

ATTACHMENT 1
CONDITIONS OF APPROVAL

ATTACHMENT B

CONDITIONS OF APPROVAL

Approved by the Board of Supervisors on January 7, 1997
Hyatt Hotel Project
86-DP-046

Originally approved by the Board of Supervisors on August 15, 1988 and revised, as part of the approval of 86-DP-046TE01.

1. The project shall provide a cliffside walking path with a safety barrier for public use. Details of the safety barrier shall be submitted prior to approval of a land use permit.
2. The project shall provide public beach access with 50 parking spaces and a beachside snack-bar/restroom/shower facility.
3. To minimize visually intrusive features of the landscape the project sponsor shall place all utility lines underground.
4. The frontage road and parking area shall minimize the large cut in the northeast corner of the site, to the extent feasible.
5. Cuts and fills shall be molded and contoured to soften the appearance of modified land forms.
6. The applicant shall make a fair share contribution of funds to the establishment of a regional hostel. The amount of contributed funds shall be determined by the Planning and Development Department (P&D), prior to approval of a land use permit. The amount of the contribution should not be more than that imposed on other similar developments and shall take into consideration increased public access opportunities provided by the applicant or facilities. These contributions shall be made prior to issuance of a Certificate of Occupancy.
7. Prior to the approval of a land use permit for the development, the applicant shall fund the ~~preparation of a cultural resources management plan~~ which shall contain provisions for the implementation, funding and, where necessary, the enforcement of all cultural resource conditions, i.e., numbers 7-19. Before receiving land use permit approval, the management plan shall be approved by the Planning and Development Department and County Counsel.

The project sponsor shall provide funds for implementing an archaeological data recovery and mitigation program at all significant prehistoric sites subject to direct and indirect impacts, including those impacted by the proposed access road. The excavation program shall take place only within the context of a comprehensive research design and under the direction of a County-approved archaeologist who is either eligible for, or a member of, the Society of Professional Archaeologists. In all archaeologically sensitive areas noted as "high or medium" in the EIR where "capping", "filling" or covering with a layer of soil before building, or placing such items as parking lots, tennis courts, etc. is proposed, the fill program shall follow procedures defined in the April 4, 1985 letter from Penfield & Smith.

This program shall be designed to best protect the site:

The mitigation for the loss of access to the materials may be achieved in one of two ways; either (a) the applicant could grant the County rights of access to the site deposits for future site testing and scientific sampling through an access easement, subject to the approval of P&D and

County Counsel, or (b) through excavation analysis and report preparation of a scientific sample not exceeding one percent (1%) with a research design developed by a County-qualified archaeologist and coordination with the Native American Community.

8. Provisions shall be made for the deposition of non-burial remains in a permanent repository which meets current professional standards pursuant to County's archaeological guidelines. Ownership shall be the option of either the applicant, the Native American Community, or the archaeological community. In recognizing the origin of the materials, the Native American Community shall have the first option of ownership.
9. The project sponsor shall avoid construction in known cemeteries and any new cemeteries discovered during construction. Human remains and associated artifacts encountered during construction shall be dealt with according to CEQA Appendix K. Prior to reinterment of these materials, analysis of the remains shall be undertaken within a period agreed to by representatives of an appropriate Native American group, among whose members are descendants of the area.
10. P&D-approved archaeologist and Native American consultants shall be funded by the sponsor to monitor all earthmoving activities within the site boundaries, including grading and landscaping. These monitors shall have the authority to redirect earthmoving activities at any location in order to evaluate any potentially significant archaeological remains encountered during construction. The field evaluation and decision to excavate these remains shall be done with the most expedient time frame after this decision. Results of all monitoring activities shall be fully documented in a report consistent with Santa Barbara County guidelines, and such a report shall be submitted by the archaeologist and Native Americans to the County.
11. Archaeological soils removed from any archaeological site shall not be redeposited as fill on another archaeological site. The location of the redeposited soils shall be mapped by the archaeological monitors. Historic diagnostic artifacts (e.g., coins) shall be placed in the soils to indicate their disturbance and non-archaeological nature of their location.
12. All archaeological areas not subject to direct impacts shall be fenced during construction as much as feasible.
13. A performance bond of not less than \$100,000 shall be posted by the applicant to insure excavation and analysis of any materials destroyed during construction.
14. For SBa-71, the following conditions shall apply in addition to the above (to the extent that any development is proposed in Sba-71):
 - a. The applicant shall institute measures to minimize illegal collecting activities and severely restrict landscaping requiring earthmoving for large root balls. Natural vegetation shall be maintained so that mechanical brushing for fire control is not necessary.
 - b. Movement of heavy equipment across the site during grading for the access road shall not be allowed.
 - c. The applicant shall develop procedures to be implemented to arrest and prosecute individuals engaged in illegal collecting activities.
 - d. The applicant shall insure future access to the undisturbed portions of sites in the project area for future archaeological research in consultation with representatives from appropriate

Native American groups. This access shall be required throughout the life of the project, and adequate lead time for access shall be provided under terms agreeable to the Native Americans, archaeologists, and Hyatt.

15. For Sba-72, the following conditions shall apply in addition to the above:
 - a. The applicant shall implement a phased archaeological evaluation program in accordance with the County's Prehistoric Archaeological Project Guidelines. The initial phase would identify both undisturbed and disturbed portions of the site and permit formulation of an appropriate research design (a Phase II significance assessment). The following phase would include necessary mitigation of undisturbed portions of the site (a Phase III data recovery program).
 - b. During construction, the contractor shall backfill all open trenches, holes, etc., with soils other than archaeological site midden.
 - c. If removal of historic pipes, foundations, etc. within archaeological site areas is required, archaeological monitors shall document site stratigraphy by drawing vertical sections and photographs.
 - d. The root balls of the dead cypress adjacent to Tecolote Creek shall be left in situ. These trees were planted prior to 1920 and are located in an area of extremely high archaeological sensitivity. All vegetation in the area shall be removed by hand.
 - e. The sponsor shall route paths to avoid crossing areas known to contain prehistoric burials.
16. For Sba-73, the following conditions shall apply in addition to the above:
 - a. The sponsor shall implement a phased archaeological evaluation program as described for SBA-72.
 - b. The sponsor shall not remove the historic fill along the eastern edge of SBA-73 North.
17. For SBA-1326, the following condition and Condition No. 10 shall apply:
 - a. The applicant shall fund a team of professional archaeologists and Native American consultants during construction and landscaping pursuant to Condition No. 10.
18. For SBA-1673, the following conditions shall apply in addition to the above:
 - a. The applicant shall redesign elements of the project to avoid a minimum of 15-25 percent of the high sensitivity zone closest to the cliff edge. If this is not feasible, turn block shall be used in this portion of the archaeological site.
 - b. Site areas to be filled and subsequent impacts from this activity shall be evaluated according to Condition No. 7.
 - c. The applicant shall retain a monitoring team as described in Condition No. 10 for all construction in low-sensitivity site areas.

19. For site SBa-1674, a data recovery program including a sample of not less than one percent of the total site area shall be completed according to County Prehistoric Archaeological Project Guidelines.
 - a. The applicant shall fund a program to survey, evaluate, and mitigate any direct and indirect impacts to archaeological remains along proposed water collection and distribution facilities. P&D shall select a qualified archaeologist to carry out this work in consultation with appropriate Native American representatives.
20. The project sponsor shall recruit students of UCSB and will coordinate with Santa Barbara City College's Hotel and Restaurant Management School to implement a plan for hiring students of that program.
21. The project sponsor shall designate a ride-sharing program coordinator, and shall investigate the feasibility of an employee shuttle service to and from the project and pick-up points at UCSB and, if appropriate, to other points in Santa Barbara, and to the terminus of the closest bus line, now known as No. 6 bus line, (unless and until this line is extended to the site).
22. The project sponsor shall recruit local workers through local offices of the Economic Development Department and shall provide a job training program. The project sponsor shall advertise first within the County for its service level jobs and outside the County only to the extent it is unable to fill such positions from within the County.
23. The project sponsor shall establish a program through local high schools for the training and employment of graduating seniors. Training and hiring programs shall be submitted to the County no later than one year after the start of project operation; participation progress reports shall be made to the County on an annual basis.
24. The project sponsor shall provide to the Fire Department at least two copies of the current site plan. The project should be shown on a single sheet in 40 to 60 scale. The plan should clearly indicate the building footprint and use, roadways dimension and percent of grade, fire hydrant and fire connection location, water main location and dimension. A detailed plan of the pump and reservoir facilities shall also be provided. (SEE FIRE DEPARTMENT LETTER DATED 11/13/87).
25. The project sponsor shall submit a fire protection plan for approval by the County Fire Department which includes, but is not limited to:
 - emergency access roadway
 - fire apparatus donation
 - smoke detectors
 - sprinkler systems
 - routine fire inspections and security patrols
 - emergency communications systems
 - emergency water supply
 - posted emergency, fire safety and evacuation instructions
 - separate air conditioning units to control spread of smoke and fire
 - no wood roof construction
 - fire hydrants spaces at no more than 300 feet

[see Fire Department letter Nov. 13, 1987]

26. The project sponsor shall construct and operate a graywater recovery system to reduce water requirements of the project.
27. Trash compactors shall be installed to reduce the volume of project-generated solid waste.
28. The project sponsor shall consult with Southern California Gas Company in selecting the most effective application of energy conservation techniques for the project. Details of the conservation techniques shall be submitted to P&D prior to land use permit approval, as evidenced by a letter from Southern California Gas Co.
29. The project sponsor shall connect the project's wastewater system at the 12-inch sewer located near the Sandpiper Golf Course on Hollister Road or to the existing trunk line and pumping station which serves the EMID on the north side of U.S. Highway 101 along a route acceptable to P&D.
30. Trash receptacles shall be provided in commercial and water feature areas.
31. Provide receptacles for recycling in areas where feasible, such as restaurant and offices.
32. Hotel employees would have staggered work-hours, reducing peak-hour travel. Incentives for employee use of public transit will be provided by the project sponsor.
33. A shuttle bus service shall be provided for hotel guests to the airport, transit centers and other points of interest.
34. Employee carpool and bicycle parking areas shall be provided on site, and included on plans prior to land use permit approval.
35. The project sponsor shall provide a shuttle service to/from the terminus of the closest bus line, now known as No. 6 bus line, to the project site for employees, unless direct service to the project site is provided by the MTD. As an incentive to encourage the use of public transit, the sponsor shall provide subsidized bus passes or other incentives proposed by the sponsor, satisfactory to the Director of P&D.
36. To reduce the possibility of any damage from vehicle accidents to high pressure gas lines at the Ellwood Gas Processing Plant, the project sponsor shall install guard rails or other similarly effective devices along the hotel access road where it would pass the gas lines.
37. Emulsion-type or slow-cure asphalt shall be used for all paved surfaces.
38. All unpaved construction areas shall be sprinkled with water twice a day (or as necessary) to minimize dust generation.
39. Non-asphalt (i.e., gravel) paving shall be used as feasible.
40. All structures shall be placed outside the 75 year cliff setback line.
41. The project sponsor shall engage a California-registered geologist to conduct a geotechnical analysis of the proposed water tank sites, and shall follow the recommendations of the analysis.

This analysis shall be submitted to the Public Works and Planning and Development Departments for review and approval prior to land use permit approval.

42. The project sponsor shall purify drinking water as required by the State in order to meet the requirements of the Safe Drinking Water Act.
43. The project sponsor shall retain a licensed geologist or landscape architect to design and supervise an erosion control program during grading. The program shall be incorporated into the Environmental Quality Assurance Program. Inspection of the site shall be conducted as part of the EQAP periodically to determine if the revegetation program is successfully carried out. The landscaping bond would be refunded to the project sponsor upon satisfactory compliance.
44. The applicant shall use hydromulching or a similarly effective technique to revegetate graded slopes.
45. The project sponsor shall use low loss methods of irrigation in order to prevent excessive runoff consistent with irrigation plans as submitted as pages 7-13 through 7-15 of the Final Development Plan application.
46. Stormdrains would be installed in the lower lying portions of all streets to collect stormwater runoff. Drainage conduits would be extended down to the channel of Tecolote Creek as close to the mouth of the creek as feasible. Runoff would not be discharged to unprotected slopes.
47. The project sponsor shall retain a professional consultant to develop a system of erosion control designed to prevent siltation of the creek channel, and will follow the recommendations made by the consultant.
48. Prior to land use permit approval, the applicant shall demonstrate exclusive use of the wells identified to support the project. This condition can be met through the use of an alternative water source derived outside of Tecolote Canyon, such as the Goleta Water District or other viable sources which would not result in overdraft of any groundwater basin or aquifer, subject to review and approval by Planning and Development.
49. Prior to land use permit approval, the applicant shall develop a series of alternative operation plans, satisfactory to EHS and P&D, to reduce water consumption of the project during drought years. The alternative plans shall detail a series of discrete steps that address droughts of different intensities.
50. Prior to land use permit approval, the applicant shall complete a testing program to determine the pumpage rates, water level responses, and other pertinent data for all wells proposed to be used by the project. The testing program shall be conducted for a period of at least one year. Analysis shall consider demands versus the safe yield of the entire watershed. This testing program shall be conducted in coordination with the County's Environmental Health Services and the Planning and Development Department.
51. Use of native, drought-resistant plants requiring minimal watering in landscaping shall be utilized to the maximum extent possible.
52. Where non-native landscaping is used:

- landscape with low-water-consuming plants wherever feasible;
 - install automatic irrigation systems geared to seasonal fluctuation in vegetative water needs;
 - Install soil-moisture sensors to control automatic sprinkler systems for the larger irrigated areas;
 - irrigate at night;
 - use extension mulching in all landscaped areas; and
 - install hose bibs at key locations to allow hand watering dry spots.
53. Use reclaimed wastewater for landscape irrigation, as feasible. Graywater and reclaimed water used during grading and operation activities should not be used in any area on site where it could enter directly into Tecolote Creek.
54. Install water conserving dishwashers, clothes washers, faucets, showers, and toilets. (All water supply fixtures, e.g., toilets, showers and faucets, must meet the regulations established in Section 17921.3 of the Health and Safety Code and the California Administrative Code, Chapter 2, Subchapter 4: Article 4.)
55. The project sponsor shall, in conjunction with the County, Department of Fish and Game, develop a comprehensive biological resources mitigation program based on the measures recommended below. This program shall include detailed site plans showing how elements of the program would be implemented. This comprehensive approach would increase the effectiveness of the individual mitigation measures adopted by the County. Development onsite shall occur in compliance with the Biological Mitigation Program on file with P&D, amended as required to comply with all conditions.
56. The sponsor shall preserve approximately 38 acres of native vegetation on the southern parcel, primarily coastal strand, riparian woodland, marsh, and coastal sage scrub. Some native plants would be included in the landscaping plan.
57. The project sponsor shall plant only drought-tolerant vegetation in the 75-year bluff retreat setback from the edge of the western bluff, as recommended by Policy 3-5 of the Coastal Plan Element.
58. The project sponsor would be required to obtain a Streambed Alteration Agreement from the California Department of Fish and Game for any alteration of the Tecolote Creek or Bell Canyon Creek channels. The Department of Fish and Game has direct jurisdiction under Section 1601-03 of [the] Fish and Game Code over any proposed activities that would obstruct the natural flow or substantially change the bed, channel, or bank of any creek. The Streambed Alteration Agreements may impose conditions to partial mitigate the project's adverse effects on the creeks. The provisions of this section of the Code are intended to protect and conserve fish and wildlife resources.
59. The project sponsor would be required to obtain a permit from the Corps of Engineers for any dredging or filling of the marsh at the mouth of Tecolote Creek. All dredging, however, would have to conform with LCP policy 9-6 and receive all necessary permits as required by law. The Corps also has jurisdiction over tidewater areas under Section 10 of the Rivers and Harbors Act; they have jurisdiction over wetlands under Section 404 of the Clean Water Act. In addition, a permit would be required for dredging of the creek channel above the portion

influenced by tidal action; this would be either a general or an individual (specific) permit depending upon the classification of the creek by flow volume.

60. The applicant shall retain a licensed professional to design and supervise an erosion control program during grading. Require the sponsor to post a bond with the County to ensure that erosion is controlled. The bond would be released upon successful completion of the erosion control program. This program shall address mitigation measures if grading is to occur in the winter rainy season.
61. The applicant's landscape architect shall report to the County periodically during and following construction to ensure that the revegetation program is being successfully carried out as provided in the EQAP.
62. The applicant shall provide a 100-foot buffer zone between developed areas and wetland habitat to reduce impacts from construction. This buffer zone should be landscaped with suitable native riparian species both to provide habitat and to screen the wetland. The applicant shall revegetate with seedlings propagated from plants on site.
63. The applicant shall construct a suitable barrier around sensitive habitat during construction to prevent disturbance of these areas by workers.
64. To preserve riparian woodland, coastal strand, and brackish marsh habitat on the southern parcel:
 - a. The project shall be designed to avoid dredging of Tecolote Creek; dredging is inconsistent with the Coastal Plan because it is not necessary to control flooding or enhance wildlife values. Dredging would definitely not preserve or enhance the riparian corridor that is there now (the lagoon presently is only a very small part of the riparian corridor). Dredging would increase the size of the lagoon, but what would be gained would be mostly open water, which would be relatively unproductive. The right mud flat on the edge of the existing lagoon, most of the existing marsh vegetation, and the dense vegetation for sheltering wildlife adjacent to the marsh would be lost and overall, productivity would decline.
 - b. Design the project drainage to conduct surface flows to the creek, as called for in Policy 3-18 of the Coastal Plan Element.
 - c. Provide a 100-foot buffer zone of native plants between developed areas and wetland habitat to reduce impacts from human activity and pets.
 - d. Provide silt traps to minimize pollutants from construction runoff reaching Tecolote Creek.
 - e. Relocate the parking/maintenance building on the eastern portion of the site farther to the northeast to preserve a 100-foot wide riparian corridor along the creek.
 - f. Move tennis court to the east to avoid disturbance of the 100-foot-wide riparian zone.
 - g. Prohibit crushing, burying, or removal of cattails, sedges, pickleweed, salt grass, or coastal strand plants during construction to preserve these sensitive resources.
 - h. Realign pedestrian paths on the east side of Tecolote Creek so that they avoid, to the extent possible, the 100-foot-wide riparian zone.

- i. The applicant shall install standard type grease traps, approximately 6' x 6' x 8' in size, unless engineering analysis determines that smaller traps are sufficient, as interceptor devices in storm drains from the two proposed paved parking lots and the proposed service loading and unloading area in the conference center (Building #1), to minimize pollutants from washing into Tecolote Creek and the marsh. The proposed grease traps and associated drainage for the public parking lot shall be evaluated by a P&D qualified archaeologist pursuant to the approved Cultural Resources Management Plan for the project to determine if this trap is feasible. Results shall be reviewed and approved by the P&D staff archaeologist. This condition is recommended in Policy 3-19 of the Coastal Land Use Plan, which discourages degradation of water quality. The grease traps and associated drainage shall be approved by P&D and the Flood Control Department prior to approval of a land use permit. (revised by B/S on 12/15/86)

new traps
west pk.
located
of consent/
rd. easement.

- j. Maintain marsh and riparian productivity by minimizing the use of herbicides, pesticides, and fertilizers on the southern parcel. This is recommended in Policy 9-42 of the Coastal Plan Element.

65. To offset the project's impact on native plant and animal communities:

- a. All 52 acres of open space on the project site shall be landscaped with drought-tolerant vegetation native and indigenous to southern California to preserve the habitat value of open space on the site for wildlife and to conserve fresh water resources in the region. This landscaping shall be in substantial conformity with the landscape plans submitted with the Final Development Plan application package, subject to final approval of the Board of Architectural Review. This is called for in Policies 3-14 and 7-14 of the Coastal Plan Element.
- b. The applicant shall install and maintain the significant wildlife habitat on-site consistent with the Biological Resources Mitigation Program on file with the Planning and Development Department as amended pursuant to all conditions of approval.
- c. All mature trees on the site, including the windrow located at the western property boundary, shall be preserved wherever feasible, as implied in Policies 2-15 and 9-28 of the Coastal Plan Element, which recommend preventing development in roosting or nesting habitat.
- d. Construct a suitable barrier around sensitive habitat during operation to prevent disturbance of these areas by employees or guests.

66. Objectionable construction activities shall be scheduled between 7 a.m. and 6 p.m.; construction equipment shall have operative mufflers. All construction north of Highway 101 in the EMID residential areas shall only be scheduled between 8 a.m. and 5 p.m. on weekdays.

67. Building plans of all buildings within the noise hazard zone shall be reviewed by a qualified acoustical engineer. Recommendations of the engineer shall be incorporated into the buildings' design to the extent possible. Standard construction practices (such as insulation) may reduce noise to required levels; however, additional measures could be required. These may include:

- construction of an earthen berm in this area where the railroad and the highway are at or above the grade of the buildings;
- buildings with exterior walls facing the highway and railroad should have a minimum of window area.

68. Deleted
69. Deleted
70. The size, shape, arrangement, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in substantial conformity with the approved development plan marked Planning Commission Exhibit B, dated September 4, 1996.
71. All parking area locations, design, and size of parking spaces shall be in accordance with all applicable provisions of Ordinance Parking Standards unless the project has been granted a modification because it is in a zone district requiring a development plan.
72. Compliance with departmental letters:
 - a. Fire Department dated 11/13/87 and September 9, 1996.
 - b. Flood Control dated 12/17/86.
 - c. Environmental Health Services dated 1/25/88 and 8/19/96.
 - d. Public Works Department dated 7/27/88, except Condition #15 is modified such that the \$6,500 per PHT fee shall be a minimum amount which may be adjusted upward consistent with future changes to the Consumer Price Index (CPI).
 - e. Park Department dated 12/14/87.
 - f. Embarcadero Municipal Improvement District letter dated May 10, 1985 subparagraphs 1-6 only.
73. No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibit B, dated September 4, 1996. Substantial conformity shall be determined by the Director of P&D.
74. All final plans of buildings and structures shall be subject to final approval by the Board of Architectural Review prior to the approval of land use permits.
75. Prior to the use, occupancy, expansion, erection, alteration, or moving in of structures for which this permit is issued, the applicant shall obtain approval of a land use permit from the Planning and Development Department. The land use permit approval is required by ordinance and is necessary to ensure implementation of the conditions required by the Planning Commission. Before approval of a land use permit will be issued by the Planning and Development Department, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available in the Planning and Development Department.
76. The proposed water storage tanks and water treatment plan shall be painted with earth tones and landscaped on all sides so as to camouflage them from the view of nearby residents.
77. Deleted
78. All parking areas shall be landscaped and screened in accordance with all applicable provisions under ordinance parking standards, unless replaced with specific landscape and screening condition.

79. Development shall be in compliance with the Landscaping Planting Plan submitted as part of the FDP application, using drought-tolerant plant materials, comprised of California natives augmented with appropriate introduced plant species from other Mediterranean climate zones, together with the irrigation plan on file with P&D. Subject plans shall be to the satisfaction of the Planning and Development Department, and subject to Final BAR approval.
 80. The applicant shall file a tree protection plan with the Planning and Development Department prior to approval of a land use permit indicating the trunk locations and tree canopy line of all mature native trees and maintenance of a continuous windrow along the western property boundary to the maximum extent feasible. A qualified botanist, horticulturist or approved tree specialist shall develop a site specific program providing protection during grading, construction and recuperation period.
 81. Two performance securities shall be provided by the applicant prior to approval of a land use permit, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for five years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. The installation security shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security five years after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:
 - (a) Installation of tree protection measures, all native plant revegetation, landscaping of parking lots and water tanks, walls, and fences, site landscaping, in accordance with the approved landscape, tree protection plan and sensitive habitat restoration plans prior to occupancy clearance.
- MONITORING:** P&D shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.
82. Landscaping shall be maintained for the life of the project.
 83. The design of the garbage pickup areas shall be architecturally compatible with the overall architecture of the project, and shall be included in the B.A.R. review.
 84. Prior to approval of a land use permit, building #5 (the restaurant) at southwest corner of the hotel complex shall be located so as to entirely avoid the high sensitivity portions of the archaeological site in that area.
 85. Substantial failure to abide by and faithfully comply with any conditions for the granting of this permit, following an opportunity to cure the defect, shall constitute grounds for the modification or revocation of this permit.
 86. The developer shall defend, indemnify and hold harmless the County or its agents, officers, or employees from any claim, action or proceeding against the County or its agents, officers, or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this Final Development Plan. In the event that the County fails promptly to notify the developer of

any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

87. The applicants shall install meters on any and all wells used to provide facility water.
88. The applicants shall install water conserving devices throughout the facility.
89. The project sponsors shall provide twenty-seven (27) units of new or rehabilitated low or moderate income housing prior to the approval of Final land use permits. As used herein, the word "provide" shall include, in order of decreasing preference: i) direct provision of such housing on site or off-site either by the project applicant or by another party such as housing credits, within the same Housing Market Area as the non-residential project; ii) payment of an in-lieu fee, pursuant to Policy 22 of the Housing Element and its implementation program in such amount determined by the Board of Supervisors prior to approval of Final land use permits, such amount may be posted by bond or line of credit to be called at the County's discretion; or iii) other tangible and feasible methods acceptable by the County given the specific circumstances of the project, such as donating land to the County suitable for housing development, in proportion to the above referenced housing demand for the project. If option i) above is chosen, satisfaction of this condition may be extended to the date of certificate of occupancy; however, the applicant shall submit evidence and enter into an agreement to the satisfaction of County Counsel ensuring that the option will be complied with by the developer prior to the approval of land use permits.
90. Prior to approval of land use permits, the applicant shall submit to the Association of Governments a plan which details how they plan to house temporary construction workers for every year of construction. This plan, to be implemented by the applicants shall demonstrate how the applicants plan to reduce the housing impacts identified in the EIR including, but not limited to, the following elements:
 - a) Use of existing under-utilized hotel/motel space during the months of September through May to provide for temporary living quarters for direct construction workers ever year; identification of incentives to all applicant direct construction workers such as rent subsidies and/or shuttle service to the site.
 - b) Use of any available housing outside the South Coast area for all workers associated with the project during the summer months when visitor-serving facilities in the South Coast area are at capacity. Incentives for workers shall be identified such as rent subsidies and shuttle service for all workers commuting to this job site.
 - c) Methods to limit worker use of public campgrounds as living quarters.
91. Prior to land use permit approval, the applicant shall provide a letter from the State Department of Conservation Division of Oil and Gas confirming:
 - 1) There are no abandoned gas or oil wells on the property.
 - 2) That any such wells have been abandoned or otherwise the safety hazards have been properly mitigated to the satisfaction of D.O.G.
92. Prior to approval of land use permits, the project sponsor shall incorporate the most energy efficient heating and cooling system into the project as subject to review by Planning and Development and the County Building Official.

93. The project sponsor shall install a centrally-controlled energy management system.
94. The project shall incorporate openable windows in locations that facilitate flow-through ventilation based on the prevailing wind pattern in the warm weather months to the maximum extent feasible.
95. Whenever possible all public areas shall maximize the use of natural daylight for illumination.
96. Deleted
97. Consistent with EHS letter of 1/25/88, the applicant shall conduct a thorough investigation of the sump identified in the vicinity of SBA-71. Due to the sensitive nature of the cultural and biological resources in the vicinity of the sump, samples shall be collected using hand augers as opposed to heavy machinery under the direct supervision of archaeological and biological monitors. The investigations shall be incorporated into the monitoring program administered by Health Care Services for hazardous materials. The investigation will also be included as part of the EQAP program administered by P&D for monitoring and mitigation of archaeological and biological resources.
98. The applicant shall submit a dune habitat protection plan which will provide protection to the globose dune beetle habitat and insure maximum public access to the beach. This plan shall include partial fencing of the coastal strand habitat, interpretive signing, revegetation and monitoring components. The applicant shall provide informational signs at the edge of the coastal strand habitat and outside any tidal action. An annual vegetation enhancement program will be provided for a minimum of three years.

The coastal strand habitat shall be monitored by a P&D qualified biologist three (3) times in the first year, and twice (2) in the following years. A dune beetle survey will be performed at least once per year. An annual report shall be submitted by the applicant to the U.S. Fish and Wildlife Service and the County of Santa Barbara, and will include: survey methodology, observations of percent vegetative cover by species, results of the dune beetle survey, and an evaluation of the effectiveness of the interpretive signing, revegetation programs, and the fencing area. In the event a statistically significant decrease in the vegetative cover or dune beetle is observed, a full scale fencing of the coastal strand habitat shall be implemented by the applicant following a hearing by the Planning Commission. In no event shall the fencing extend less than 10 feet above the extreme high tide line as determined by tide tables and a qualified surveyor. In addition, recommendations will be made to alter the monitoring program frequency and methodology as appropriate.

Prior to approval of a land use permit, the applicant shall submit plans to the P&D and Parks Department for the partial fencing of the coastal strand/foredune habitat in areas east of Tecolote Creek. The design of the fence must be of a wood design approximately four (4) feet high, and provide for the natural movement of the sand dunes. The actual area to be initially fenced shall be determined by a qualified biologist, shall emphasize critical native vegetation concentration, and receive input from the U.S. Fish and Wildlife Service, the California Department of Fish and Game, the California Coastal Commission, and the County of Santa Barbara. The initial fenced area shall be approximately 300 feet in length and 10 feet in width, and will be sited to protect the densest portions of the coastal strand community. The applicant shall be required to repair, maintain, and replace the fencing as necessary throughout the life of the project. The fence(s) shall be periodically moved to account for natural dune movement and beach erosion, subject to the receipt of all necessary permits as provided by law. The fence location shall provide a minimum of 10 feet of lateral public access along the sandy portion of

the beach from a point north of the extreme high tideline as determined by tide tables and a qualified surveyor. All fencing plans shall be subject to approval by the Board of Architectural Review (B.A.R.).

99. The applicant shall provide informational signs and/or flyers in hotel rooms regarding the fragile coastal strand/dune habitat to promote public awareness.
100. Prior to approval of a land use permit for grading, mitigation plans for protection of the tidewater goby in Bell Canyon shall be prepared. The applicant shall receive a renewal of the California Department of Fish and Game's 1603 agreement for the crossing of Bell Canyon which specifically addresses the tidewater goby including conditions to preserve the species. Consistent with LCP Policy 9-39, construction in Bell Canyon Creek shall be prohibited during the winter through May, when tidewater goby is spawning or migrating upstream. If fish are likely to be present during construction, the mitigation plan should address:
 1. avoidance of direct loss of fish;
 2. avoidance of interruption or disturbance of seasonal movement or breeding of gobies;
 3. avoidance of permanent habitat degradation by avoiding fills to the greatest extent possible; and
 4. inclusion of habitat maintenance or improvement measures.

The mitigation program shall be submitted to the Planning and Development Department for review and approval, and shall be incorporated into the EQAP.
101. The applicant shall provide adequate facilities to enable the Santa Barbara Metropolitan Transit District (MTD) to operate direct transit service to the project site. This shall include:
 1. roadway(s) of adequate dimensions and construction to accommodate MTD buses;
 2. provision of a passenger bench and shelter suitable to MTD.
102. The applicant shall provide transit incentives for project employees by participation in the MTD Superticket program for a minimum three-year period.
103. Prior to approval of a land use permit, the applicant shall designate a Coordinator to work with the MTD to identify employee transportation needs.
104. The applicant shall provide adequate space within the project for display of MTD route and schedule information.
105. The applicant shall prepare an Environmental Quality Assurance Program (EQAP) for the Planning and Development Department's approval prior to approval of a land use permit. The EQAP shall include the integration, coordination, and implementation of all plans and programs relevant to construction and operations of the proposed hotel and related facilities as required by all conditions of approval, and a description of all necessary measures the applicant will take to assure compliance.

The program shall provide a framework for environmental monitoring, data collection, and management coordination by a contractor selected by the County (P&D) in consultation with the applicant. The contractor(s) will be under contract and responsible to the County, with all preparation and implementation funded by the applicant. Quarter annual reports shall be

prepared throughout construction, and semi-annual reports shall be prepared throughout operations for a minimum period of two years. These reports shall include a detailed project status during construction including timetable, environmental implementation efforts, and other pertinent or requested data. The E.Q.A.P. contractor shall appoint at least one Onsite Environmental Coordinator (OEC) responsible for overall monitoring, but shall employ as many qualified specialists as necessary, to be determined by the Planning and Development Department, to oversee specific mitigations (i.e., archaeologists, biologists, etc.). In addition, the OEC shall have the authority and ability to secure compliance with all project conditions and to stop work in an emergency situation. The applicant shall prepare an Environmental Quality Assurance Program (EQAP) for the Planning and Development Department's approval prior to approval of land use permit. The project shall include all plans relevant to construction and operations of the proposed hotel and related facilities as required by all conditions of approval, and a description of all necessary measures the applicant will take to assure compliance. The program shall provide a framework for environmental monitoring, data collection, and management coordination by a contractor selected by the County (P&D) in consultation with the applicant. The contractor(s) will be under contract and responsible to the County, with all preparation and implementation funded by the applicant. Quarter annual reports shall be prepared throughout construction, and semi-annual reports shall be prepared throughout operations for a minimum period of two years. These reports shall include a detailed project status during construction including timetable, environmental implementation efforts, and other pertinent or requested data. The E.Q.A.P. contractor shall appoint at least one environmental manager responsible for overall monitoring, but shall employ qualified specialists to oversee specific mitigations (i.e., archaeologists, biologists, etc.). The EQAP shall include specific guidelines for implementation and monitoring following commencement of operations. Conditions including, but not limited to, biological mitigations, archaeological programs, public access, traffic reduction, etc. Shall be included in the EQAP. The EQAP may also include any appropriate procedures not specified in the conditions of approval which are relevant to environmental protection. [A separate contract for monitoring of hazardous materials conditions (see Condition #95 and Environmental Health Services letter dated 11/10/87) shall be administered under Health Care Services pursuant to their letter dated 1/25/88]. This condition may be applied to phased land use permit approval for the main hotel road.

106. A revised Biological Resources Mitigation program shall address the loss of several western sycamores along the lower reaches of Tecolote Creek.
107. All heavy equipment activity resulting from the removal or relocation of the ARCO pipeline shall be prohibited in the riparian corridors. Activities related to the pipeline removal shall be limited to as small an area as possible, and include a well-flagged work site. Implementation of this condition shall be incorporated into the E.Q.A.P.
108. Prior to approval of land use permits, the applicant shall submit designs for review and approval to the Planning and Development Department for the design of wooden walkways from the base of each pedestrian and equestrian trail across dune and coastal strand habitat outside the intertidal zone, in order to avoid disturbance and destruction of this vital coastal resource as required by LCP policy 9-5. The walkways shall disturb the minimum necessary dune areas, and be maintained as necessary throughout the life of the project.
109. All activities related to the relocation of the existing ARCO pipelines on-site shall be addressed in a mitigation plan reviewed and approved by the Planning and Development Department prior to approval of land use permits. The plan shall state that heavy equipment is prohibited in all riparian areas, that impacts are limited to as small an area as practical, that all pipes have been

flushed prior to the commencement of any work, that work is done in full cooperation with ARCO, that all necessary spill berms are constructed to prevent impacts to riparian areas in the event of a spill, and any other procedures the applicant intends to take to assure that all work is done in compliance with this permit and minimizes environmental impacts to the maximum extent feasible.

110. Prior to approval of land use permits, the applicant shall enter into a recordable contract with the County to provide a Transportation Management Plan (TSM). The plan shall be reviewed and approved by the Planning and Development Department, the Public Works Department and County Counsel, and accepted by the Board of Supervisors. The plan shall attempt to reduce peak hour traffic trips as much as feasible, and substantially conform to the draft agreement marked Jan. 29 1988.
111. The applicant shall continue to monitor water production and use in the Tecolote Watershed, and assist in formulating a water management plan for this watershed. The applicant shall maintain a testing program which includes pumpage rates, water level responses, and other pertinent data for all wells proposed to be used by the project. This program shall be designed in conjunction with the P&D prior to approval of land use permits, and shall be conducted for a minimum two year period following operation of the project. These monitoring reports shall be included into the EQAP program.
112. Prior to the approval of land use permits for the project, the applicant shall provide an Irrevocable Offer to Dedicate both vertical and lateral access in a form acceptable to County Counsel. The easements for vertical access shall include all trails proposed as part of the project which provide access to the beach from the main hotel access road and both parking lots. The easement for lateral access shall include all portions of the sandy beach as described in the Parks letter dated 12/14/87, and provisions for its management also shall be consistent with the Parks Department's letter. This condition is consistent with the requirements of Local Coastal Plan policies 7-2 and 7-3.
113. The hotel access road shall be realigned as outlined in Penfield & Smith's plans dated 11/20/87. The bridge design outlined in Penfield and Smith's plans dated 12/8/87 shall be used to span Tecolote Creek.
114. The application of insecticides, herbicides or other toxic chemicals shall be prohibited within the Tecolote Creek Natural Area as defined in Figure 3-2 of 87-EIR-19) from August to March consistent with LCP policy 9-5. If control agents are utilized in summer months they should be restricted to compounds which break down rapidly.
115. Tree trimming, clearing of understory vegetation and alteration of topography shall be prohibited north of the realigned access road within the Tecolote Creek Natural Area, except for the minimal vegetation clearance required to accommodate trails in that area.
116. Smoke and steam producing structures (e.g., steam vents, chimneys, outdoor barbecues) shall be prohibited within the Tecolote Creek Natural area.
117. The applicant shall hire a Monarch specialist to aid in the design of simple visitor facilities at the Tecolote Creek roost. A trail to the site, vandal-proof interpretive signs, and a bench shall be constructed. In the design of this trail, consideration shall be given to the possibility of integrating it with the equestrian trail to minimize removal of vegetation.

118. The applicant shall hire a Monarch specialist acceptable to P&D to monitor the Monarch population onsite for two years following construction of the access road. Monitoring shall occur once a month from November through February. As a control, monitoring shall also be conducted at the nearby Ellwood West site at the same time and frequency. Results shall be reported each year to P&D. The data and any specimens collected shall be deposited in a public institution where they can be examined by any interested persons.
119. The applicant's Biological Resources Mitigation Plan shall be amended to require the planting of ten coast live oak trees in the riparian zone to replace any oak removed with 10 oaks. The young oaks shall be caged, watered, fertilized, and replanted as necessary until at least five young oak trees are established.
120. Prior to approval of a land use permit (LUP), the applicant shall fund a Phase 2 archaeological significance assessment program in areas of proposed fill and retaining wall excavation. This Phase 2 program shall be prepared by a P&D-qualified archaeologist pursuant to the Hyatt Goleta Resort Development Cultural Resources Management Plan and be reviewed and approved by P&D. If found to be significant, areas of impact shall be subject to a Phase 3 data recovery mitigation program pursuant to County Archaeological Guidelines, and any recommendations proposed as a result of the Phase 2 study shall be incorporated in LUP conditions. Native American observers shall be retained for all excavation within archaeological site areas.
121. All vegetation removal within archaeological site area shall be done by hand and monitored by Native American observers.
122. Preparation of archaeological site areas for placement of fill shall not disturb the native ground surface. Scarification and/or compaction shall be prohibited.
123. All proposed sub-surface utilities shall be placed outside of archaeological site areas, and if necessary, placed in fill soils.
124. Construction activity including placement of fill soils and retaining wall excavation shall be monitored by a P&D-qualified archaeologist and Native American observer retained by the applicant.
125. Deleted
126. Prior to the erection of combustibles onsite, an all weather road shall be installed along the base of the eastern terrace as shown on Planning Commission Exhibit B, dated Feb. 2, 1988. The road shall be 20 feet wide, restricted to emergency vehicles, and include a turnaround with a minimum radius of 700 feet of a design acceptable to the Santa Barbara County Fire Department. Said road and turnaround shall be posted "NO PARKING: FIRE LANE, EMERGENCY ACCESS ONLY". A detailed plan for the access road and turnaround shall be reviewed and approved by the Fire Department, P&D, and Roads Division of the Public Works Department prior to approval of land use permits.
127. Prior to approval of land use permits, the applicant shall submit applications to LAFCO, and ensure that all necessary procedures are completed for the formal annexation of the project site to the Metropolitan Transit District and the Isla Vista Sanitary District.
128. Deleted

129. Deleted
130. Prior to the issuance of Occupancy permits, the project sponsors shall provide child care services, commensurate with the needs of the employees of the project, on-site or at an off-site location within a reasonable distance from the project site as determined by the Director of Planning and Development with any disagreements between the applicant and P&D to be resolved by the Planning Commission. Should a regional child care day program be established, the project sponsor shall have the option to contribute a pro rata fair share contribution of funds toward the construction and operation of said facility. The amount of the contribution shall not be more than the per employee charge imposed on other similar developments.
131. The applicant shall provide funding for an interpretive document or display on the hotel grounds which describes the past prehistoric and historic uses of the property. This condition would be undertaken with consultation with representatives of an appropriate Native American group.
132. The applicant shall design the required equestrian trail through the Tecolote Creek riparian corridor to the satisfaction of Planning and Development. The location of the trail shall be sited to avoid impacts to the riparian and Monarch habitat to the maximum extent feasible and shall be integrated with the interpretive trail to the Monarch roost area in the Tecolote Creek area required in Condition 117. The trail location and width shall be reviewed and approved by the Santa Barbara County Park Department and the Planning and Development Department prior to approval of land use permits.
133. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the Planning Commission, and no approval shall be issued unless substitute feasible mitigation measures are imposed.
- The foregoing provision shall have no application should the project sponsors apply to the Board of Supervisors or the Planning Commission for relief from any condition, other than a payment of a fee, on the grounds of infeasibility based on circumstances unforeseeable at the time of project approval; or seek judicial review of the denial of such relief from condition, provided the project sponsors do not also seek to have such action invalidated by a court of law.
- In order that no construction occurs without assurances that the project will only be built as conditioned, or with substitute feasible mitigation measures, no land use permit shall be issued until (a) the expiration of the limitation period without the filing of an action, or (b) the applicant executes a covenant not to sue, in a form acceptable to County Counsel.
134. The applicant shall participate in a socioeconomic survey program to more accurately identify the housing impacts associated with the project. The employee survey shall include, but not be limited to, information on employee income and occupation, existing price and type of housing, previous residence, number and occupation of employees in household and method of transportation. The survey will be developed by the Planning and Development Department in conjunction with the Department of Regional Programs and the applicant. The applicant shall report to the County information on employment, housing and transportation. This data shall be provided annually to the County for a period of four years following initiation of operations,

at such time operations are estimated to have stabilized, unless the County determines that a shorter period will provide adequate data.

135. The applicant shall provide public access to the beach area throughout the construction period. Plans indicating each alternative access route which will be available to the public as construction proceeds shall be reviewed and approved by the Planning and Development Department and Parks Department prior to the issuance of grading permits.
136. The following conditions shall be satisfied prior to (or complied with during) the approval of land use permits for any grading onsite as specified in the conditions: 4, 5, 7-19, 24, 25(a), 36-39, 43-47, 51, 52, 55, 56, 58-61, 63-66, 70, 72 (as required by specific departments, separate departmental sign-offs for "grading only" shall be submitted to the Planning and Development Department), 73, 75, 79, 80-82, 85, 86, 89, 91, 97, 100, 105, 107, 109, 113-115, 118, 120-124, 126, 127, 133, and 135.
137. All slopes facing Bell Canyon shall be hydromulched and covered with jute mat once completed. If construction is scheduled to occur during the rainy season, the contractor shall cover the slopes with visquene (plastic) prior to completion of these slopes.
138. Slopes adjacent to Bell Canyon Creek shall also be hydromulched and covered with jute mat once completed. Prior to completion of these slopes, silt fences shall be set up if grading is scheduled to occur during the rainy season. The silt fences shall be designed to break up the slopes into a series of terraces and stop the water and silt behind the fence. The silt should be trapped behind the fence(s) while allowing water to filter through the fence, down the slope, and into the next fence.
139. The silt fences described in condition 138 shall be designed to direct any storm runoff into the access road. The water should then be collected behind the berm located outside of the Bell Canyon Creek area and drained into a temporary drainage pipe. This pipe shall direct any storm runoff to the ocean. The pipe shall be installed at the start of construction by hand, and be placed on the ground in such a manner as to avoid the removal of riparian vegetation. The pipe shall be removed at the completion of construction activities. A berm shall be constructed should grading and/or bridge construction occur during any rainy season.
140. The Biological Resources Mitigation Plan, required pursuant to Condition 55, shall include revegetation on a 10:1 basis for all removed riparian vegetation in the Bell Canyon or Tecolote Canyon areas. This plan, in addition to the landscaping plan, shall also address the revegetation of the existing S.P.R.R. fill slope north of the Bell Canyon Creek bridge, utilizing appropriate native plant species.
141. Project occupancy shall be deferred until completion of the Storke Interchange improvements.

MONITORING: Permit Compliance shall confirm completion of intersection improvements prior to issuance of occupancy clearance.

142. Deleted

143. If the construction site is graded and left undeveloped for over three weeks, the following methods shall be employed immediately to inhibit dust generation:

- a) seeding and watering to revegetate graded areas; and/or

- b) spreading of soil binders; and/or
- c) any other methods deemed appropriate by the Air Pollution Control District or Planning and Development.

If grading activities are discontinued for over six weeks, applicant shall contact both Permit Compliance Staff and Grading Inspector to site inspect revegetation/soil binding. **Plan Requirements:** These requirements shall be noted on all plans. **Timing:** Plans are required prior to approval of land use permit.

MONITORING: P&D and Grading Inspector shall perform periodic site inspections.

144. Dust generated by the development activities shall be kept to a minimum by following the dust control measures listed below.
- a) During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - b) During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
 - c) After clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil shall be treated immediately by watering or revegetating or spreading soil binders to prevent wind pickup of the soil until the area is paved or otherwise developed so that dust generation will not occur.
 - d) Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
 - e) Trucks transporting soil, sand, cut or fill materials and/or construction debris to or from the site shall be tarped from the point of origin.

Plan Requirements: All requirements shall be shown on grading and building plans. **Timing:** Condition shall be adhered to throughout all grading and construction periods.

MONITORING: P&D shall ensure measures are on plans. P&D, Grading and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site. APCD inspectors shall respond to nuisance complaints.

145. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. **Plan Requirements:** The name and telephone number of such persons shall be provided to the APCD. **Timing:** The dust monitor shall be designated prior to approval of land use permit.

MONITORING: P&D shall contact the designated monitor as necessary to ensure compliance with dust control measures.

146. Reclaimed water shall meet the following hauling and use controls:

- a) Use sites shall be approved by the Regional Water Quality Control Board and the State and local health departments.
- b) Truck drivers shall be instructed as to the requirements contained herein and the potential health hazards involved with the reuse of wastewater.
- c) Tank trucks and other equipment which contain or come in contact with reclaimed water shall be clearly identified with warning signs.
- d) Tank trucks used for reclaiming water shall be thoroughly cleaned of septage or other contaminants prior to use.
- e) Use of reclaimed water shall not create any odor or other nuisance.
- f) Reclaimed water shall be confined to the authorized use area.
 - 1) Ponding or runoff of reclaimed water shall not occur.
 - 2) Aerosol formation during uses involving spraying must be minimized.
- g) Reclaimed water shall be applied so as to prevent public or employee contact with the water.
- h) Reclaimed water for dust suppression must not be introduced into any permanent piping system and no connection shall be made between the tank truck and any part of a domestic water system.
- i) Tank trucks shall be cleaned and disinfected after the project is completed.
- j) Tank trucks used to transport reclaimed water shall not be used to carry domestic water.

Plan Requirements: This condition shall be printed on all grading and construction plans.
Timing: All conditions to be carried out whenever reclaimed water is on site.

MONITORING: P&D will site inspect throughout grading and construction activities.

147. The applicant shall provide onsite banking and check cashing services and onsite U.S. postal services. **Plan Requirements:** The location of these service centers shall be printed on construction plans and shall be acceptable to P&D. **Timing:** These services shall be provided prior to occupancy clearance.

MONITORING: P&D will ensure provision of services through site inspection prior to occupancy clearance.

148. The following energy-conserving techniques shall be incorporated unless the applicant demonstrates their infeasibility to the satisfaction of P&D staff:
- a. Installation of low NO_x residential and commercial water heaters and space heaters per specifications in the 1991 Air Quality Attainment Plan;
 - b. installation of heat transfer modules in furnaces;
 - c. deleted;

- d. installation of solar panels for residential water heating systems and other facilities and/or the use of water heaters that heat water only on demand;
- e. use of passive solar cooling/heating;
- f. use of natural lighting;
- g. use of concrete or other non-pollutant materials for parking lots instead of asphalt;
- h. installation of energy efficient appliances;
- i. installation of energy efficient lighting;
- j. use of landscaping to shade buildings and parking lots;
- k. installation of sidewalks and bikepaths;
- l. installation of covered bus stops to encourage use of mass transportation.

Plan Requirements and Timing: The applicant shall incorporate the listed provisions into building and improvement plans or shall submit proof of infeasibility prior to approval of land use permit.

MONITORING: Building and Safety shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance.

149. Hyatt shall contribute \$200,000.00 to the County for the purpose of acquiring and protecting offsite Monarch butterfly habitat. **Plan Requirement and Timing:** The applicant shall submit the \$200,000.00 to P&D prior to approval of the LUP.

MONITORING: P&D to ensure payment is made prior to approval of the LUP. (6/14/91 MOU)

150. Hyatt shall pay to the County the sum of \$50,000 to cover the County's costs in the butterfly controversy, payable at time of approval of land use permit for Phase I (access road).

MONITORING: P&D to ensure payment is made prior to approval of the LUP for the access road. (6/14/91 MOU)

151. The permittee shall develop and implement a Solid Waste Management Program. The program shall identify the amount of waste generation projected during processing of the project. The program shall include one or more of the following measures, but is not limited to those measures:

- a) Provision of 100 square feet of space and/or bins for storage of recyclable materials within the project site.
- b) Implementation of a green waste source reduction program, including the creation of composting areas, and the use of mulching.
- c) Development of a plan for accessible collection of materials on a regular basis.

- d) Recycling bins shall be provided at the construction site to minimize construction-generated waste which goes to the landfill.
- f) Deleted.
- g) Development of a Source Reduction Plan (SRP), describing the recommended program(s) and the estimated reduction of the solid waste disposed by the project. For example, the SRP may include a description of how fill will be used on the construction site, instead of landfilling, or a detailed set of office procedures such as use of duplex copy machines and purchase of office supplies with recycled content.
- h) Implementation of a program to purchase materials that have recycled content for project construction and/or operation (i.e., construction materials, office supplies, etc.). The program could include requesting suppliers to show recycled materials content. To ensure compliance, the applicant shall develop an integrated solid waste management program, including recommended source reduction, recycling, composting programs, and/or a combination of such programs, subject to P&D and Public Works Solid Waste Management Division review and approval prior to approval of land use permit. Reports on materials purchased, recycled content, participation, and other available information shall be made to permit compliance annually.

Plan Requirement and Timing: The applicant shall submit a Solid Waste Management Program to P&D and Solid Waste (Public Works) for review and approval prior to approval of land use permit. **Timing:** Program components shall be implemented prior to occupancy clearance.

MONITORING: P&D shall site inspect as required under the monitoring plan.

152. Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete and asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. **Plan Requirements:** This requirement shall be printed on the grading and construction plan. Permittee shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to occupancy clearance.

MONITORING: P&D shall review receipts prior to occupancy clearance.

153. H₂S sensors and alarms shall be placed and maintained adjacent to the eastern boundary of the hotel site adjacent to the Ellwood Onshore Facility to alert hotel visitors and employees of potentially harmful levels of H₂S in the event of a release. **Plan Requirement and Timing:** A H₂S sensor plan including specific testing, calibration intervals maintenance schedule, and detection levels shall be developed by the applicant and provided to the Fire Department, EHS, and P&D for review and approval. The plan shall be reviewed and approved prior to approval of the land use permit. Applicant shall submit records of sensor testing upon request of P&D.

MONITORING: P&D shall ensure sign-offs by EHS and Fire Department and shall ensure existence of H₂S sensor as to plan prior to project occupancy and shall periodically inspect records of sensor testing.

154. The applicant shall develop an Emergency Response Plan (ERP) for the hotel facilities, including the tennis court facilities which addresses measures to be taken in the event of an explosion or hazardous release from the Ellwood Onshore Facility. The plan shall be updated

periodically as determined necessary by the Fire Department. **Plan Requirement and Timing:** The applicant shall provide the ERP to P&D, EHS, and the Fire Department (including OES) for review and approval prior to approval of land use permit.

MONITORING: P&D and Fire Department shall verify that elements of the ERP are integrated into project design and that the ERP is kept updated and that employee training programs include training on implementation of the ERP.

155. Native specimen plants and seed stock from locally obtained sources shall be utilized for landscaping purposes in areas where native vegetation is required. **Plan Requirements:** This requirement shall be included in a landscape plan to be prepared by a P&D approved landscape architect or arborist. **Timing:** Landscape Plan shall be reviewed and approved prior to approval of a land use permit.

MONITORING: Prior to release of performance security for landscape installation, the landscape architect or arborist shall verify to P&D, in writing, the use of native seed stock on the property.

156. Nightlighting shall be low intensity, hooded, and shielded from property boundaries. **Plan Requirement:** The project's outdoor nightlighting features shall be reviewed and approved by Planning and Development. **Timing:** Nightlighting shall be installed prior to occupancy clearance.

MONITORING: P&D shall inspect prior to occupancy clearance.

157. All applicable final conditions of approval shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.

MONITORING: P&D shall ensure that conditions of approval are on the final plans prior approval of land use clearance.

158. The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:

- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
- b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
- c. Pay fees prior to approval of land use permit as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

MONITORING: P&D to ensure notifications and payment are made prior to approval of the LUP.

159. Prior to approval of land use permit, the applicant shall pay all applicable P&D permit processing fees in full.

MONITORING: P&D to ensure payment is made prior to approval of the LUP.

