



TO: Mayor and Councilmembers

FROM: Dan Singer, City Manager

CONTACT: Steve Chase, Director, Planning and Environmental Services
Patricia S. Miller, Manager, Current Planning

SUBJECT: Case No. 07-020-OA, -RZ, -DP; Rincon Palms Hotel and Restaurant;
6868 and 6878 Hollister Avenue; APN 073-140-004

RECOMMENDATION:

- A. Conduct the second reading (by title only) and waive further reading of City Council Ordinance 08-__ entitled "An Ordinance of the City Council of the City of Goleta, CA Amending Chapter 35, Article III of the Goleta Municipal Code, the Inland Zoning Ordinance, to Establish a Hotel Overlay District". (Attachment 1)
- B. Conduct the second reading (by title only) and waive further reading of City Council Ordinance 08-__ entitled "An Ordinance of the City Council of the City of Goleta, CA Amending the Official Zoning Map Referenced in Section 35-204 of Article III of the Goleta Municipal Code, the Inland Zoning Ordinance, to Change the Zone District for the Rincon Palms Hotel and Restaurant Project, Applicable to the Northeast Corner of Storke Road and Hollister Avenue; 6868 Hollister Avenue and 6878 Hollister Avenue; APN 073-140-004". (Attachment 2)
- C. Adopt City Council Resolution 08-__ entitled "A Resolution of the City Council of the City of Goleta, CA Approving a Development Plan for the Rincon Palms Hotel and Restaurant Project, Case No. 07-020-DP; at the Northeast Corner of Storke Road and Hollister Avenue; 6868 and 6878 Hollister Avenue; APN 073-140-004". (Attachment 4)

Refer back to staff if the City Council decides to take action other than the recommended action.

BACKGROUND:

The proposed project is described in the staff report for the October 7, 2008 City Council hearing and includes a 59,600 square foot hotel (112 rooms) and a 6,000 square foot restaurant at the northeast corner of Storke Road/Hollister Avenue. At the October 7, 2008 hearing the Council adopted the project CEQA resolution and

conducted the first reading of the ordinance amendment for the Hotel Overlay and the ordinance for the rezone of the property from M-RP (Industrial – Research Park) to PI (Professional Institutional). The Council also conceptually approved the resolution for the Rincon Palms Hotel and Restaurant permits.

DISCUSSION:

The hearing of October 21, 2008 is for the purpose of conducting the second readings on the ordinances for the Hotel Overlay and the rezone and to adopt the resolution approving the permits that would allow the hotel and restaurant to be developed.

GOLETA STRATEGIC PLAN:

The Rincon Palms Hotel and Restaurant project would be consistent with the following Goals in the Strategic Plan entitled: “Promote a Healthy Business Climate” and moves the City closer towards realizing its vision as defined within the City’s Strategic Plan.

ALTERNATIVES:

None are recommended.

LEGAL REVIEW:

This staff report has been reviewed by the City Attorney.

FISCAL IMPACTS:

The processing costs associated with the Rincon Palms Hotel and Restaurant Project are paid by the applicant.

Submitted By:

Reviewed by:

Approved By:

Steve Chase, Director
Planning and Environmental
Services

Michelle Greene, Director
Administrative Services

Daniel Singer
City Manager

ATTACHMENTS:

1. City Council Ordinance 08-___; Ordinance Amendment for Hotel Overlay
2. City Council Ordinance 08-___; Rezone
3. City Council Resolution 08-___; Development Plan for the Rincon Palms Hotel and Restaurant Project

ATTACHMENT 1

CITY COUNCIL ORDINANCE 08-____

ORDINANCE AMENDMENT FOR HOTEL OVERLAY

ORDINANCE NO. 08-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA AMENDING CHAPTER 35, ARTICLE III OF THE GOLETA MUNICIPAL CODE, THE INLAND ZONING ORDINANCE, TO ESTABLISH A HOTEL OVERLAY DISTRICT; CASE NO. 07-020-OA

WHEREAS, the City of Goleta was incorporated on February 1, 2002; and

WHEREAS, on February 1, 2002, the City Council adopted Ordinance 02-01 entitled "An Ordinance of the City Council of the City of Goleta, California, Adopting by Reference the Santa Barbara County Code and Other Relevant Non-Codified Santa Barbara County Ordinances as City Ordinances," which code and ordinances remain in effect except as expressly repealed or amended by the City; and

WHEREAS, the ordinances adopted by the City included Article III of Chapter 35, referred to as the "Inland Zoning Ordinance;" and

WHEREAS, on July 21, 2008, the City of Goleta Planning Commission held a duly noticed public hearing to consider the proposed Ordinance Text Amendment and various related matters, at which times all interested persons were given an opportunity to be heard; and

WHEREAS, on July 21, 2008, the City of Goleta Planning Commission adopted Resolution 08-06, recommending that the City Council approve the proposed Ordinance Text Amendment and various related matters; and

WHEREAS, on October 7, 2008, the City Council held a duly noticed public hearing to consider the proposed Ordinance Text Amendment and various related matters, at which times all interested persons were given an opportunity to be heard; and

WHEREAS, on October 7, 2008, the City Council adopted Resolution 08-__, adopting findings pursuant to the California Environmental Quality Act (CEQA) and adopting the Final Mitigated Negative Declaration (08-MND-001); and

WHEREAS, the City Council has considered the entire administrative record, including the application materials, staff reports, the Draft and Final Mitigated Negative Declaration, the recommendation of the Planning Commission, and oral and written testimony from interested persons.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLETA FOLLOWS:

SECTION 1. Recitals.

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2. Ordinance Text Amendment.

The City Council hereby adopts an amendment to Chapter 35, Article III of the Goleta Municipal Code, the Inland Zoning Ordinance, to add language as set forth in Exhibit 1 to this ordinance.

SECTION 3. Administrative Findings.

The following findings are adopted pursuant to Section 35-325 of Chapter 35, Article III, the Inland Zoning Ordinance, of the Goleta Municipal Code:

- a) The Ordinance Text Amendment is in the interest of the general community welfare. The proposed Ordinance Amendment provides for a Hotel Overlay District consistent with the Hotel Overlay included in the General Plan on Figure 2-1 on the subject property. The associated benefits include the provision of needed hotel accommodations and increased transient occupancy tax base to the City of Goleta. These are benefits that contribute to the general community welfare. Lately, increased demand for hotel, restaurant, and conference space is being fueled by development approvals in and around Goleta (e.g., Cabrillo Business Park, Fairview Corporate Center, Village at Los Carneros, etc.), coupled with corporate growth (e.g., Citrix Online, Yardi Systems, etc.) and plans for expansion of UCSB and the improvement of the Santa Barbara Municipal Airport. The proposed Hotel Overlay District at this gateway property satisfies the community's economic demand for increased and improved hospitality services.
- b) The Ordinance Text Amendment is consistent with the General Plan as specified in the City Council staff report dated October 7, 2008, the requirements of State planning and zoning laws, and Chapter 35, Article III of the Goleta Municipal Code, the Inland Zoning Ordinance, as applicable.
- c) The Ordinance Text Amendment is consistent with good zoning and planning practices in that it implements the Hotel Overlay included in the General Plan on Figure 2-1 for the subject property.

SECTION 4. Documents.

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the City Clerk, City of Goleta, 130 Cremona Drive, Suite B, Goleta, California, 93117.

SECTION 5. Effective Date.

This ordinance shall take effect on the 31st day following the date of its final adoption.

SECTION 6. Publication.

The City Clerk shall certify to the passage of this Ordinance and cause the same to be published and posted in the manner prescribed by California law.

INTRODUCED ON the 7th day of October, 2008.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2008.

MICHAEL T. BENNETT, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH CONSTANTINO
CITY CLERK

TIM W. GILES
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 08-__ was duly adopted by the City Council of the City of Goleta at a meeting held on the __ day of _____, 2008, by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

DEBORAH CONSTANTINO
CITY CLERK

**Section 35-250F HO - Hotel Overlay
(Added by Ordinance [08-__])**

Section 35-250F.1. Purpose and Intent

This Overlay District is only applicable to property having a land use designation of either Business Park (I-BP) or Office and Institutional (I-OI), and a Hotel Overlay as shown on the General Plan Land Use Map. The purpose of this district is to facilitate the co-location of commerce and hospitality services. By creating diverse and complementary employment opportunities and related economic activities, the intent is to minimize impacts to surrounding neighborhoods, manage traffic patterns and centralize services.

Section 35-250F.2. Permit and Processing Requirements

All new structures and development as well as alterations to existing structures within the HO Overlay District shall be subject to review by the Design Review Board. No permits for development within the Hotel Overlay project shall be issued except in conformance with an approved Development Plan.

Section 35-250F.3. Setbacks, Height Limits, and Other District Restrictions

Except as stipulated below, all new structures and development as well as alterations to existing structures shall comply with the requirements of the General Plan and base zone district, subject to any modifications that may be granted pursuant to the General Plan and/or Development Plan approval.

1. The recommended standard for FAR for hotel uses within the HO Overlay District shall be 0.50. This recommended standard may be revised by resolution of the decision making body for a specific project based upon a finding of good cause.
2. There may be a percentage of joint use of parking spaces. In this regard, conjunctive use shall be defined as the joint use of parking spaces for two or more land uses where the hours of operation and demand for parking are such that the parking spaces can be used by the individual uses at different times of the day or week and, therefore, can serve more than one use. The intent is to provide for possible reduction in the number of parking spaces ordinarily required for two or more land uses and the sharing of parking spaces under a set of unique circumstances, including the compatibility of the land uses, adjacent properties, and lack of need for separate parking facilities. A reduction in the number of required parking spaces may be granted subject to and contingent upon: (i) site-specific parking studies that account for shared uses conducted on the property; (ii) approval as part of the Development Plan.

ATTACHMENT 2
CITY COUNCIL ORDINANCE 08-____
REZONE

ORDINANCE NO. 08-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA AMENDING THE OFFICIAL ZONING MAP REFERENCED IN SECTION 35-204 OF ARTICLE III OF THE GOLETA MUNICIPAL CODE, THE INLAND ZONING ORDINANCE, TO CHANGE THE ZONE DISTRICT APPLICABLE TO THE NORTHEAST CORNER OF STORKE ROAD AND HOLLISTER AVENUE; 6868 AND 6878 HOLLISTER AVENUE; APN 073-140-004; CASE NO. 07-020-RZ

WHEREAS, on February 1, 2002, the City Council adopted Ordinance 02-01 entitled "An Ordinance of the City Council of the City of Goleta, California, Adopting by Reference the Santa Barbara County Code and Other Relevant Non-Codified Santa Barbara County Ordinances as City Ordinances," which code and ordinances remain in effect except as expressly repealed or amended by the City; and

WHEREAS, the ordinances adopted by the City included Article III of Chapter 35, referred to as the "Inland Zoning Ordinance;" and

WHEREAS, on July 21, 2008, the City of Goleta Planning Commission held a duly noticed public hearing to consider the proposed rezone from M-RP to PI (with Hotel Overlay) and various related matters, including an ordinance text amendment and application for hotel and restaurant development, at which times all interested persons were given an opportunity to be heard; and

WHEREAS, on July 21, 2008, the City of Goleta Planning Commission adopted Resolution 08-06, recommending that the City Council approve the proposed rezone and various related matters; and

WHEREAS, on October 7, 2008, the City Council held a duly noticed public hearing to consider the proposed rezone and various related matters, at which times all interested persons were given an opportunity to be heard; and

WHEREAS, on October 7, 2008, the City Council adopted Resolution 08-__, adopting findings pursuant to the California Environmental Quality Act (CEQA) and adopting the Final Mitigated Negative Declaration (08-MND-001); and

WHEREAS, the City Council has considered the entire administrative record, including the application materials, staff reports, the Draft and Final Mitigated Negative Declaration, the recommendation of the Planning Commission, and oral and written testimony from interested persons.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLETA FOLLOWS:

SECTION 1. Recitals.

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2. Administrative Findings.

The following findings are adopted pursuant to Section 35-325 of Chapter 35, Article III, the Inland Zoning Ordinance, of the Goleta Municipal Code:

- a) The Rezone is in the interest of the general community welfare. The rezoning of the property would make the proposed hotel and restaurant consistent with the proposed zone district of PI, Professional and Institutional, which would also be consistent with the land use designation of I-OI (Office and Institutional). The purpose and intent of the PI zone district is to provide appropriately located areas for professional uses and for educational, institutional, governmental and other public facilities. This zone district would be the best match for the I-OI land use designation in the General Plan. Moreover, the addition of a Hotel Overlay to the Goleta Municipal Code would apply to the subject site because it already has this comparable overlay designated in the Goleta General Plan. The addition of a hotel use to the property would also benefit the City of Goleta through its contribution of transient occupancy taxes, and the provision of hotel rooms in support of local corporate growth in the high-tech and aerospace sectors, as well as planned improvements to the Santa Barbara Municipal Airport and planned expansion and repositioning of UCSB as an internationally acclaimed research and development institute. As a result of providing a zoning district consistent with the City's General Plan and its intended use of the site, this proposal is found to be in the interest of the general community welfare.
- b) The Rezone is consistent with the General Plan, the requirements of State planning and zoning laws, and Article III, Chapter 35 of the Goleta Municipal Code, the Inland Zoning Ordinance, as applicable.
- c) The Rezone is consistent with good zoning and planning practices because the proposed zoning designation of PI (Professional and Institutional) would allow implementation of the General Plan's Hotel Overlay and would be consistent with the property's proposed development of a hotel to serve visitors of the local area, UCSB and surrounding industries such as research and development companies.

SECTION 3. Amendment of the Official Zoning Map Referenced in Section 35-204 of Article III

The zoning map referenced in Section 35-204 of Chapter 35, Article III of the Goleta Municipal Code, the Inland Zoning Ordinance, is hereby amended as follows and as shown on the map in Exhibit 1, attached hereto and incorporated herein by this reference:

- a. Change the zoning on the 6868/6878 Hollister Avenue (APN 073-140-004) to PI (Professional and Institutional) with a Hotel Overlay (HO), as of the effective date of the adopted ordinance.

SECTION 4. Effective Date

This ordinance shall take effect on the 31st day following the date of its final adoption.

SECTION 5. Publication

The City Clerk shall certify to the passage of this Ordinance and cause the same to be published and posted in the manner prescribed by California law.

INTRODUCED ON the 7th day of October, 2008.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2008.

MICHAEL T. BENNETT, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH CONSTANTINO
CITY CLERK

TIM W. GILES
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 08-__ was duly adopted by the City Council of the City of Goleta at a meeting held on the __ day of _____, 2008, by the following vote of the Council:

AYES:

NOES:

ABSENT:

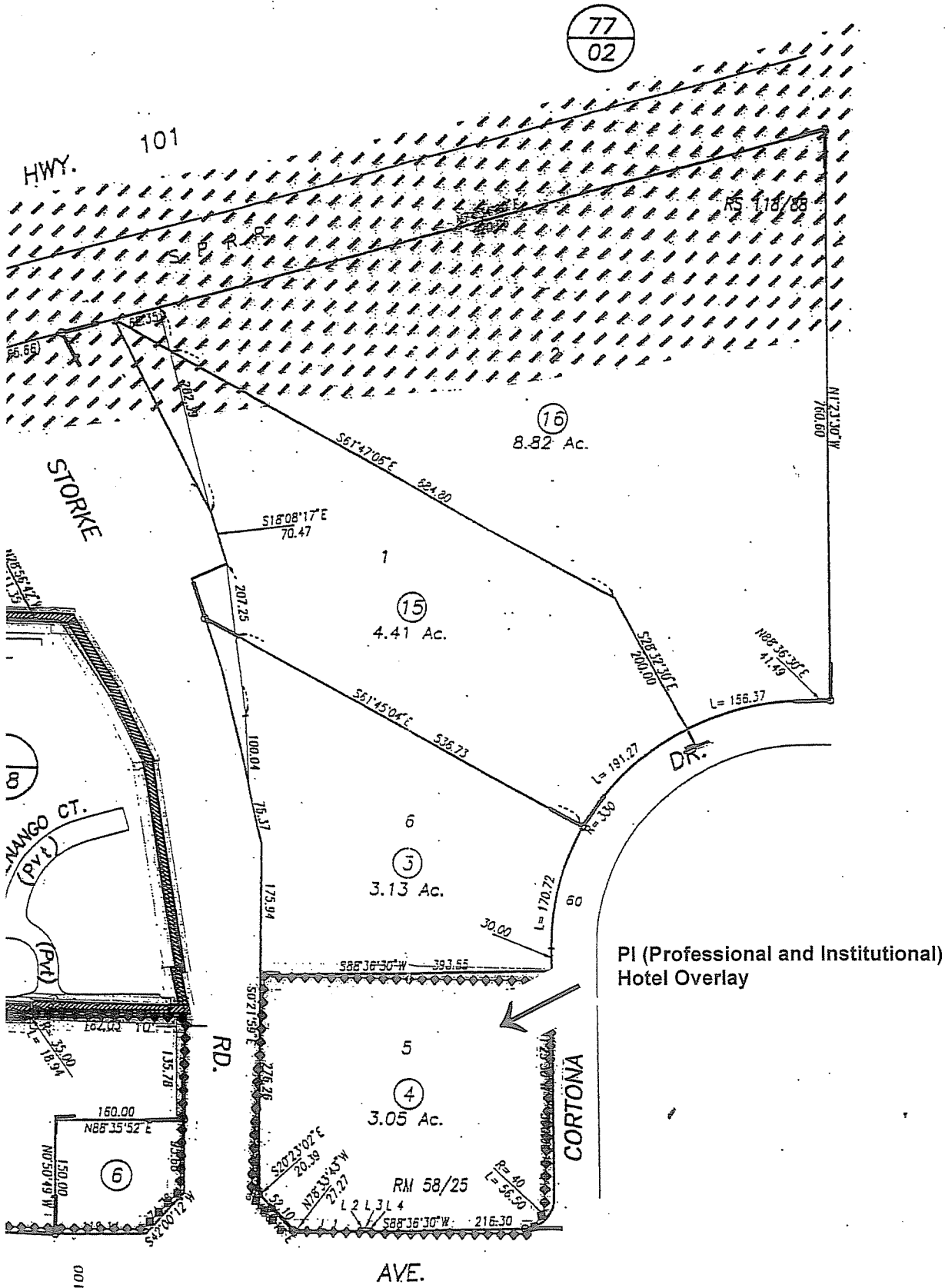
ABSTAIN:

(SEAL)

DEBORAH CONSTANTINO
CITY CLERK

POR. RANCHO LOS DOS PUEBLOS

Ordinance 08-
Exhibit 1



77
02

15

LINE TABLE		
NO.	BEARING	DISTANCE
L 1	S88°36'30"W	70.58
L 2	S1°23'30"E	4.00
L 3	S88°36'30"W	9.00
L 4	N1°23'30"W	4.00

HIGHWAY 101 OVERLAY DISTRICT

NOT
Assessor Parcels are for purposes only and do not constitute parcel legality or a valuation.

10

ATTACHMENT 3

CITY COUNCIL RESOLUTION 08-____

**DEVELOPMENT PLAN FOR THE RINCON PALMS
HOTEL AND RESTAURANT PROJECT**

RESOLUTION NO. 08-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA APPROVING A DEVELOPMENT PLAN FOR THE RINCON PALMS HOTEL AND RESTAURANT PROJECT, AT THE NORTHEAST CORNER OF STORKE ROAD AND HOLLISTER AVENUE; 6868 AND 6878 HOLLISTER AVENUE; APN 073-140-004; CASE NO. 07-020-DP

WHEREAS, an application was submitted on February 15, 2007 by Laurel Perez, agent for Kip Bradley, Cortona Opportunities, LLP, requesting approval of an Ordinance Amendment, Rezone, and Development Plan; and

WHEREAS, the application was found complete for processing on March 15, 2007; and

WHEREAS, the application is for an ordinance amendment to add a Hotel Overlay to Article III, Goleta Zoning Ordinance, a rezone to change the zone district of the parcel from M-RP (Industrial Research Park) to PI (Professional and Institutional), and a development plan to allow for construction of an approximately 59,600 square foot, 112 room hotel and 6,000 square foot restaurant; and

WHEREAS, the procedures for processing the project application have been followed as required by state and local laws; and

WHEREAS, it was determined that the proposed project, inclusive of all of its various components, was subject to the California Environmental Quality Act, that one or more significant effects on the environment may occur, and that preparation of a Mitigated Negative Declaration would be required; and

WHEREAS, on July 21, 2008, the City of Goleta Planning Commission conducted a duly noticed public hearing on the project application, at which time all interested persons were given an opportunity to be heard; and considered the entire administrative record, including application materials, staff report, the Draft and Final MND, and oral and written testimony from interested persons; and

WHEREAS, on July 21, 2008, the City of Goleta Planning Commission adopted Resolution 08-06, recommending that the City Council adopt the Final MND (08-MND-001) pursuant to the State CEQA Guidelines and approve Case 07-020-OA, -RZ, -DP, with recommended findings and conditions of approval; and

WHEREAS, on October 7, 2008, the City Council conducted a duly noticed public hearing on the project application, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, on October 7, 2008, the City Council adopted Resolution 08-___, adopting findings pursuant to the California Environmental Quality Act (CEQA) and adopting the Final Mitigated Negative Declaration (08-MND-001); and

WHEREAS, by adoption on October 21, 2008 of Ordinance 08-___, the City Council has approved an amendment to Chapter 35, Article III of the Goleta Municipal Code, the Inland Zoning Ordinance, to establish a Hotel Overlay District; and

WHEREAS, by adoption on October 21, 2008 of Ordinance 08-___, the City Council has approved a rezone of the subject property to PI (Professional and Institutional) with a Hotel Overlay; and

WHEREAS, a Development Plan is required pursuant to Section 35-317 of Chapter 35, Article III of the Goleta Municipal Code, as amended by Ordinance 08-___ and Ordinance 08-___; and

WHEREAS, the City Council considered the entire administrative record, including application materials, staff report, the Draft and Final MND, and oral and written testimony from interested persons.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF GOLETA FINDS AND DETERMINES AS FOLLOWS:

SECTION 1. Adoption of Findings.

The findings set forth in Exhibit 1 to this Resolution are hereby adopted and incorporated herein by this reference.

SECTION 2. Approval of Development Plan.

The Development Plan for the subject application, Case No. 07-020-DP, is hereby approved subject to the conditions set forth as Exhibit 2 to this Resolution and incorporated herein by this reference. This includes the “good cause” findings for exception to the recommended maximum height identified in the General Plan, Land Use Element, Table 2-3, for the I-OI land use designation.

SECTION 3. Documents.

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the City Clerk, City of Goleta, 130 Cremona Drive, Suite B, Goleta, California, 93117.

SECTION 4. The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2008.

MICHAEL T. BENNETT, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH CONSTANTINO
CITY CLERK

TIM W. GILES
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA)
CITY OF GOLETA) ss.

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing City Council Resolution No. 08-__ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the __ day of _____, 2008, by the following vote of the Council:

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH CONSTANTINO
CITY CLERK

FINDINGS
CASE NO. 07-020-DP

RINCON PALMS HOTEL AND RESTAURANT PROJECT DEVELOPMENT PLAN
NORTHEAST CORNER OF STORKE ROAD AND HOLLISTER AVENUE;
6868 AND 6878 HOLLISTER AVENUE; APN 073-140-004

Pursuant to Section 35-317 of Article III, Chapter 35, of the Goleta Municipal Code (Inland Zoning Ordinance), a Preliminary or Final Development Plan shall be approved only if all of the following findings can be made:

1. *That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed.*

The project site is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed, including structures, parking lots, circulation system, and landscaping to accommodate the project design. Overall, there is sufficient acreage onsite to accommodate the density and intensity of development proposed.

2. *That adverse impacts are mitigated to the maximum extent feasible.*

Potential impacts involving aesthetics, air quality, biological resources, cultural/archaeological resources, geology/soils, hazards and hazardous materials, hydrology/water quality, noise, public services, transportation/traffic and utilities/service systems would be reduced to less than significant levels through implementation of the mitigation measures as incorporated into required conditions of approval included in Exhibit 2.

3. *That streets and highways are adequate and properly designed.*

All existing streets and highways serving the proposed project are adequate and properly designed and, subject to the improvements, dedications, and fee payments specified in conditions of approval (Exhibit 2), can accommodate the traffic generated by the project. Impacts to Storke Road north of Hollister Avenue would be mitigated by the applicant's responsibility to implement a re-striping of Storke Road to create an additional lane, or depending on the timing of other applicants with the same impact, contribute fees based on its fair share of this roadway impacts. The applicant would also be required to install, or contribute toward (depending on timing of other projects in the pipeline) a traffic signal at the Hollister Avenue/Coromar Drive intersection. The applicant would also pay Goleta Transportation Improvement Fees towards impacts at Storke Road and Hollister Avenue.

4. *That there are adequate public services, including but not limited to, fire protection, water supply, sewage disposal, and police protection to serve the project.*

The proposed project would be served by the Santa Barbara County Fire Department, the Goleta Water District, the Goleta West Sanitary District, and the City of Goleta Police Department. These agencies and districts have adequate capacity to serve the proposed Rincon Palms Hotel and Restaurant.

5. *That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas.*

The proposed project would not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and would not be incompatible with the surrounding areas. The project would be served by the appropriate water and sewer districts and, as conditioned (see Exhibit 2), would have safe and adequate primary and emergency/secondary vehicular access. The design of the project would be compatible with surrounding development and would provide a hotel land use and restaurant, complementary to the surrounding uses.

6. *That the project is in conformance with 1) the General Plan and 2) the applicable provisions of this Article.*

The proposed project is consistent with the General Plan land use designation of I-OI, with Hotel Overlay as well as all applicable policies, as specified in the staff report for the City Council hearing of October 7, 2008. The proposed project is also consistent with the PI zone district subject to approval of the requested Ordinance Amendment for the Hotel Overlay District. The project would also be consistent with applicable zoning ordinance standards, subject to approval of the requested modification.

7. *That the project will not conflict with any easements required for public access through, or public use of a portion of the property.*

The property does not include easements for use by the public at large, and would therefore not conflict with such easement for access through the site. Project plans would include improvements within the rights of way of Hollister Avenue and Cortona Drive, subject to Community Services Department review and approval. These improvements would facilitate pedestrian and transit access in the vicinity.

**CONDITIONS OF APPROVAL
CASE NO. 07-020-DP**

**RINCON PALMS HOTEL AND RESTAURANT PROJECT
NORTHEAST CORNER OF STORKE ROAD AND HOLLISTER AVENUE
6868 AND 6878 HOLLISTER AVENUE; APN 073-140-004**

1. AUTHORIZATION:

The Development Plan conditions set forth below authorize development proposed in Case No. 07-020-DP marked “Officially Accepted, _____, 2008, City Council Exhibit 1.” Any deviations from the exhibits, project description, or conditions must be submitted to the City of Goleta for its review and approval. Deviations without the above-described approval will constitute a violation of the permit approval. The exhibits associated with this permit include:

07-020-DP: Rincon Palms Hotel and Restaurant

Site Development Plan (Sheet A-1 dated July 14, 2008, delta February 28, 2008)

Basement & Ground Floor Plan (Sheet A-2, July 14, 2008)

Second & Third Floor Plans (Sheet A-3, July 14, 2008)

Hotel Roof & Equip. Screen Plan, Restaurant Plan, Restaurant Roof & Equip.

Screen Plan (Sheet A-4, July 14, 2008)

Hotel Elevations (Sheet A-5, July 14, 2008)

Restaurant Elevations (Sheet A-6, July 14, 2008)

Preliminary Site Grading & Drainage Plan (Sheet C-1, July 14, 2008)

Preliminary Site Grading & Drainage Plan (Sheet C-2, July 14, 2008)

Preliminary Landscape Plan (Sheet L1, dated July 14, 2008)

2. AUTHORIZED DEVELOPMENT:

The proposed project site is located at the northeast corner of Hollister Avenue and Storke Road. The property includes 3.05 acres and is addressed as 6868 and 6878 Hollister Avenue.

The proposed Rincon Palms hotel would be an approximately 59,600-square foot (SF) structure of 112 rooms designed in a rectangular configuration along the northern portion of the property. The front entrance of the hotel would face Hollister Avenue. Hotel amenities would include a port-cochere entry, private patios or balconies for each room, guest swimming pool, outdoor lounge patio and roof deck for community meetings, social gatherings and conference functions ancillary to the hotel. The hotel would be three stories with an average height of 35 feet. It would include two tower elements that would be 50 feet in height.

The proposed restaurant would be approximately 6,000 SF located at the southwest corner of the property. The restaurant would include a 1,000 SF outdoor dining area,

decorative trellis along the Hollister Avenue frontage, and patterned pavement and landscaping to tie the site together visually with the hotel. The restaurant would be single story with an average height of approximately 20 feet and includes a tower element with a metal décor sphere which would be 32 feet high.

The proposed architecture is characterized as Streamline Moderne with emphasis on exterior metal panels and trellis, smooth/seasoned concrete finish, storefront metal frames, and concrete tile roof. Internal circulation is marked by areas of patterned/textured paving. Landscaping is primarily drought tolerant and Mediterranean and consists of trees, shrubs, and groundcover planted along all three project frontages (Storke Road, Hollister Avenue, Cortona Drive), along building elevations, within planter islands, and within parking areas. The existing signature Washingtonian palms would be preserved and included/relocated within the proposed landscape plan.

Implementation of the proposed project includes 7,500 cubic yards of cut and 5,000 cubic yards of fill. At the location of the hotel, the difference between existing grade and finished grade would be approximately 2 – 4 feet. At the location of the proposed restaurant, the difference between existing grade and finished grade would be less than one foot.

Access would be from an onsite centrally located driveway on Cortona Drive as well as another driveway off Cortona Drive that is shared with the property to the north. (There would be no access from either Hollister Avenue or Storke Road). Parking requirements include 122 spaces for the hotel and 30 spaces for the restaurant; for a total of 152 required parking spaces. A total of 189 spaces would be made available as follows:

onsite	=	105 spaces
onsite (garage)	=	55 spaces
offsite	=	17 spaces (new spaces; exclusive use for hotel)
offsite	=	12 spaces (existing spaces; conjunctive use)
TOTAL	=	189 spaces

All utilities would be undergrounded. The project would be served by the Goleta Water District and the Goleta West Sanitary District.

The following modification from Article III, Inland Zoning Ordinance standards is approved:

A modification for the eave overhang on the southern elevation of the restaurant to allow encroachment by about 2 feet into the required 15-foot setback of Hollister Avenue (Section 35-274).

The grading, development, use and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall substantially conform to the project description as set forth in Condition 1 and shall abide by the conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the City of Goleta. Minor changes to the project description contained herein shall be subject to the approval of the Director of Planning and Environmental Services.

MITIGATION MEASURES FROM MND (08-MND-001)

Aesthetics/Visual Resources

3. The proposed project shall be resubmitted for Preliminary/Final Review by DRB consisting of: (i) updated site plan, architectural floor plans, exterior elevations, landscape drawings and street improvement plans; and (ii) an updated visual simulation of the proposed project. The preliminary development plans shall be revised to address the issues raised by DRB in its Conceptual Review and shall incorporate all applicable mitigation measures and conditions of approval. The updated building exterior elevations shall be fully dimensioned, showing existing grade, finished grade, finished floor, average height and peak height. **Plan Requirements & Timing:** The preliminary development plans shall be revised and resubmitted to DRB for review and approval prior to issuance of a Land Use Permit (“LUP”) for the project.

Monitoring: City staff shall verify that the project is constructed per the final architectural plans approved by DRB prior to issuance of any certificate of occupancy.

4. The height of structural development shown on final plans shall not exceed the mean height and peak height shown on the approved project exhibit maps. Finish grade shall be consistent with the approved final grading plan. Height limitations shown on preliminary plans shall be carried through on final plans and in the field. **Plan Requirements and Timing:** During the framing stage of construction and prior to commencement of roofing, the applicant shall submit verification from a licensed surveyor demonstrating that the mean height and peak height conform to those shown on the preliminary and final plans. This survey shall be reviewed and approved by the City of Goleta prior to commencement of roofing.

Monitoring: City staff shall verify compliance with this requirement prior to commencement of roofing.

5. An Overall Sign Plan for the project shall be prepared and submitted for review and approval by DRB and City staff because conceptual signs shown on City Council exhibits have not been reviewed for compliance with Sign Ordinance standards. **Plan Requirements and Timing:** The Overall Sign Plan shall be reviewed and approved by DRB and City staff prior to and as a condition precedent to installation of any signs for the project. Individual signs shall be reviewed and approved by the DRB and City staff prior to issuance of a Sign Certificate of Conformance.

Monitoring: City staff shall verify that project signs are approved and installed according to the Overall Sign Plan.

6. The applicant shall prepare detailed landscape and irrigation plans for the project that identifies the following:
 - a. Type of irrigation proposed;
 - b. All existing and proposed trees, shrubs, and groundcovers by species;
 - c. Size of all planting materials including trees; and
 - d. Location of all planting materials.

The project landscaping shall consist of drought-tolerant native and/or Mediterranean type species which adequately complement the project design and integrate the site with surrounding land uses. Landscaping shall be compatible with the character of the surroundings, the architectural style of the structure and shall be adjusted necessary to: (i) provide adequate vehicle stopping sight distance at all driveway entrances (as determined by the City); (ii) visually screen parking areas from street view to the maximum extent reasonable; and (iii) screen, through plantings and other features, loading and services areas of the proposed hotel. **Plan Requirements & Timing:** The landscape plans shall be revised and resubmitted for review and approval prior to and as a condition precedent to issuance of any LUP for the project. The plans shall be submitted for review and the DRB and City staff prior to issuance of an LUP. All elements of the final landscape plan, including irrigation improvements, shall be installed prior to any occupancy clearance.

Monitoring: City staff shall withhold issuance of an LUP pending Final Approval of the landscape plans by DRB. City staff shall also field verify installation of all landscaping and irrigation system improvements per the approved final landscape plan prior to issuance of any certificate of occupancy for the project.

7. The applicant shall install required landscaping and water-conserving irrigation systems in the public right of way, as well as enter into an Agreement with the City to maintain required landscaping for the life of the project. **Plan Requirements &**

Timing: Performance and Labor and Materials securities for installation, and a Maintenance security in place for at least three (3) years shall be subject to review and approval by City staff. All required securities and the landscape maintenance agreement shall be signed and filed with the City prior to issuance of any LUP for the project.

Monitoring: City staff shall photo document installation prior to occupancy clearance and shall check maintenance as needed. Release of any performance security requires City staff signature.

8. All exterior night lighting shall be of low intensity/low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Exterior lighting fixtures shall be kept to the minimum number and intensity needed to ensure the public safety of employees, residents, and visitors to the commercial center. All upward directed exterior lighting shall be prohibited to protect night sky views of the stars. All exterior lighting fixtures shall be appropriate for the architectural style of the proposed structure and the surrounding area. The applicant shall develop a lighting plan incorporating these requirements and provisions for dimming lights after 11:00 p.m. to the maximum extent practical without compromising public safety. **Plan Requirements:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on the preliminary/final lighting plan and shall be reviewed and approved by DRB and City staff. **Timing:** The preliminary/final lighting plan shall be reviewed and approved by DRB and City staff prior to issuance of any LUP for the project.

Monitoring: City staff shall inspect all exterior lighting to verify that exterior lighting fixtures have been installed consistent with their depiction on the final lighting plan.

9. To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of grading or construction activities. Waste shall be picked up weekly or more frequently as directed by City staff. **Plan Requirements & Timing:** Prior to and as a condition precedent to issuance of any LUP for the project, the applicant shall designate and provide to City staff the name and phone number of a contact person(s) to monitor construction trash/waste and organize a clean-up crew. Additional covered receptacles shall be provided as determined necessary by City staff. This requirement shall be noted on all plans. Trash control shall occur throughout all grading and construction activities.

Monitoring: City staff shall inspect periodically throughout grading and construction activities to verify compliance.

10. The applicant shall prepare a detailed design of the proposed trash enclosures, for recyclables and solid waste, for the proposed hotel and restaurant that exhibits

good design and is compatible with the architectural style of the project. The storage area shall be enclosed with a solid wall of sufficient height to screen the area and shall include a solid gate and a roof. The trash storage area shall be maintained in good repair. A letter from the trash/recycle hauler shall be required that states that the location is accessible. **Plan Requirements & Timing:** Said trash enclosure plans shall be submitted for review and approval by DRB and City staff prior to issuance of any LUP for the project.

Monitoring: City staff shall verify compliance on project plans prior to approval of any LUP for the project. City staff shall verify installation of the approved trash enclosure prior to the issuance of any certificate of occupancy for the project.

11. The applicant shall submit a composite utility plan for DRB and City staff Preliminary/Final Review. All external/roof mounted mechanical equipment on the proposed hotel and restaurant (including HVAC condensers, switch boxes, etc.) shall be included on all building plans and shall be designed to be integrated into the structure and/or screened from public view in a manner deemed acceptable to the City. **Plan Requirements & Timing:** Detailed plans showing all external/roof mounted mechanical equipment shall be submitted for review by DRB and City staff prior to and as a condition precedent to issuance of any LUP for the project.

Monitoring: City staff shall verify installation of all external/roof mounted mechanical equipment per the approved plans prior to the approval of any certificate of occupancy.

12. All new utility service connections and above-ground mounted equipment such as backflow devices, etc, shall be screened from public view and painted (red is prohibited) so as to blend in with the project. Screening may include a combination of landscaping and/or masonry or lattice walls. Whenever possible and deemed appropriate by City staff, utility transformers shall be placed in underground vaults. All gas and electrical meters shall be concealed and/or painted to match the building. All gas, electrical, backflow prevention devices and communications equipment shall be completely concealed in an enclosed portion of the building, on top of the building, or within a screened utility area. All transformers and vaults that must be located within the right-of-way shall be installed below grade unless otherwise approved by the City, and then must be completely screened from view. **Plan Requirements & Timing:** The site and building plans submitted for DRB Preliminary/Final Review shall identify the type, location, size, and number of utility connections and above-ground mounted equipment as well as how such equipment would be screened from public view and the color(s) that it would be painted so as to blend in with the project and surrounding area.

Monitoring: City staff shall verify that all above-ground utility connections and equipment is installed, screened, and painted per the approved plans.

13. All existing and proposed utilities along the Hollister Avenue project frontage shall be placed underground. **Plan Requirements and Timing:** All composite utility plans for the project shall note this undergrounding requirement and shall be submitted for City staff review and approval prior to issuance of any LUP for the project.

Monitoring: City staff shall verify compliance in the field prior to occupancy clearance.

Air Quality

14. Dust generated by construction activities shall be kept to a minimum with a goal of retaining dust on the site. The following dust control measures listed below shall be implemented by the contractor/builder:
- 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. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

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 and Timing:** All of the aforementioned requirements shall be noted on all construction plans and shall be submitted for approval by City staff prior to issuance of any LUP for the project. The name and telephone number of such persons shall be provided to City staff and the APCD.

Monitoring: City staff shall perform periodic site inspections to verify compliance as well as contact the designated monitor as necessary to ensure compliance with dust control measures.

15. The following energy-conserving techniques, that substantially exceed the minimum Title 24 energy conservation requirements, shall be incorporated unless the applicant demonstrates their infeasibility to the satisfaction of City of Goleta staff:
- a. Installation of low NO_x residential water heaters and space heaters meeting the minimum efficiency requirements of applicable APCD rules;

- b. Installation of Energy Star Labeled Furnaces;
- c. Use of water-based paint on exterior surfaces;
- d. Use of solar-assisted water heating for swimming pools and tankless hot water on demand systems if their energy efficiency is demonstrated to exceed that of a central storage tank water heating system;
- e. Use of passive solar cooling/heating;
- f. Use of energy efficient appliances;
- g. Use of natural lighting;
- h. Installation of energy efficient lighting;
- i. Use of drought-tolerant native or Mediterranean landscaping subject to Planning and Environmental Services staff and Design Review Board (DRB) approval to shade buildings and parking lots;
- j. Encouragement of the use of transit, bicycling, and walking by providing infrastructure to promote their use;
- k. Provision of segregated waste bins for recyclable materials; and
- l. Prohibition against the installation and use of wood burning fireplaces.

Plan Requirements and Timing: These requirements shall be shown on applicable building plans prior to issuance of any land use permit.

Monitoring: City of Goleta staff shall site inspect for compliance prior to issuance of an occupancy permit.

16. If the construction site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods 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 City staff.

Plan Requirements and Timing: These requirements shall be noted on all plans and submitted for approval and approval by City staff prior to and issuance of any LUP for the project.

Monitoring: City staff shall perform periodic site inspections to verify compliance.

17. ROC and NO_x emissions generated by construction equipment shall be reduced by implementing the following equipment control measures:
- a. The engine size of construction equipment shall be the minimum practical size;
 - b. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time;

- c. Construction equipment shall be maintained in tune per the manufacturer's specifications;
- d. Construction equipment operating on-site shall be equipped with two-to-four degree engine timing retard or pre-combustion chamber engines;
- e. Catalytic converters shall be installed on gasoline-powered equipment, if feasible;
- f. Diesel catalytic converters shall be installed, if available;
- g. Diesel-powered equipment shall be replaced by electric equipment whenever feasible; and
- h. Construction worker trips shall be minimized by requiring carpooling and by providing for lunch on-site.

Plan Requirements and Timing: The project applicant shall include these measures as notes on a separate sheet attached to the grading and building plans. City staff shall review and approve the plans prior to issuance of any LUP for the project. These measures shall be implemented during and after project construction, as appropriate.

Monitoring: City staff shall perform periodic site inspections to verify compliance as well as contact the designated monitor as necessary to ensure compliance with equipment control measures.

- 18. The project shall comply with all Rules and Regulations required by the Santa Barbara County Air Pollution Control District (APCD), including but not limited to:
 - a. Compliance with APCD Rule 339, governing the application of cutback and emulsified asphalt paving materials by the contractor;
 - b. Obtaining required permits for any emergency diesel generators or large boilers prior to issuance of any land use permits;
 - c. Obtaining APCD permits prior to handling or treatment of any contaminated soil on site, if required;
 - d. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes at any location and auxiliary power units should be used whenever possible. Compliance with State law provisions require that drivers of diesel-fueled commercial vehicles weighing more than 10,000 pounds shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location. Such heavy vehicles shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle if you have a sleeper berth and you're within 100 feet of a restricted area (residential uses and schools).

Biological Resources

- 19. Applicant shall submit drainage and grading plans with a final hydrology report for review and approval by Community Services and Building staff. The plan shall incorporate appropriate Best Management Practices to minimize storm water

impacts to the maximum extent feasible in accordance with the City's Storm Water Management Plan. **Plan Requirements and Timing:** The plans shall include but not be limited to bio-swales, permeable paving, on site detention, fossil filters and other operational features. The plans shall also include an erosion control plan for review and approval by Community Services staff prior to the issuance of any LUP for the project. After installation of any drainage improvements or erosion control measures, the applicant shall be responsible for on-going maintenance of all improvements in accordance with the manufacturer's specifications or the approved plans.

Monitoring: City staff shall perform periodic site inspections to verify compliance as well as contact the designated monitor as necessary to ensure compliance with maintenance requirements.

20. During construction, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing shall not be allowed near sensitive biological resources. An area designated for washing functions shall be identified on the plans submitted for approval of any LUP for the project. The washoff area shall be in place throughout construction. **Plan Requirements and Timing:** The wash off area shall be designated on all plans and shall be reviewed and approved by City staff prior to issuance of any LUP for the project.

Monitoring: City staff shall site inspect throughout the construction period to ensure compliance and proper use.

Cultural Resources

21. In the event archaeological artifacts are encountered during grading or other ground disturbing activities, work shall be stopped immediately or redirected until a City approved archaeologist and Native American representative are retained by the applicant (at its cost) to evaluate the significance of the find pursuant to Phase 2 investigations. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program funded by the applicant. **Plan Requirements:** The applicant shall restate the provisions for archeological discovery on all building and grading plans. **Timing:** This condition shall be satisfied prior to issuance of any LUP for the project.

Monitoring: City staff shall check plans prior to approval of any LUP for the project and shall conduct periodic compliance inspections during and after construction.

Geology and Soils

22. The applicant shall adhere to Policy SE 4.4 of the Goleta General Plan and comply with the 50-foot structural set back from the North Ellwood I Fault. The fault line

and setback measurement shall be noted on all development plans and construction drawings. At the time of building permit application, the applicant shall demonstrate through a structural soils report, prepared by a certified engineering geologist, that all non-habitate structure improvements located within the 50-foot setback can be appropriately design to withstand or respond to fault rupture or other seismic damage. The recommendations prescribed in the structural soils report shall be implemented through construction plans and documents. **Plan Requirements and Timing:** The structural soils report shall be reviewed and approved by the City Building Official prior to issuance of any LUP for the project.

Monitoring: City staff shall periodically perform site inspections to verify compliance with the approved construction documents.

23. The applicant shall demonstrate through a structural soils and corrosivity report, prepared by a certified engineering geologist, that site preparation, structural design criteria, and final footings and foundation design accounts for liquefaction in accordance with the State Building Code and complies with the Preliminary Foundation Investigation and Preliminary Geologic Hazards Evaluation prepared for the proposed project. The structural soils report shall also prescribe recommendations for design and construction of site improvements to minimize long term damage to paved driveways, parking areas, sidewalks and other similar surface features that may be susecptible to possible settlement and lateral movement. The recommendations prescribed in the structural soils report shall be implemented through construction plans and documents. **Plan Requirements and Timing:** The structural soils report shall be reviewed and approved by the City Building Official prior to any LUP for the project.

Monitoring: City staff shall periodically perform site inspections to verify compliance with the approved construction documents.

Hazardous Materials/Risk of Upset

24. Prior to commencement of ground disturbance activities, the applicant shall submit Phase I and Phase II Environmental Site Assessments to the Santa Barbara County Fire Department Fire Prevention Division (FPD), including earlier investigations performed by the parties responsible for the off-site contamination are deemed acceptable. If additional assessment or site remediation is warranted, all such work shall be performed to the satisfaction of the Santa Barbara County Fire Department FPD including, if necessary, the following: (i) soil vapor survey, comparing collected data against current screening levels including the California Human Health Screening Levels and EPA Region IX Preliminary Remediation Goals; (ii) groundwater assessment to determine the lateral extent of contamination on the project site; (iii) Remedial Action Plan (“RAP”) incorporating appropriate mitigation measures (e.g., vapor barriers, vents, etc.) or site remediation to reduce contaminants to acceptable concentrations; This includes a

30 day public notification period prior to approval of the RAP by Santa Barbara County Fire Department FPD, and incorporation of relevant public comments in the RAP implementation; (iv) soils management plan in the event that contamination is encountered during construction; and (v) a dewatering plan if any groundwater is removed during construction, including required permits to discharge into the City's sewer or storm drain system. **Plan Requirements & Timing:** The applicant shall prepare a work plan that outlines the methodology to be followed in undertaking required Phase I and Phase II Environmental Site Assessments, if required. This plan shall be reviewed and approved by the Santa Barbara County Fire Department FPD, prior to commencing work. Thereafter, the various site assessment and remediation actions, if any are required, shall be reviewed and approved by the Santa Barbara County Fire Department FPD prior to issuance of any LUP for the project. All required remediation shall be completed prior to occupancy.

Monitoring: City staff shall verify that the Santa Barbara County Fire Department FPD's submittal requirements are satisfied prior to issuance of any LUP for the project. Thereafter, City staff shall verify that all required mitigation is performed before any certificate of occupancy is granted.

25. Prior to commencement of ground disturbance activities, the applicant shall prepare a Worker Awareness Program to acquaint workers (including archeological data recovery personnel) on the hazards and potential exposure to contaminated groundwater, vapor and soil. The program shall described measures to minimize such exposure and medical procedures to be employed in the event of exposure. The applicant shall ensure that all workers are properly briefed on the Worker Awareness Program and that proper precautions are being taken throughout the duration of grading and construction. **Plan Requirements & Timing:** Depending on the results of the Phase I/II analysis, Hazwopper trained workers may be required. The Worker Awareness Program shall be reviewed and approved by the City and prior to issuance of any LUP for the project.

Monitoring: City staff shall periodically perform site inspections to verify that workers are properly informed and safety procedures are being followed.

Hydrology and Water Resources

26. The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15th to November 1st) unless a City approved erosion control plan, incorporating appropriate BMPs identified in the EPA guidelines for construction site runoff control (EPA Fact Sheet 2.6, Construction Site Runoff Minimum Control Measures, 01/00), is in place and all measures therein are in effect. All exposed graded surfaces shall be reseeded with ground cover vegetation to minimize erosion. **Plan Requirements:** This requirement shall be noted on all grading and building plans. **Timing:** Graded surfaces shall be reseeded within four (4) weeks of

grading completion, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within 4 weeks of grading completion.

Monitoring: City staff shall site inspect during grading to monitor dust generation and four (4) weeks after grading to verify reseeding and to verify the construction has commenced in areas graded for placement of structures.

Land Use

27. Development plans for the proposed project shall be consistent with the March 2008 plans reviewed by County Fire Department and City staff that (i) incorporate at least one loading space; and (ii) ensure compliance relevant to aisleway parking lot standards. **Plan Requirements & Timing:** The project plans shall be resubmitted for review and approval by DRB, the Santa Barbara County Fire Department (Fire Prevention Division), and City staff to determine compliance with relevant driveway and aisleway standards prior to issuance of any LUP for the project.

Monitoring: The Preliminary Development Plans shall be installed as shown on plans reviewed in March 2008 by the Fire Department. City staff shall site inspect construction and striping of the parking lot prior to occupancy clearance.

Noise

28. The applicant shall prepare an acoustical study that: (i) includes field measurement of noise levels in the vicinity of the proposed restaurant, with specific assessment of the outdoor seating area; (ii) identifies the noise sources, magnitude of impacts and potential mitigation measures, taking into account existing and future noise exposure; and (iii) specifically addresses the potential and effectiveness of adding glass to proposed screen walls and installation of water features (as “white” noise). The study shall be presented, along with design alterations, for consideration by the DRB in connection with the Preliminary/Final Review of the project. **Plan Requirements & Timing:** The acoustical study and design modifications for the restaurant (if any are proposed) shall be submitted to DRB for review and approval prior to issuance of a Land Use Permit (“LUP”) for the project.

Monitoring: City staff shall withhold issuance of an LUP pending approval of the final development plans by DRB. City staff shall verify that the project is constructed per the final architectural plans approved by DRB prior to issuance of any certificate of occupancy.

29. Noise generating construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday, and no construction shall occur on State holidays (e.g.

Christmas, Thanksgiving, Memorial Day, 4th of July, Labor Day). Exceptions to these restrictions may be made in extenuating circumstances (in the event of an emergency, for example) on a case by case basis at the discretion of the Director of Planning and Environmental Services. Non-noise generating construction activities such as interior painting are not subject to these restrictions. Prior to commencement of pile driving operations, businesses within the vicinity of the site shall be notified not less than 72 hours in advance of commencement. Said notice shall provide businesses with the anticipated time and duration of pile driving and shall be reissued if there is a substantial change in scheduling. **Plan Requirements:** Two signs stating these restrictions shall be provided by the applicant and posted on site prior to commencement of construction. **Timing:** The signs shall be in place prior to beginning of and throughout all grading and construction activities. Violations may result in suspension of permits.

Monitoring: City staff shall spot check to verify compliance and/or respond to complaints.

30. Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded to the City of Goleta's satisfaction and/or shall be located at a minimum of 1,600 feet from sensitive receptors. **Plan Requirements and Timing:** The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. Equipment and shielding shall remain in the designated location throughout construction activities.

Monitoring: The City of Goleta compliance staff shall perform site inspections to ensure compliance.

Public Services

31. Site plans shall be consistent with those reviewed and approved by the County Fire Department March 5, 2008, including provision of necessary fire driveway and aisleway width requirements and utility plans shall be revised to include the installation of necessary fire hydrants. **Plan Requirements & Timing:** The project plans shall be updated and submitted for review and approval by the Santa Barbara County Fire Department prior to and as a condition precedent to: (i) Preliminary/Final Review by DRB; and (ii) issuance of any LUP for the project. The required fire hydrants shall be installed and approved in the field by Santa Barbara County Fire Department personnel prior to any occupancy clearance.

Monitoring: City staff shall verify compliance with the requirement to prepare modified plans prior to DBR Preliminary/Final Review of the project. City staff shall verify Fire Department approval of the installed fire hydrants prior to any occupancy clearance.

32. The applicant shall retain a qualified Fire Protection Specialist, approved by the Fire Department, to evaluate the project and devise a fire protection plan. Minimum project requirements include an alarm system, fire sprinklers, stand pipes, and roof access with signage (through one or more interior stair wells). **Plan Requirements and Timing:** The Fire Protection Plan shall be submitted for review and approval by the Fire Department prior to and as a condition precedent to issuance of any LUP for the project.

Monitoring: City staff shall verify that a Fire Protection Plan has been prepared and approved by the Fire Department prior to issuance of any LUP for the project.

Transportation/Circulation

33. Owner shall submit to the Community Services Department two (2) copies of a separate public improvement plan prepared by a registered civil engineer. This plan may be incorporated into the Building plan set, with additional public improvement plan sheets provided unbound. As determined by the Community Services Department, the improvement shall include but not be limited to: CORTONA DRIVE - (i) City standard sidewalk, parkway with landscaping, street striping, and driveway(s) that meets ADA requirements. Driveway at parcel to the north (APN 073-140-003) shall meet ADA requirements if it is to be shared access. HOLLISTER AVENUE - (iii) City standard sidewalk, parkway with landscaping, street striping including a bike lane, curb and gutter, (iv) bus turnout, relocation and reconstruction of an ADA accessible bus stop including concrete pad, signage, bench(es), shelter, trash receptacle (v), access ramps, (vi) Installation of a traffic signal at Hollister Avenue/Coromar Drive or posting of bonds for construction of pro-rata share of traffic signal improvements, and (vii) dedication/alignment of right-of-way along Hollister Avenue and Storke Road as necessary to accommodate perimeter parkway improvements, bike lane and bus turnout. **Plan Requirements & Timing:** The project plans shall be updated and resubmitted for review and approval by the City's Community Services Department prior to and as a condition precedent to issuance of any LUP for the project. The required street improvements shall be installed by applicant, and accepted City Engineer prior to any occupancy clearance.

Monitoring: City staff shall verify compliance with the requirement to prepare modified plans. City staff shall inspect and approve the completed street improvements prior to any occupancy clearance.

34. a) The applicant shall either; 1) install a traffic signal at the Coromar Drive/Hollister Avenue intersection, including a traffic signal interconnect to the adjacent traffic signals on Hollister Avenue as well as modifying the southbound approach on Coromar Drive to provide one left-turn lane and one through-right lane, or 2) bond for installation of this traffic signal and related improvements, to address the Rincon Palms fair share contribution to this improvement of 8.9%. It is

noted that this mitigation measure is also included as mitigation for impacts that would occur as a result of the Cabrillo Business Park and Village at Los Carneros developments, as identified in the EIRs for those projects. If the Cabrillo Business Park or Villages at Los Carneros projects are constructed prior to issuance of the first occupancy clearance at Rincon Palms, this measure will not be required for the Rincon Palms project. If the Cabrillo Business Park or Villages at Los Carneros projects are not implemented prior to the timing requirements for this mitigation measure as noted below, the City shall initiate and implement a reimbursement agreement that would require future projects contributing to traffic impacts necessitating these improvements to pay the Rincon Palms project their pro-rata share of the improvement costs.

- b) The applicant shall either 1) install restriping and related improvements within existing right-of-way of Storke Road, north of Hollister Avenue, to provide an additional lane, or 2) bond for installation of these improvements to address the Rincon Palms fair share contribution toward impacts to this roadway, subject to review and determination by the Community Services Department. It is noted that this mitigation measure is also included as mitigation for impacts that would occur as a result of the Cabrillo Business Park development, as identified in the EIR for that project. If the Cabrillo Business Park project is constructed prior to issuance of the first occupancy clearance at Rincon Palms, this measure will not be required for the Rincon Palms project. If the Cabrillo Business Park project is not implemented prior to the timing requirements for this mitigation measure as noted below, the City shall initiate and implement a reimbursement agreement that would require future projects contributing to traffic impacts necessitating these improvements to pay the Rincon Palms project their pro-rata share of the improvement costs. **Plan Requirements and Timing:** The design of the signal and roadway improvement shall be reviewed and approved by the City prior to approval of any Land Use Permit for public road improvements. The signal and roadway improvement shall be either; 1) constructed by the applicant and approved by the City prior to the first occupancy clearance for the project, or 2) the applicant shall post a performance security deemed adequate by the City to cover the cost of all such improvements prior to the first occupancy clearance. Occupancy clearance shall not be issued until all of the aforementioned improvements are either fully completed or bonds for such improvements have been posted.

Monitoring: City staff shall verify signal and roadway design review and approval prior to recordation of the final map or approval of a Land Use Permit for public road improvements and shall either; 1) verify installation of the signal and all other related improvements as described above prior to the first occupancy clearance for the project, or 2) verify posting of an adequate performance security for these improvements prior to the first occupancy clearance. The performance security shall be released upon completion as determined by the City of the signal and related improvements.

35. The applicant shall prepare and record a Declaration of Shared Parking and Reciprocal Access Agreement to facilitate conjunctive use of access and parking on the project site and the adjacent parcel to the north (APN 073-140-003), and the elimination of fencing that currently obstructs driveway access between the two properties. The agreement shall be in a form acceptable to the City and shall be recorded as a covenant against both parcels. **Plan Requirements & Timing:** The Declaration of Shared Parking and Reciprocal Access Agreement shall be submitted for review and approval by City staff, and thereafter recorded against both properties, prior to issuance of any LUP for the project.

Monitoring: City shall verify recordation of the reciprocal access and shared parking agreement prior to issuance of any LUP for the project.

36. The project applicant shall pay impact mitigation fees toward the Goleta Transportation Improvement Program (“GTIP”). **Plan Requirements & Timing:** The applicant shall pay GTIP fees in the amount, time and manner prescribed by Ordinance or Resolution of the City of Goleta.

MONITORING: City shall verify compliance with this mitigation measure prior to issuance of any LUP for the project.

Utilities and Service Systems

37. A Can and Will Serve (“CAWS”) letter from the Goleta Sanitary District (GSD) shall be provided indicating that adequate water treatment capacity is available to serve the project upon demand and without exception (or equivalent guarantee). Based on the final construction drawings, the applicant shall pay the following fees as determined by GSD: (i) sewer connection fees; and (ii) mitigation fees to offset the difference between allocated capacity to the site and projected volumes attributable to the proposed hotel. **Requirements and Timing:** A CAWS letter shall be forwarded to the City of Goleta prior to issuance of any land use permit.

Monitoring: A connection permit issued by the GSD, along with evidence that sewer connection and mitigation fees have been paid, shall be submitted to the City prior to recordation. City staff shall withhold occupancy until all necessary permanent or temporary measures have been taken to accommodate effluent from the hotel to the satisfaction of GSD.

38. CAWS letter from the Goleta Water District (GWD) for Parcel 2 shall be provided indicating that adequate water supply is available to serve the project upon demand and without exception (or equivalent guarantee). **Plan Requirements and Timing:** A CAWS letter shall be forwarded to the City of Goleta prior to issuance of any land use permit.

Monitoring: A CAWS letter, with firm reservation of water availability for the project from the GWD shall be submitted to the City prior issuance of any land use permit.

39. Outdoor water use shall be limited through the following measures: (i) landscaping shall be primarily with native and/or drought tolerant species; (ii) drip irrigation or other water-conserving irrigation shall be installed; (iii) plant material shall be grouped by water needs; (iii) no turf shall be allowed on slopes of over 4%; (iv) extensive mulching (2" minimum) shall be used in all landscaped areas to improve the water holding capacity of the soil by reducing evaporation and soil compaction; and (v) soil moisture sensing devices shall be installed to prevent unnecessary irrigation. Indoor water use shall be limited through the following measures: (i) all hot water lines shall be insulated; (ii) recirculating, point-of-use, on-demand, or other energy efficient water heaters shall be installed; (iii) water efficient clothes washers and dishwashers shall be installed; and (iv) lavatories and drinking fountains in commercial structures shall be equipped with self-closing valves. **Plan Requirements and Timing:** The outdoor water conserving measures shall be incorporated into the final landscape plan that is submitted for review and approval by DRB pursuant to Mitigation Measure #4 under Aesthetics. The indoor water-conserving measures shall be graphically depicted on building plans and approved prior to issuance of any LUP for the project.

Monitoring: City staff shall inspect and verify installation of all water conserving measures prior to occupancy clearance.

40. The applicant 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 the following measures, but is not limited to those measures:

General

- a. Provision of at least 50% of space and/or bins for storage of recyclable materials within the project site.
- b. Implementation of a green waste source reduction program focusing on recycling of all green waste generated onsite.

Commercial Only

- a. 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 sending excess fill material to a landfill, or a detailed set of office procedures such as use of duplex copy machines and purchase of office supplies with recycled content.
- b. Implementation of a program to purchase materials that have recycled content for project construction and/or operation (i.e., plastic lumber, 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 City staff review and approval prior to issuance of any certificate of occupancy

Plan Requirement and Timing: The applicant shall submit the Solid Waste Management Program to City staff for review and approval prior to approval of any LUP for the project. Program components shall be implemented prior to occupancy clearance and throughout the life of the project.

Monitoring: City staff shall site inspect during construction and prior to occupancy to ensure solid waste management components are established and implemented.

41. A Waste Reduction and Recycling Plan (WRRP) shall be submitted to the Community Services Department for review and approval. Said plan shall indicate how a 50% diversion goal shall be met during construction. Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all construction recoverable/recyclable material. (Copy of contract to be provided to the City.) Recoverable construction material shall include but not be limited to asphalt, lumber, concrete, glass, metals, and drywall. At the end of the project, applicant shall submit a Post-Construction Waste Reduction & Recycling Summary Report documenting the types and amounts of materials that were generated during the project and how much was reused, recycled, composted, salvaged, or landfilled. **Plan Requirements and Timing:** This requirement shall be printed on the grading and construction plans. Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to occupancy clearance.

PROJECT SPECIFIC CONDITIONS

42. All drainage control facilities as noted in the Project Description and shown on Sheets 1-2 of the civil engineering plans and the revised Preliminary Hydraulic Report by MAC Design, July 3, 2008 and associated plans shall be maintained for the life of the project by the applicant and/or operator. **Plan Requirements:** Maintenance of all drainage facilities for two (2) years from occupancy clearance of the last building shall be ensured through a performance security provided by the applicant. **Timing:** All drainage control facilities shall be installed (landscaped and irrigated subject to City inspection and approval) prior to approval of the first Land Use Permit for a building. The performance security shall be released upon expiration of the two (2) year period provided such facilities have been installed per plans and maintained in good working order.

Monitoring: City staff shall verify installation of all drainage improvements and posting of the required maintenance security prior to approval of the first Land Use Permit for a residential building. City staff shall field inspect to verify adequate drainage system maintenance by the applicant/Homeowners Association in perpetuity.

43. The project landscaping shall be installed per the DRB approved landscape plan and maintained for the life of the project. **Plan Requirements and Timing:** Prior to approval of a Land Use Permit for general site grading and utility improvements, the applicant shall enter into an agreement with the City to install landscaping and water-conserving irrigation systems per the DRB approved final landscape plan. In addition, the applicant shall enter into a separate agreement for the maintenance of required landscaping for the life of the project and post a performance security for such maintenance for a period of not less than three (3) years from release of the installation security. Prior to occupancy clearance for the first residential building, installation of all street frontage right-of-way and public trail easement landscaping shall be completed. Installation of landscaping for each individual structure (outside of any sidewalk landscaping, landscaping within any public right-of-way, or public trail easement) shall be completed prior to any occupancy clearance for that structure. The performance security shall be released upon expiration of the three (3) year period provided such landscaping has been installed in accordance with the approved project plans and maintained in accordance with these Conditions.

Monitoring: City staff shall verify compliance with requirements for landscaping installation and maintenance, including posting of the required bonds, prior to approval of a Land Use Permit for general site grading and utility improvements. City staff shall verify landscape/ irrigation system installation per the DRB approved final landscape plan prior to occupancy clearance. City staff shall photo document installation and check maintenance as needed. Release of any performance security requires City staff signoff.

DEVELOPMENT PLAN CONDITIONS

44. Approval of the Final Development Plan shall expire five (5) years after approval, unless prior to the expiration date, substantial physical construction has been completed on the Development Plan or a Time Extension has been applied for by the applicant. The decision maker with jurisdiction over the project map, upon good cause shown, grant a time extension for one year.
45. If the applicant requests a Time Extension, the project may be revised to include updated language to standard conditions and/or may include revised/additional conditions which reflect changed circumstances or additional identified project impacts. Fees shall be those in effect at the time of issuance of a Land Use Permit.

46. 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, drainage facilities, and landscaped areas shall be developed in substantial conformity with the approved development plan marked City Council Hearing Exhibits 1 and 2, dated October 7, 2008. Substantial conformity shall be determined by the Director of Planning and Environmental Services.
47. The Final Development Plan approval runs with the land and the rights and obligations thereof, including responsibility to comply with conditions of approval shall be binding upon successors in interest in the real property unless or until such permits are expressly abandoned.
48. On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but unbuilt plans shall become null and void.
49. Revised plans and building elevations incorporating all conditions of approval for this project shall be coordinated and submitted to Planning and Environmental Services as one package in accordance with plan check requirements. All plans, including site, grading, landscape, irrigation, mechanical, and street improvement plans shall be reviewed for condition compliance prior to issuance of any permits such as grading, building, or encroachment permits. Any change to the size, colors, construction materials, design or location of any structure onsite, or other site or landscape improvements, except to the extent such changes are deemed in substantial conformity, shall not be made without prior City approval.

GENERAL CONDITIONS

50. All plans submitted for Land Use Permit issuance, building, and/or grading permit shall include all applicable conditions of project approval.
51. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, demolition, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Land Use Permit from the City of Goleta. These permits are required by ordinance and are necessary to ensure implementation of the conditions imposed on the project by the City. Before any permit may be issued by the City of Goleta, the applicant shall obtain written clearance for each development phase from all Departments/Agencies having conditions or project approval. Such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Environmental Services.
52. Planning and Environmental Services Compliance Review shall be required. The applicant agrees to pay Compliance Review fees prior to Land Use Permit

issuance to cover full costs of compliance monitoring. The decision of the Director shall be final in the event of any dispute.

53. Prior to approval of the first Land Use Permit for general grading and/or buildings for development, the applicant shall pay all applicable City of Goleta permit processing fees in full. Prior to the start of any work on-site, the applicant shall request and attend a preconstruction meeting that includes monitor(s), project superintendent, architect, subcontractors, as well as City representatives including staff from Planning and Environmental Services and Community Services.
54. The applicant shall pay the statutory school fees in effect at the time of issuance of each building permit to the appropriate school districts and/or shall mitigate school impacts by other measures consistent with State law. The applicant shall submit final square footage calculations and a copy of the fee payment to the school districts prior to issuance of each building permit.
55. All work within the public right-of-way, including but not limited to utilities and grading, shall be explicitly noted on the building plans. The applicant shall obtain all necessary encroachment permits from the City of Goleta Community Services Department prior to issuance of building permits for all work and construction that encroach within or over the public right-of-way, including, but not limited to, water meters, backflow devices, signs, and curb/gutter/sidewalk improvements.
56. Any temporary building, trailer, commercial coach, etc. installed or used in connection with construction of this project shall comply with the requirements of Section 35-281, Article III of the City's Municipal Code.
57. All trees planted or preserved in accordance with this approval shall be maintained according to the latest adopted American National Standard Institute (ANSI) guidelines for tree care, generally referred to as ANSI A300 (various parts), and the companion publications "Best Management Practices" published by the International Society of Arboriculture (ISA). Any pruning of trees, other than light pruning of no more than 25 percent (25%) of the foliage within any one growing season, requires review and approval of the City of Goleta prior to commencement of the work.
58. The applicant shall be responsible for informing all subcontractors, consultants, engineers, or other business entities providing services related to the project of their responsibilities to comply with all pertinent requirements herein in the City of Goleta Municipal Code, including the requirement that a business license be obtained by all entities doing business in the City as well as hours of operation requirements in the City.
59. When exhibits and/or written conditions of approval are in conflict, the written conditions shall prevail.

60. The applicant shall pay all applicable development impact fees under the City of Goleta Development Impact Fee program in full. **Plan Requirements and Timing:** Payment amounts are estimated below, and shall be based on the fees in effect and applicable at the time fees are due.

Quimby/Park Fees	\$2,072/ 1000 sq. ft	Due at Final Inspection
Transportation	\$7,832/room for 112 rooms	Due at Land Use Permit
	\$65,115/1000 sq. ft. (quality restaurant)	Due at Land Use Permit
Fire Protection	\$0.20/SF	Due at Final Inspection
Fire Facility	\$700/1000 SF	Due at Final Inspection
Library	\$190/1000 SF	Due at Final Inspection
Public Admin	\$841/1000 SF	Due at Final Inspection
Sheriff	\$433/1000 SF	Due at Final Inspection

Monitoring: The City of Goleta shall ensure payment is made as required.

61. The applicant shall pay the required affordable housing in-lieu fee of \$332,360 prior to issuance of a land use permit.
62. Compliance with Department/Agency Letters:
- a. Community Services Department, letter dated July 8, 2008
 - b. SB County Air Pollution Control District, letter dated July 7, 2008
 - c. County of Santa Barbara Fire Department, letter dated August 6, 2007
63. No new signs are authorized with this permit. All signs require separate permits and shall comply with, Article I, Chapter 35 of the City of Goleta Municipal Code (Sign Regulations) and with setbacks specified in Article III, Chapter 35 of the Municipal Code (Inland Zoning Ordinance).
64. Bicycle parking shall be provided. Bicycle racks shall be the “Inverted U” type in compliance with the SBCAG Traffic Solutions recommended bicycle rack. Final plans showing bicycle parking locations and type shall be reviewed and approved by the DRB and city staff prior to issuance of a Land Use Permit.
65. The applicant shall be responsible for the completeness and accuracy of all forms and supporting materials submitted in connection with any application. Any errors or discrepancies found therein may constitute grounds for the revocation of any approvals.

66. The developer agrees, as a condition of this approval, at the developer's own expense, to indemnify, defend, and hold harmless the City and its agents, officers, and employees from and against any claim, action, or proceeding to attack, review, set aside, void or annul, in whole or in part, the City's approval of the development plan or any condition attached thereto or any proceedings, acts, or determinations taken, done or made prior to the approval that were part of the approval process.

67. 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, 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 City and no approval shall be issued unless substitute feasible mitigation measures are imposed.



July 8, 2008

CITY COUNCIL
Michael T. Bennett
Mayor

Roger S. Aceves
Mayor Pro Tempore

Jean W. Blois
Councilmember

Eric Onnen
Councilmember

Jonny Wallis
Councilmember

CITY MANAGER
Daniel Singer

Mr. Kip Bradley
Cortona Opportunities, LLP
5276 Hollister Avenue, #212
Santa Barbara, CA 93111

RE: Rincon Palms Hotel and Restaurant – Conditions of Approval

Dear Mr. Bradley:

Listed below are Community Services recommended Conditions of Approval for the Rincon Palms Hotel and Restaurant project, located at the northeast corner of Storke Road and Hollister Avenue (6868 and 6878 Hollister Avenue).

A. PRIOR TO ISSUANCE OF LAND USE PERMIT (LUP)

Owner shall submit the following, or evidence of completion of the following, to the Community Services Department:

1. Agreement for Public Improvements and associated securities for the public improvements on Cortona Drive, Hollister Avenue, and Storke Avenue.
2. Owner shall submit and City Engineer shall accept and approve, a final Hydrology Report prepared by a registered civil engineer for all detention, filtration, and other storm water management needs.

B. PRIOR TO BUILDING PERMIT ISSUANCE

1. Provide onsite Parking, Striping and Circulation plan approved by the City Engineer.
2. All existing survey monuments shall be preserved and/or reset in coordination with the County of Santa Barbara's Surveyors Office.

3. Best Management Practices (BMPs) shall be shown on building plans, including but not limited to:
 - a) 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.
4. Provide a Storm Water Management Pollution Prevention Plan (SWMPPP) as approved by the Regional Water Quality Control Board.

C. PRIOR TO CERTIFICATE OF OCCUPANCY

Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. Complete all Public Improvements along Cortona Drive, Hollister Avenue and Storke Road, as shown on the building plans, including utility service undergrounding.
2. Payment of Parks and Recreation Fees.
3. Submit Record Drawings for the revised street striping and road widening on Hollister Avenue and Cortona Drive.
4. Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) caused by construction subject to the review and approval of the Community Services Department.

If you have any questions, please contact Diana White, Assistant Engineer, at (805) 961-7564.

Sincerely,



Marti M. Schultz
Principal Civil Engineer

DW/

cc: Laura Bridley, Contract Planner



Fire Department

"Serving the community since 1926"

4410 Cathedral Oaks Road
Santa Barbara, CA 93110-1042
(805) 681-5500 FAX (805) 681-5563

John M. Scherrei
Fire Chief
County Fire Warden

August 6, 2007

Mr. Thomas Figg, Planner
Planning & Development, City of Goleta
PO Box 1226
Port Hueneme, CA 93041

Dear Mr. Figg:

SUBJECT: APN: 073-140-004; Permit #: 07GPC-020-RZ/DP/DRB
Site: NE Corner of Storke/Hollister
Project Description: Rincon Palms Hotel and Restaurant

This Memorandum Supersedes the Previous Memorandum Dated March 5, 2007

The above project is located within the jurisdiction of the Santa Barbara County Fire Department. To comply with the established standards, we submit the following with the understanding that the Fire Protection Certificate application may involve modifications, which may determine additional conditions.

A fire protection specialist shall determine all fire protection needs that include the following:

- Requirement for fire extinguisher type and placement
- Smoke ejection system required for underground parking garage
- 2 ½" stand-pipes required in stairwells, on roof, and in parking garage
- Roof access shall be provided via interior stairwell as shown on plans dated February 5, 2007
- Fire hydrant locations
- Fire department connections
- Automatic fire sprinkler system
- Fire alarm annunciator locations
- Knox Box locations

**PRIOR TO BEGINNING ANY WORK
THE FOLLOWING CONDITIONS MUST BE MET**

1. Phase One and Phase Two Site Assessments shall be submitted to the Santa Barbara County Fire Department. If the assessment results indicate the need for additional assessment, the additional assessment shall be completed, and all mitigation performed, prior to development approval. Contact Kate Sulka, Hazardous Materials Supervisor, at (805) 686-8169 for questions and additional information.

**PRIOR TO ERECTION OF COMBUSTIBLE BUILDING MATERIALS
THE FOLLOWING CONDITIONS MUST BE MET**

2. All access ways (public or private) shall be installed and made serviceable. Roadway plans, acceptable to the fire department, shall be submitted for approval prior to any work being undertaken.

Access to this project shall conform to Santa Barbara County Private Road and Driveway Standard #1. Dead end access roads shall terminate with a fire department approved turnaround.

Access ways shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building.

A minimum of 13 feet 6 inches of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.

Driveway shall be constructed as shown on plans dated February 5, 2007, with the exception of the main driveway access on the south side of the hotel. This driveway shall have a minimum width of 20 feet.

3. New fire hydrants shall be installed. The hydrants shall be located per fire department specifications and shall flow 1250 gallons per minute at a 20 psi residual pressure. Prior to installation, plans showing locations, size and type of hydrants, valves, main lines and lateral lines shall be approved by the fire department. The hydrants shall consist of one 4-inch outlet and two 2½-inch outlets. The system shall be tested by the fire department to ensure compliance with recognized standards. See Standard #2.

Any work being undertaken by the applicant (including applicant's agents or contractors) shall be in accordance with the following:

- The fire department shall have on file a set of approved plans prior to any work being done.
- A set of approved plans, stamped and dated by the fire department shall be kept at the work site and available upon request.

- Water system(s) shall be installed exactly as the approved plans dictate. No changes or modifications to these plans shall take place without prior fire department approval.
 - No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by a fire department representative.
 - A minimum of 48 hours notice shall be given to the fire department by the applicant prior to scheduling an inspection.
4. Stop work immediately and contact the County Fire Department, Hazardous Materials Unit (HMU) at 686-8170 if visual contamination or chemical odors are detected while implementing the approved work at this site. Resumption of work requires approval of the HMU.

**PRIOR TO OCCUPANCY CLEARANCE
THE FOLLOWING CONDITIONS MUST BE MET**

5. An automatic fire sprinkler system must be installed. Fire sprinkler plans are required to be checked and approved by this department, prior to installation. Any system must be in compliance with Santa Barbara County Fire Department Standard #4. The fire department shall determine the location of any fire department connection (FDC) that may be required.

Any work being undertaken by the applicant (including applicant's agents or contractors) shall be in accordance with the following:

- The fire department shall have on file a set of approved plans prior to any work being done.
 - A set of approved plans, stamped and dated by the fire department shall be kept at the work site and available upon request.
 - Water system(s) shall be installed exactly as the approved plans dictate. No changes or modifications to these plans shall take place without prior fire department approval.
 - No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by a fire department representative.
 - A minimum of 48 hours notice shall be given to the fire department by the applicant prior to scheduling an inspection.
6. Fire or emergency alarm system plans shall be submitted to this office for review. Systems shall be installed in conformance with Santa Barbara County Fire Department Standard #5 (attached) and all other applicable standards. Alarm panel location(s) and annunciator graphics to be approved by fire department prior to installation.

7. Building address numbers must be a minimum height of six (6) inches for commercial and a color contrasting to the background color. The address number shall be elevated at least three (3) feet from the ground for clear visibility and easy directional identification. The numbers shall be visible from the access road when traveling in either direction. If the driveway is over 150 feet in length or the building is obstructed from view at the access road, numbers shall be posted at any driveway and road intersections as is necessary.
8. Portable fire extinguishers are required and shall be in accordance with the Santa Barbara County Code Chapter 15, Article 1.
9. When access ways are gated, a fire department approved locking system shall be installed.
10. Permits for the use and storage of hazardous and/or flammable materials/wastes are required.
11. Payment of development impact fees is required. The fees shall be computed on each new building, including non-habitable spaces.

Fees will be calculated as follows:

Mitigation Fee at \$.10 per square foot for structures with fire sprinkler systems
Goleta Fees at \$681.00 - 1000 square feet, non-retail

These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change.

As always, if you have any questions or require further information please call 681-5500.

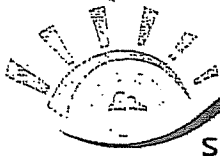
In the interest of life and fire safety,



Glenn Fidler, Inspector
Fire Prevention Division

GF:reb

c APN/Chron

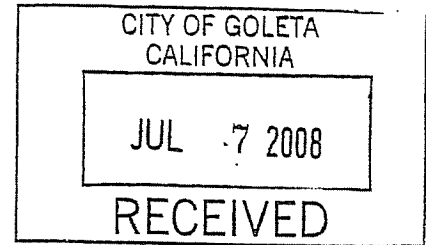


**Santa Barbara County
Air Pollution Control District**

Our Vision  Clean Air

July 7, 2008

Laura Bridley, AICP
Contract Planner
City of Goleta Planning & Environmental Services
130 Cremona Drive, Suite B
Goleta, CA 93117



RE: Rincon Palms Hotel and Restaurant Project (07-020-OA, -RZ, -DP): Conditions of Approval

Dear Laura,

The Santa Barbara County Air Pollution Control District (APCD) recommends the implementation of the following air pollution mitigation measures as conditions of approval for this project:

1. Standard dust mitigations listed in **Attachment A** are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the APCD prior to issuance of land use clearance.
2. Fine particulate emissions from diesel equipment exhaust are classified as carcinogenic by the State of California. Therefore, during project grading and construction and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in **Attachment B** to reduce emissions of ozone precursors and fine particulate emissions from diesel exhaust.
3. The project must also comply with all **APCD Rules and Regulations**, as applicable, including obtaining required permits for any emergency diesel generators or large boilers prior to land use clearance.
4. At all times, **idling of heavy-duty diesel trucks** must be limited to five minutes; auxiliary power units should be used whenever possible. State law requires that drivers of diesel-fueled commercial vehicles:
 - shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location,
 - shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle.

Goleta Rincon Palms Hotel & Restaurant

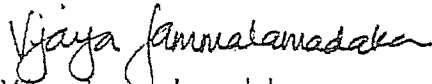
July 7, 2008

Page 2

5. At a minimum, prior to occupancy, this project should reduce emissions of greenhouse gases by:
- Increasing energy efficiency at least 20% beyond Title 24 requirements;
 - Encouraging the use of transit, bicycling and walking by the hotel employees and guests;
 - Increasing recycling goals (e.g., separate waste and recycling receptacles); and
 - Increasing landscaping (shade trees decrease energy requirements and also provide carbon storage.)

Please contact me by phone at 961-8893, or by e-mail: VLI@sbcapcd.org if you have questions.

Sincerely,



Vijaya Jammalamadaka

Air Quality Specialist

Technology and Environmental Assessment Division

Attachments: A and B

cc: TEA Chron File

Attachment A (Fugitive Dust Control)

These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Proper implementation of these measures is assumed to fully mitigate fugitive dust emissions.

During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.

- Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- 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 offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
- Prior to land use clearance, the applicant shall include, as a note on a separate information sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.

Plan Requirements: All requirements shall be shown on grading and building plans. **Timing:** Requirements shall be shown on plans prior to approval of Land Use Permit. Condition shall be adhered to throughout all grading and construction periods.

MONITORING: Lead Agency shall ensure measures are on project plans and maps to be recorded. Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.

Attachment B (Diesel Particulate And NOx Emission Mitigations)

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. Therefore, following is an updated list of control strategies that should be implemented to the maximum extent feasible.

- Only heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be used.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction equipment shall be maintained in tune per the manufacturer's specifications.
- Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed on equipment operating on-site.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible.

State law requires that drivers of diesel-fueled commercial vehicles weighing more than 10,000 pounds:

- shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location
- shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle if you have a sleeper berth and you're within 100 feet of a restricted area (homes and schools).
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

Plan Requirements: Measures shall be shown on grading and building plans. **Timing:** Measures shall be adhered to throughout grading, hauling and construction activities.

MONITORING: Lead Agency staff shall perform periodic site inspections to ensure compliance with approved plans. APCD inspectors shall respond to nuisance complaints.