking Lot

There was an expressed desire on the part of several commissioners to upgrade proposed fencing around the parking lot itself from chainlink to a more durable and stronger fence. My client is willing to make this change and is pleased to work with ABR on specific materials and fencing as a condition to your approval.

### Bioswale/Detention Basin

Some comments were raised about the concept of substituting a bioswale in lieu of the detention basin shown on the plans. In point of fact the plans actually include *both* a bioswale feature and detention basin. This was worked out with staff prior to submission of the final plan for the project that is before you. Our consultant did not call out with labeling or otherwise make it clear enough on the plans, but the area bordering the detention basin serves this very purpose.

### Buildings

Some of you suggested that a surface parking lot was an underutilization of the property and it might be better to have a building on the property to cover parking and to provide back of house, storage or office uses for the hotel. This concept was of very serious interest to my client and we did spend time discussing with City staff whether we might pursue it. As I mentioned during the July 19 hearing, there are substantial practical limitations on this, principally: (a) the construction of a building would require a more intensive CEQA review (in the eyes of staff) and the available time for approving the parking necessary for the hotel project would not permit that review; (b) Measure E.

I have spoken with my client since the July 19 hearing and there is tremendous interest in returning to you with a building in the future. We agree that a nice building at the site would add value to the project and would be a better use of the site for the city and the community. We are confident this could be done in a great way after the hotel is being built or up and running. We cannot, unfortunately, delay approval of the surface lot pending that in the interests of the hotel project.

### Photovoltaic Shading Devices

During the July 19 meeting there was a suggestion that photovoltaic shading devices should be considered to provide energy and shade some of the lot. Our design team has investigated this and we are opposed to pursuing it for these reasons: (a) it would add a substantial cost without sufficient offset in energy savings; (b) it would substantially reduce the available area for parking of cars which is already tight because of the wetland limitations and the layout of the property. In terms of the perceived improvements to the views of the site, recall that there will be perimeter screening hedges, a neighboring structure to the north that blocks

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August 2, 2007

all views of the property from the north, the property is bordered to the west by the Fire Department's training grounds and vacant city property. These realities coupled with the use of the site by valet attendants only should limit the practical benefits of shading and interior view enhancements.

#### Coordination of Drain Improvements with Adjacent City Property

There was a comment at the hearing to the effect that we should work with the City to coordinate our improvements to the El Estero drainage course with the City's efforts at the adjacent property to the west. I did not have the opportunity at the hearing to mention that my client has worked very closely with City staff to ensure that our habitat restoration program and monitoring does coordinate closely with the City's efforts. I will allow staff to comment and concur, but be assured this is my client's plan and intention.

#### Landscaping Within Parking Lot

There was a suggestion that interior plantings should be required for the parking lot itself. While it is true that the layout of the parking lot does not include interior planting/landscaping, this, in our view, is more than offset by the perimeter planting that will be done, by the extensive work that will be done to restore the wetland areas, the substantial improvements that will be made to storm drainage in the area from this project, and by the substantial investment made by the Parker family by the donation of 5 acres toward the Chase Palm Park project and the Parker family's subsequent payment for park maintenance for nearly a decade now (which will continue for many years in the future). Also, the ABR is required to issue a modification to my client on this aspect of the project. At prior hearings, ABR has favorably reviewed this request for the same reasons.

#### Conditional Use Permit Finding

There was some discussion on July 19 concerning the CUP finding for the project regarding "no feasible economic value" if use were limited to ocean-dependent or ocean-related uses.

On this subject (in addition to the content of my letter attached to your staff report for the July 19 hearing) and as I mentioned at the hearing, the County of Santa Barbara recently approved a remedial action plan for removal of hazardous materials at the hotel project site and at the proposed parking lot site. This remediation work is intended to commence in September. The expense of remedial work (which would be required by the County for any use of the property) is substantial and could never possibly be recouped for any of the primary uses of the OM-1 zone. Only because the use of the site is associated with the hotel project is there any economically feasible use whatsoever.

Further, I have discussed this matter with the City Attorney who is of the view (which I ask you to confirm directly) that the need of this finding is negated by the tie-in between the parking lot and the hotel project.

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August 2, 2007

Given that the hotel use of the hotel site is primary for its HLC-2 zone, and parking at the proposed site is directly in support of that HLC-2 approved use, Mr. Wiley's view is that the CUP findings are not needed.

Nonetheless, regardless of that, I submit that in point of fact, the property would have no feasible economic value if its use were limited to a primary OM-1 zone use.

Merger of Parcels

One subject that was not raised on July 19 also deserves comment. The subject property actually consists of several separate legal parcels recognized via County approved recorded instruments. A further benefit of this project will be the merger of those parcels voluntarily by my client prior to issuance of building permits. In exchange, my client would like to receive an instrument from the City preserving for the merged parcel the benefit of the Measure E allotments for each existing parcel for nonresidential projects. This instrument, in turn, would be extremely helpful should my client return with plans for a building of the kind many of you expressed an interest in on July 19.

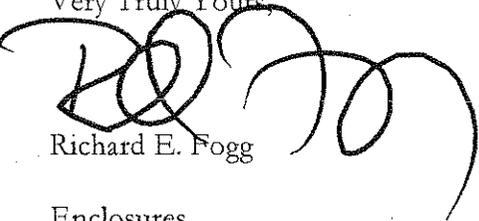
Conclusion

The Parker family is anxious to commence construction of the waterfront hotel as a landmark project for the City of Santa Barbara. Approval of this parking lot is about the last step toward that end.

I look forward to your further consideration and action on my client's applications. I will be available to answer questions at the hearing. Thank you for your consideration of this matter.

Thank you.

Very Truly Yours,

  
Richard E. Fogg

Enclosures

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**CONCEPT REVIEW - NEW ITEM****3. 103 S CALLE CESAR CHAVEZ**

OM-1/SD-3 Zone

Assessor's Parcel Number: 017-113-020

Application Number: MST2004-00791

Owner: American Tradition

(Proposal to construct a parking lot to provide valet parking for the approved Fess Parker's Waterfront Hotel Resort located south of the property.)

**(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION APPROVALS OF A CONDITIONAL USE PERMIT AND A COASTAL DEVELOPMENT PERMIT.)**

(4:36)

Present: Henry Lenny, Architect; Philip Suding, Landscape Architect.

Public comment opened at 4:41 p.m. As no one wished to speak, public comment was closed.

**Motion: Continued one week to the Full Board with the following comments:**

- 1) Applicant to return with revisions to the driveway approach, gate, and driveway width.
- 2) Annotate exactly the locations of all lighting standards, and return with a cut sheet of proposed lighting.
- 3) The kiosk is acceptable as shown on the plans.
- 4) The Board supports the idea of the wetland restoration with continued planting on the south side of the property.
- 5) On the landscape plan, show vines growing on the trellis.
- 6) The Board is concerned about the black chain link fence with vines. Return with a better solution that helps blocks the view into the valet parking lot as there are no trees at that location.
- 7) The Board appreciates the parking lot being set back from the sidewalk allowing for more landscaping.

Action: Manson-Hing/Zink, 5/0/0. Motion carried. (Aurell, Mosel, Mudge absent.)

Jordan Christoff: in support of the project.

Public comment closed at 6:25 p.m.

**Motion: Preliminary Approval and return in one week to Consent Calendar with the following comments:**

- 1) Ready for Final Approval.
- 2) Return to Consent Calendar for planting specifications along the eastern elevation property line wall.
- 3) Provide way finding for Unit B from Prospect Avenue.
- 4) Exterior elevations of Unit A on sheet A-2 shall be plus or minus 4 inches.
- 5) Remove the Xs on sheet A.1 where the oak trees are to remain.

Action: Sherry/Aurell, 5/0/0. Motion carried. (Blakeley, Mosel, Zink absent.)

#### CONCEPT REVIEW - CONTINUED ITEM

#### 4. 103 S CALLE CESAR CHAVEZ

OM-1/SD-3 Zone

(5:30) Assessor's Parcel Number: 017-113-020  
 Application Number: MST2004-00791  
 Owner: American Tradition  
 Architect: Michael Caccese

(Proposal to construct a parking lot to provide valet parking for the approved Fess Parker's Waterfront Hotel Resort located south of the property.)

(Second Concept Review)

**(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION APPROVALS OF A CONDITIONAL USE PERMIT AND A COASTAL DEVELOPMENT PERMIT.)**

(6:38)

Present: Henry Lenny; Architect; Michael Caccese, Architect; Peter Lawson, Associate Planner.

Public comment opened at 6:50 p.m. As no one wished to speak, public comment was closed.

**Motion: Continued indefinitely to the Planning Commission and return to the Full Board with the following comments:**

- 1) The Board appreciates the parking lot set back from the sidewalk with considerable landscaping.
- 2) The Board is satisfied with the black chain link fence on as proposed on Calle Cesear Chavez because it is covered by a hedge.
- 3) The lack of trees within the parking lot is acceptable due to the valet parking condition because there is a substantial width of landscaping at the front easement along the street, the condition will be mitigated by introduction of large specimen trees surrounding the parking lot. Applicant to add these locations to the landscape plan.

- 4) The front driveway is approved as shown. If a gate is proposed, the Board would prefer a rolling style that will remain open during the day, and closed after 8:00 p.m. for security.
- 5) Lighting as shown on plans shall be restudied to be directed downward and baffled into the parking lot so that no light spills into the wetland restoration area. Return with an appropriate light fixture and locations shown on the plans.
- 6) The kiosk at the west end of the parking lot is acceptable as shown with columns and wood trellis and vines.
- 7) Applicant to remove the up-lighting on the palm trees as shown on photovoltaic plan AL-02.

Action: Manson-Hing/Aurell, 4/0/0. Motion carried. (Blakeley, Mosel, Sherry, Zink absent.)

## CONSENT CALENDAR – SEE SEPARATE AGENDA

### REVIEW AFTER FINAL

#### A. 1960 MISSION RIDGE RD

A-1 Zone

Assessor's Parcel Number: 019-083-018  
Application Number: MST2007-00204  
Owner: Kirk and Cecilia Borchardt  
Architect: Kirk Gradin

(Proposal to construct additions to an existing 1,550 square foot, single-story residence on a 23,159 square foot lot located in the Hillside Design District, consisting of a 490 square foot basement, 960 square foot first-story, and an 850 square foot second-story. The existing 406 square foot attached garage is to be demolished and replaced by a 600 square foot garage.)

**(Review After Final for removal of two windows on east elevation, change of roof material, exterior stain color change, front entry gates.)**

**(PROJECT REQUIRES NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS AND COMPLIANCE WITH STAFF HEARING OFFICER RESOLUTION NO. 049-07.)**

Final Approval with conditions: 1) Change to asphalt shingles; 2) Return for Final Review of front entry gate detailing; 3) No exterior stain color change.



**CITY OF SANTA BARBARA**

**ADDENDUM MST2006-00791  
TO FINAL ENVIRONMENTAL IMPACT REPORT  
(SCH# 92091038, MST96 00119)**

**FOR 103 S. CALLE CESAR CHAVEZ  
PARKING LOT, RESTORATION AND REMEDIATION PROJECT**

August 30, 2007

This Addendum is prepared in accordance with State CEQA Guidelines Section 15164, which provides that an addendum to an adopted negative declaration may be prepared if only minor changes or additions are necessary to make the prior document adequate for the current project.

**PRIOR ENVIRONMENTAL DOCUMENT**

An Environmental Impact Report (EIR) [SCH# 92091038] was prepared for the Waterfront Park and Hotel and Youth Hostel Project and was certified on June 18, 1993. The EIR concluded that, with application of identified mitigation measures, no significant effects on the environment would result from the project. The Draft EIR was circulated for public review and comment, and the Final EIR was adopted by the City Environmental Review Committee on June 18, 1993.

The project that was reviewed under the EIR included three components. One component was for a proposed five star hotel, the other component was for a public park located adjacent to the hotel property and the third component is for a youth hostel. The park component was developed in 1997 and the hotel site is currently vacant. The youth hostel is discussed in the EIR, and was also reviewed under a separate environmental document. Since the current proposal being reviewed under the addendum to this EIR is related to the hotel site, all of the mitigations discussed below are associated with the proposed hotel.

The EIR identified short term significant impacts for the hotel site for Air Quality, Noise and Visual Resources, all of which are associated with the construction of the project. The EIR also identified potentially significant impacts for Traffic, Noise and Vibration, Visual Resources, Biological Resources, Risk of Upset, and Hazardous Materials/Wastes. Mitigations for both of these impacts were included in the EIR and were incorporated into the project as conditions of approval.

Finally, recommended standard mitigation measures were also applied as conditions to minimize adverse but not significant impacts associated with Traffic, Noise and Vibration, Visual Resources, Biological Resources, and Risk of Upset issues.

## **CURRENT PROJECT DESCRIPTION**

The proposed project is for the construction of a 111 stall parking lot with a 100 square foot unenclosed kiosk on a vacant lot located on the north side of the Union Pacific Railroad Tracks on Calle Cesar Chavez. The parking lot would provide part of the required parking for the approved Waterfront Hotel located to the south of the site at the corner of Calle Cesar Chavez and Cabrillo Boulevard. Originally, parking was being provided on the hotel site. As part of the project, a habitat restoration of the portion of the El Estero Drain located on the project site is proposed. This would include removal of non-native vegetation and a approximate twenty-five foot separation between the top of bank and the parking lot. A detention basin would be constructed to the south-west of the parking lot to capture runoff and pollutants from the parking lot. The project would also include selective soil remediation of contaminated soil in the proposed parking area only. Access to the site would be directly from Calle Cesar Chavez.

## **CHANGES IN ENVIRONMENTAL CIRCUMSTANCES**

There have been no substantial changes in existing environmental conditions since preparation of the Final Environmental Impact Report SCH# 92091038. Since the Waterfront Park phase of the project was constructed, the area was improved with a quality community passive and active recreational area and the natural watercourses on the park property are now restored with native vegetation. Additionally, Salsipuedas Street was extended to Cabrillo Boulevard, as was Garden Street, which allows trips in and out of the waterfront area to be distributed among more streets. Finally, a legislative change since the project was approved the City is the adoption of the Storm Water Management Program (SWMP) which incorporates the National Pollutant Discharge Elimination System (NPDES) requirements. The overall goal of the SWMP is to reduce the amount of runoff from additional development to a site and reduce pollutants from a project. The project, as proposed, would be in compliance with the SWMP.

## **PROJECT IMPACTS AND MITIGATIONS**

Mitigation measures identified in the Final Environmental Impact Report would continue to apply to the revised project as conditions of approval, such that no significant impacts would result. As stated under the current project description, the parking area for the hotel would move off site to the adjacent lot on the north side of the rail road tracks. The number of parking spaces would remain the same and there would be no construction within the El Estero Drain. Thus the impacts would remain the same or less than what was reviewed under the EIR. As stated above, only the mitigations to the hotel component of the project are included below due to the fact the hotel is in the closest proximity to the parking lot:

### **A. TRAFFIC AND CIRCULATION**

#### **Short-term Construction**

The original EIR identified short-term, mitigatable construction impacts for the hotel construction. The new project component would be for a surface parking lot, located 70 feet

north of the hotel site, instead of underground parking as originally proposed. Since the certification of the EIR, the missing link on Calle Cesar Chavez was constructed that connects to Cabrillo Boulevard. This will allow the haul routes from the hotel site to be primarily north bound on Calle Cesar Chavez when exiting and south bound when entering the site, as opposed to the haul routes being exclusively on Cabrillo Boulevard. The new proposal would result in less excavation of the hotel site, reducing the amount of truck trips off of the site and thus would have no additional impacts. Conditions of approval for the proposed project shall insure that the project is consistent with the short-term construction mitigations identified in the EIR, described below, and no further mitigations shall be required.

- To reduce the potential for traffic disruption due to construction truck travel, a truck routing plan shall be submitted to the City Transportation Division for review and approval prior to issuance of Grading Permits.
- A parking plan shall be submitted for review and approval to the City Transportation Division prior to the issuance of Grading Permits.

## B. AIR QUALITY

### **Short-term Construction**

Short term impacts from construction vehicles and portable engines were identified. Since the EIR was certified in 1993, construction equipment engines are manufactured to stricter air quality regulations. The proposed parking lot will not be constructed below grade, which will reduce the amount of construction time and thereby reducing the emissions from the construction equipment. The proposed parking lot will accommodate the same amount of parking spaces approved under the original project, thus there will be no additional impacts. The follow mitigations identified in the EIR will be applied to the proposed project and incorporated as conditions of approval:

- NO<sub>x</sub> Emissions Reduction During Construction
- Control of Fugitive Dust Emissions During Construction

## C. ARCHAEOLOGICAL RESOURCES

### **Park Hotel and Sites**

An archaeological report was prepared for the hotel and park project and no significant resources were discovered. An additional archaeological report was prepared for the proposed parking lot site and no resources were identified. Therefore, the proposed project would not result in additional impacts and the mitigation identified in the EIR, as stated below, would continue to apply to the project.

- A qualified archeologist shall be present during all ground disturbance.

## E. NOISE AND VIBRATION

### **Vibration and Noise Related Measures**

Short tem impacts related to construction equipment were identified in the EIR. The new project component would be approximately 70 feet north of the approved hotel site, separated

by the Union Pacific Railroad tracks. Additionally, immediately east of the project is a concrete recycling plant. Given the close proximity to the approved hotel site and the surrounding industrial uses, the project would not generate additional or new impacts. The following mitigation from the EIR would be adequate for the new project component and will be incorporated into the conditions of approval:

- All construction equipment shall be provided with well-maintained, functional mufflers. Construction activity shall be restricted to 8 AM to 5 PM.

#### F VISUAL RESOURCES

Due to its proximity to the north of the approved hotel and the landscaping being proposed, the parking lot will not result in visual resource impacts.

#### G. BIOLOGICAL RESOURCES

The proposed project includes a restoration plan for the El Estero Drain located on the south side of the project site, thus the biological resource issue is addressed. Conditions of approval for the project ensure that the restoration plan will be carried out.

#### I HAZARDOUS MATERIALS/WASTES

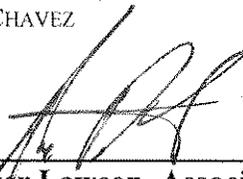
A Phase I study prepared as part of the environmental review of the hotel site identified soil contamination. The investigation of the soil contamination was expanded to the proposed parking lot site, where contamination was also discovered. The applicant has prepared one master report that addresses both sites and submitted this report to the Santa Barbara County Fire Department Site Mitigation Unit. On July 25, 2007, the Remedial Action Plan prepared by URS Corporation was approved by the Site Mitigation Unit, thus the following mitigation from the EIR has been addressed:

- Prior to issuance of a land use permit, the landowner shall submit the Phase II Investigation to the Santa Barbara County Environmental Health Services Department.

#### **CEQA FINDING**

Based on the above review of the project, in accordance with State CEQA Guidelines Section 15164, no Subsequent Negative Declaration or Environmental Impact Report is required for the current project, because new information and changes in project description, circumstances, impacts and mitigations are not substantial and do not involve new significant impacts or a substantial increase in the severity of previously identified impacts.

This Addendum identifies the current project changes and minor changes to project impacts. With application of identified mitigation measures, all project impacts will be less than significant. This addendum, together with Final Environmental Impact Report SCH# 92091038, constitutes adequate environmental documentation in compliance with CEQA for the current project.

Prepared by:   
Peter Lawson, Associate Planner

Date: 8/21/07

Reviewed by:   
Michael Berman, Environmental Analyst

Date: 8/21/2007

Attachments

Site Plan

Document2