

## ATTACHMENT 1 – EXHIBIT 2

### Conditions of Approval

#### Ritz-Carlton Bacara Beach House Replacement Project

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## EXHIBIT 2

### CONDITIONS OF APPROVAL RITZ-CARLTON BACARA DEVELOPMENT PLAN AND COASTAL DEVELOPMENT PERMIT AMENDMENTS; 16-002-DPAM-CDPAM

In addition to all applicable provisions of the Goleta Municipal Code (“GMC”), Ritz-Carlton, Bacara, Hotel (“Applicant(s)”, “Developer(s)”, or “Permittee(s)”) agrees to the following conditions for the City’s approval of Case No. 16-002- DPAM-CDPAM-DRB (“Project Conditions”).

Unless the contrary is stated or clearly appears from the context, the construction of words and phrases used in these Project Conditions use the definitions set forth in the GMC. For purposes of these Project Conditions, the term “Director” refers to the Planning and Environmental Review Director, or designee.

#### AUTHORIZATION

1. This Development Plan and Coastal Development Permit Amendment, Case No. 16-002-DPAM-CDPAM-DRB, authorizes implementation of plans dated October 22, 2019, and attached/subject to these Conditions of Approval set forth below, including mitigation measures and specified plan sheets and agreements included by reference, as well as all applicable City rules and regulations. The project is approved as stated below.
  - A. Construction of the project would generally occur in the sequence below where the new facilities are constructed and operational prior to demolition of the existing facilities to ensure continuity of the required public amenities.
  - B. The Project components are summarized as follows:
    - a. *Restroom Building and related improvements.* Construction of one new 325 square foot single-story building with four restrooms, a storage room, two exterior showers on the south side of the proposed building and two drinking fountains on the north side of the proposed building. The location of the new restroom facility and associated improvements is located approximately 250 feet to the northeast of the existing Beach House.

As part of the construction of the new restroom building, a 743 SF concrete pad for the building would be constructed along with necessary grading and trenching for new laterals for underground utility connections (electrical, water, sewer, and communications) installed within the emergency access road. These same utility lines that currently serve the existing Beach House.

Also, construction of the new building includes the installation of a 65-foot long, low height (few inches to 3 feet high) masonry retaining wall. The purpose of the retaining wall is to drain the restroom building site and protect it from erosion. In addition to the retaining wall, concrete swales are proposed along the retaining wall to direct water runoff to a 200 SF earthen stormwater infiltration basin. The infiltration basin would be located between the proposed building and the hillside immediately to the east of the project site.

Access by users and maintenance personnel would continue to occur via the existing emergency access road and the existing onsite trail network. The building design complies with the Americans with Disabilities Act (ADA) as two of the four restrooms would be wheelchair compatible. Lastly, hotel staff and cart service would be available to all users to provide ADA access to the beach consistent with current operations.

- b. *Food Service/Snack Bar.* An electric food truck would be used as a snack bar and available to the public with operating hours and dates consistent with the existing hotel conditions of approval (86-DP-46), which requires snack bar service remain available to all users (public and hotel guests) during the summer months between Memorial Day and Labor Day, and on holidays weeks (Christmas and Spring Break) and holiday weekends.

A parking space measuring 15 x 30 feet (450 SF) along the western side of the emergency road turnaround has been designated for use by the food truck.

In addition, an electrical connection for the food truck parking space will be provided. The electrical connection will be underground alongside the western portion of the emergency access road and a new communication line will be installed.

The food truck would be operated by hotel staff at all times when open, and immediately moved or removed as necessary to avoid emergency response vehicles and personnel as needed. The food truck would be stored, stocked, and recharged nightly or when not in use at an existing staging area near the existing hotel kitchen. The applicant will place directional signs on the site for the snack bar and restrooms including hours of operation.

- c. *Emergency access road adjustments.* Approximately 2,020 SF of the existing asphalt emergency road adjacent to the proposed restroom building will be replaced to adjust the surface to match the new building grades to allow for property drainage. In addition, another area of 253 SF of asphalt would be added to the southwest corner of the turnaround at the eastern end of the existing pedestrian trail. This is to allow emergency vehicle access and turning to comply with fire department standards.

- d. *Utility and communications connections and construction of new connections.* The existing underground utilities (electricity, sewer, water, communications, and fire hydrant) located along the emergency access road and to the existing Beach House (except the existing reclaimed water line) will be removed to the point shown on Sheet No. 2 of the Stantec demolition plan dated September 16, 2019 in the Applicant's plan set. In addition, the existing communication lines between the tennis court and the existing Beach House will be abandoned.
- e. *The existing fire hydrant adjacent to the Beach House.* This will be replaced with a new one adjacent to the proposed building and connected to the existing water line. The new fire hydrant would be operational before removal of the current fire hydrant at the Beach House. In addition, new communication lines would be installed alongside the existing utilities located within the exiting emergency access road. Lastly, the existing reclaimed water line will be used to provide irrigation for the restoration planting proposed to occur.
- f. *Emergency Beach Access.* The existing earthen emergency vehicle and pedestrian access ramp to the beach to the east of the existing Beach House would be regraded. The ramp would be regularly maintained as part of the project as beach front conditions warrant to ensure continued and uninterrupted emergency vehicle and public beach access is accommodated as required by the existing permit.
- g. *Trail Improvements.* Construction of a new east-west segment of the existing public access trail/path will be located along what is now the south edge of the existing Beach House building footprint and on the valley/marine terrace parallel to the ocean. The new trail/path segment would not be less than 5 feet wide and is proposed to include informational signs installed in two locations. The location of the path would be appropriately 2 feet northward of the existing location. The existing split rail wooden fence would be replaced with a movable wooden buck and rail fence. The movable fence design will eliminate the need for installing a fence and allow for the ease of relocation over time as the shoreline changes and retreats. Lastly a small portion of the existing trail/path will (169 SF) be resurfaced with decomposed granite.
- h. *Removal of Beach House and Temporary Revetment.* Once the new food truck, restrooms, showers and drinking fountains are open to the public, the existing Beach House building, foundation, and revetment would be demolished and removed. The former building site would be regraded, and the area replanted. Restoration will include planting with native plants. After restoration work is completed, information signage is proposed to be installed. A trail is also proposed to connect to existing trails along the shoreline. The new trail segments would be consistent in materials to existing trail segments.

C. Upon completion of construction of the new restroom building, and the demolition of the existing Beach House area, the area of the existing Beach House will be replanted and the temporary shoreline protection device (revetment and protective sheeting) will be removed. Removal of the temporary protection is expected to require approximately one week. To prevent additional slope damage or erosion, some equipment will need to operate from the dry sandy beach. The total amount of work performed with equipment on the beach is anticipated to be less than five (5) working days depending on weather and tides. Once the device and backfill material is removed, the exposed scarp would be left to erode naturally. Removal of the temporary protection is proposed to occur in the spring in order to avoid winter storm surge conditions and give the restoration planting the best opportunity to be established before the next winter storm season.

D. Prior to restoration of the former Beach House site, and to limit future disturbance, a layer of protective material will be installed over the site. The material will serve to protect and avoid disturbing potential unknown cultural resources that may be located in that location. This protective material is proposed out of an abundance of caution and described as follows:

The proposed fill soil would consist of a geofabric layer base, with 4" of indicator soil on top. Where needed for plant material, another 4" to 14" of fill soil would be provided. The depth of fill soil would transition at the edges to meet existing grade, maintain connectivity to existing trails, and minimize impacts to existing vegetation.

The limits of the fill area are shown on the Site Plans dated October 22, 2019. Approximately 10 cubic yards of cut and 460 cubic yards of fill is estimated for this purpose.

An approximately 6,100 square foot area at the former Beach House site would be restored over the fill material as detailed in Plan Sheet 6 in the set dated October 22, 2019 and the approved restoration plan. Restoration will include placing fill and planting with native plants and installation of new trail. All construction activity in fill and native soil would be monitored by a qualified Archeologist and Native American monitor consistent with the recommendations in the approved Extended Phase 1 report dated January 2020.

E. Construction Staging and Duration. Public beach access and emergency access must be maintained during project-related construction and demolition. The following steps must be taken as follows:

a. Construction fencing and signs must be erected and verified in the field by PER or Public Works staff or designated monitor prior to issuance of grading, building, and demolition permits as the works progresses around the site to ensure public safety during construction and demolition activities, while not unreasonably interfering with beach, bluff trail, and emergency access.

- b. Staging and storage of equipment and materials may occur at the existing striped tennis center parking area located at the westernmost portion of the existing public beach access parking lot and currently used by the hotel for staging and parking of hotel maintenance vehicles.
- c. Seven public parking spaces, including four spaces northeast of the tennis center, and three located directly in front of the south end of the tennis center may be for additional equipment and material storage during the construction period. Temporary use of these spaces may occur as necessary and appropriate due to the remote location of the project site in relation to the majority of the developed hotel area. The construction staging areas would not limit the 50 public parking spaces next to the tennis courts nor the beach access required by the existing hotel permit. Utilizing these spaces is proposed to reduce construction traffic impacts, limit the overall duration of the project, and therefore limit the duration of potential impacts to public access.

In addition, the areas in which proposed restroom construction and existing beach house demolition and restoration will be occurring are proposed as staging and storage areas during the construction period.

All staging and storage areas will be appropriately fenced with temporary construction fencing.

Construction access between the tennis center and the project site will occur via the existing paved emergency access road.

- d. Once the project is complete, all staging areas will immediately (within 2 week from removal of the revetment and sheeting) be restored to their existing condition with the removal of any construction materials, debris, and restriping of parking spaces, if warranted as determined by the Director of Planning and Environmental Review.
- 2. All construction, improvements, implementation, and/or any other actions taken pursuant to this permit shall be in substantial conformance with the project. Any deviations from the project must be reviewed and approved by the City of Goleta (City). The City shall determine whether any deviation substantially conforms to the project. Any deviation determined to not be in substantial conformance with the project requires the Applicant/Permittee to seek additional approval, permits, or other action by the City. Any deviation from the project made without the above-described review and approval of the City is a violation of this permit.
  - 3. Approval of the Development Plan and Coastal Development Permit Amendments will expire five (5) years after Coastal Commission action, or, if the Coastal Commission requires changes to the Development Plan and/or Coastal Development Permit, the date of the City's concurrence with such changes, unless before the expiration, substantial physical construction has been completed on the Development Plan and Coastal Development

Permit Amendments or a time extension has been applied for by the Permittee. The decision-maker with jurisdiction over the project may, upon good cause shown, grant a time extension as specified by City regulations. If the Applicant/Permittee 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. Any new fees imposed, and existing fees will be those in effect at the time of the extension request.

4. The Development Plan and Coastal Development Permit Amendments shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit.
5. Pursuant to Coastal Zoning Ordinance § 35-169, the Applicant/Permittee shall obtain a Land Use Permit and effectuate the Development Plan and Coastal Development Permit Amendments and satisfy the conditions of the Emergency Permit (16-002 EMP, 19-051 TEX) in the designated time frame unless extended.
6. On the date that a subsequent Development Plan is approved for this site, any previously approved but unbuilt plans must become null and void.
7. This Coastal Development Permit shall become void and be automatically revoked if the development and/or authorized use allowed by this Coastal Development Permit is discontinued for a period of more than 12 months, or within such extended period of time as may be authorized in compliance with the City's zoning code. Any use authorized by this Coastal Development Permit shall immediately cease upon expiration or revocation of this Coastal Development Permit. Any permits approved or issued pursuant to this Coastal Development Permit shall expire upon expiration or revocation of the Coastal Development Permit. Coastal Development Permit renewals must be applied for prior to expiration of the Coastal Development Permit.
8. This approval runs with the land. All rights and obligations of this approval, including the responsibility to comply with these Conditions of Approval, are binding upon applicant's successors in interest unless revoked by the City for cause in accordance with the City's zoning code at a noticed public hearing. These Conditions of Approval may be modified, terminated, or abandoned in accordance with applicable law including, without limitation, the Goleta Municipal Code (GMC).
9. This permit is granted for the property/parcel(s) of record on which the project is located and shall not be transferred.
10. The Applicant/Permittee are responsible for complying with all conditions of approval contained in this Coastal Development Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the Owner



and the Operator.

11. This approval does not confer legal status on any existing structures or uses on the property unless specifically reviewed and authorized within the project description of this Development Plan and Coastal Development Permit Amendment.
12. The City will only issue permits for development, including grading, when the construction documents (e.g., grading plans and building plans) substantially comply with the approved plans. The size, shape, arrangement, use and location of buildings, walkways, parking areas, drainage facilities, and landscaped areas must be developed in substantial conformity with the approved plans. Substantial conformity may be determined by the Director.
13. Any proposed deviations from the exhibits, project description or Project Conditions must be submitted to the Director for review and approval. Any unapproved deviations from the project approval will constitute a violation of the permit approval. The exhibits associated with this permit include the plans dated October 22, 2019, which are all incorporated by reference as if fully set forth.
14. Excluding final DRB approved plans, when exhibits and/or written Project Conditions are in conflict, the written Project Conditions shall prevail. If/when the Project Conditions and Mitigation Measures are in conflict, the written Mitigation Measures must prevail.
15. The project site and any portions thereof shall be sold, leased or financed in compliance with the exhibit(s), project description and the conditions of approval including all related covenants and agreements.
16. No signs of any type are approved with this action unless otherwise specified. All future signage must be reviewed and permitted in compliance with the City's zoning code.
17. Applicant/Permittee agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of the Development Plan and Coastal Development Permit Amendments as described under Condition #1 above, adoption of the Mitigated Negative Declaration, adoption of the Mitigation Monitoring and Reporting Program, except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not arising out of the City's approval of the Project, Applicant/Permittee agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section, "the City" includes the City of Goleta's elected officials, appointed officials, officers, and employees.
18. The effectiveness of this Development Plan and Coastal Development Permit Amendment will be suspended for the time period that any Project Condition is appealed, whether

administratively or as part of a legal action filed in a court of competent jurisdiction. If any Project Condition is invalidated by a court of law, the Project must be reviewed by the City and substitute conditions may be imposed to validate the Development Plan and Coastal Development Permit Amendments.

19. In the event that any conditions imposing a fee, exaction, dedication or other mitigation measure are challenged by the Applicant/Permittee in action filed in a court of competent jurisdiction or threatened to be filed, this approval must 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 Project Condition is invalidated by a court of competent jurisdiction, the Project must be reviewed by the City and substitute conditions may be imposed to validate the Development Plan.

## **GENERAL CONDITIONS**

20. Violation of any of these Conditions of Approval is unlawful, prohibited and a violation of the Goleta Municipal Code. The City reserves the right to initiate civil, criminal and/or administrative enforcement, or after notice and a public hearing, to revoke this permit or modify these Conditions of Approval if it is found that there is a violation of these Conditions of Approval or the Goleta Municipal Code or that the project operates as or causes a public nuisance. This Condition of Approval is not intended to, nor does it limit in any manner whatsoever the ability of the City to take appropriate enforcement actions.
21. The Applicant/Permittee shall be responsible for the completeness and accuracy of all plans, forms and supporting materials submitted in connection with the project. Any error or discrepancies found therein are a violation of this permit.
22. Any new, expanded, or changed use on the project site shall be subject to City review and approval. The City shall determine whether the new, expanded, or changed use on the project site requires the Applicant/Permittee to seek additional approval, permits, or other action by the City. Failure of the Applicant/Permittee to obtain the above-described review and approval of the City is a violation of this permit.
23. During construction, the Applicant/Permittee must promptly remove any graffiti at the Project site.

## ENVIRONMENTAL MITIGATIONS/CONDITIONS<sup>1</sup>

### Mitigation Measures

24. **MMRP.** The Permittee must comply with all mitigation measures in the Mitigation Monitoring and Reporting Program (MMRP) adopted in the Final Mitigated Negative Declaration for the Project, which are incorporated into these Project conditions by reference.
25. **Design Review.** Prior to the issuance of building permits, the Applicant/Permittee must secure Design Review Board (DRB) approval of the design of restroom/shower building(s) and landscaping plans, including picnic areas, signs, fencing, and furniture (picnic tables, benches) for consistency with the character of the existing landscaping and existing sign programs for the approved hotel (86-DP-46, 97-CDP-078). Garbage and recycling receptacles with a lid must be provided to ensure onsite trash is minimized and be of compatible materials, color and design. All the required improvements must be built and installed in accordance with the approved plans prior to the sign off on the building permits by the Planning and Environmental Director or designee.
26. **Lighting Specifications.** Any exterior lighting installed on the project site must be of low intensity, low glare design, must direct light downward onto the project site, prevent light spill-over and glare into surrounding areas, and otherwise meet dark night sky requirements. Exterior lighting fixtures must be kept to the minimum number and intensity needed to ensure public safety. These lights must be dimmed after 11 p.m. to the maximum extent practical without compromising public safety as determined by the Planning and Environment Review Director. Upward directed exterior lighting is prohibited. Lighting fixtures must be appropriate for the architectural style of the structure and surrounding area. The final lighting plan must include identification of all types, sizes, and intensities of wall-mounted building lights and landscape accent lighting and a photometric map/plan must be provided "Moonlighting" type fixtures that illuminate entire tree canopies should also be avoided.

The location of all exterior lighting fixtures, complete cut sheets of all exterior lighting fixtures, and a photometric plan prepared by a registered professional engineer showing the extent of all light and glare emitted by all exterior lighting fixtures must be reviewed and approved by Design Review Board before the City issues a building permit for construction. Prior to Final Inspection, the Planning and Environmental Review Director, or designee, must inspect exterior lighting features to ensure that they have been installed consistent with approved plans.

27. **Geotechnical and Soils Engineering Report.** The Geotechnical Study (Earth Systems, May 11, 2018 and February 20, 2019), shall be reviewed by the City Building Department for

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<sup>1</sup> Some conditions referenced in Final Mitigated Negative Declaration are included under the Public Works Department Heading and as such are not listed under this heading.

use as the as-built geotechnical soils and engineering report. The report must include the results of all density testing and expansion testing, as well as a map showing the limits of grading and location of all density tests. The recommendation of the Geotechnical and Soils Engineering Report must be incorporated into the Project's grading and building plans. The Geotechnical and Soils Engineering Report must meet the City of Goleta's standards for engineering documents and address potential for liquefaction and/or seismic-related settlement and identify appropriate structural-design parameters and soils compaction ratios to address potential geological hazards. This information must be printed on the grading and building plans and the grading and building plans must be submitted for review, and must receive approval, by the Planning and Environmental Review Director before the City issues grading and building permits. The Project soils engineer must observe all excavations before placement of compacted soil, gravel backfill, or rebar and concrete and report observations to the City. The City will conduct field inspections as needed.

28. **Washing of Materials.** During construction, washing/cleaning of equipment for the removal of building materials such as concrete, paint, etc. can occur only in areas where polluted beachfront, water and materials can be contained for subsequent removal from the site on a regular basis. The washing and fueling areas shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources or alternate location permitted by the Public Works Director and due to site constraints. An area designated for washing functions must be identified on all plans submitted for issuance of any grading and/or building permit(s). Prior to the issuance of grading or building permit whichever occurs first, a designated wash off areas must be specified on all grading and building plans. The wash-off area must be in place throughout construction. The Public Works Director or designee and the Building Official must verify compliance before issuance of the Grading and Building Permits and site inspections must occur during construction to verify.
29. **Deed Restriction Regarding Coastal Hazards.** Consistent with the City of Goleta General Plan/Coastal Land Use Plan Policy SE 2.7, as a condition of approval of development on a beach or shoreline that is subject to wave action, erosion, flooding, landslides, or other hazards, the property owner shall be required to execute and record a deed restriction that acknowledges and assumes responsibility associated with such risks. The deed restriction will waive any future claims of damage or liability against the City or other permitting agency; and agrees to indemnify and hold harmless the City Goleta against any and all liability, claims, damages, or expenses arising from any injury or damage due to such hazards. The Deed Restriction Regarding Coastal Hazards must receive approval from the City Attorney and the Planning and Environmental Review Director, or their Designees prior to issuance of the Certificate of Occupancy.
30. **Santa Barbara County Fire Department (SBCFD) Food Truck:** Comply with all conditions and requirements regarding the use of a food truck as a snack bar as outlined in the September 25, 2019 email from Glenn Fidler of Santa Barbara County Fire Department and

obtain a letter from SBCFD affirming review of the project grading and building plans, including the following items which shall be printed on the plans:

- a. The food truck vehicle must be able to be moved immediately at the request of the Fire Department in an emergency.
- b. Attendant must have the ability to immediately move the vehicle
- c. Keys must be in the vehicle.
- d. Vehicle cannot be stored on the access road
- e. Must be removed from the emergency access road every night
- f. An area on the emergency access road pavement must be designated for the vehicle
- g. The vehicle can use the emergency access road from Hollister Avenue for ingress/egress to its designated location.
- h. Water and power hook-ups at the edge of the road are acceptable.
- i. SBCFD recommends an electric vehicle (but it is not required).

Receipt of a letter from SBCFD affirming the project plans and conditions and that the conditions have been included on grading and building plans shall be confirmed by the City of Goleta Building Official prior to issuance of the grading or building permits.

31. **Santa Barbara County Fire Department (SBCFD). Maintain Beach Access Ramp.** The Applicant/Permittee will be required to regularly maintain the earthen emergency vehicle access ramp to Haskell's Beach in coordination with the City of Goleta and the SBCFD. Receipt of a letter from SBCFD affirming the project plans and conditions and that the conditions have been included on grading and building plans shall be confirmed by the City of Goleta Building Official prior to issuance of the grading or building permits.
32. **Construction Parking Plan.** The Applicant/Permittee shall prepare a construction parking plan to be approved by the Planning and Environmental Review Department Director, or designee prior to commencement of construction. The construction parking plan shall ensure any reduction in public parking spaces below 50 will be replaced by an equal number of spaces in the main hotel parking lot and regular shuttle service provided between Haskell's Beach parking lot to those spaces. In addition, the parking plan must address the parking demand of hotel employees and construction workers which could include the use of offsite parking locations and shuttles in order to provide adequate parking. Adjustments to the Construction Parking Plan during implementation may be made as warranted by the Director.
33. **Department of Conservation Compliance.** The applicant shall submit a letter from the California Department of Conservation verifying compliance with their April 7, 2020 letter (Attachment B-6) and Public Resources Code (PRC) sections 3208 and 3224 compliance.

The letter shall be submitted to the City Building Official prior to issuance of grading or building permits for the project.

## **AGENCY REQUIREMENTS**

34. The Permittee must comply with requirements of the Santa Barbara County Fire Department letter dated April 1, 2019 and September 25, 2019 email from Glenn Fidler provide any necessary documentation verifying compliance with all of the requirements of the Santa Barbara County Fire Department.
35. The Permittee must comply with the requirements of the Goleta West Sanitary District provide any necessary documentation verifying compliance with the requirements of Goleta West Sanitary District for reconnection to the sewer line located within the emergency access road.
36. The Permittee must comply with the requirements of the Santa Barbara County Air Pollution Control District for construction projects and submit necessary documentation verifying compliance with the said requirements.
37. The Permittee must comply with the requirements of Goleta Water District memo dated July 5, 2018 and provide documentation demonstrating compliance with all of the requirements of Goleta Water District (GWD), including agreement for use of recycled water.

## **CITY DEPARTMENT CONDITIONS – Public Works Department**

38. Work within the public right-of-way including, without limitation, utilities and grading, must be explicitly identified on the building plans. The Permittee must obtain all necessary encroachment permits from the Public Works Director, or designee, before commencing work within or over the public right-of-way including without limitation, water meters, backflow devices, signs, and curb/gutter/sidewalk improvements.
39. Prior to the Issuance of the Land Use Permit, the Applicant/Permittee must:
  - a. Submit and secure approval of a Storm Water Pollution Prevention Plan (SWPPP) to control off-site discharge of sediments and non-stormwater pollutants during the construction phase, by the Public Works Director or designee if more than one acre of ground disturbance will occur. The SWPPP shall be prepared in compliance with California's Construction General Permit using the CASQA SWPPP template. The SWPPP shall be developed, amended, or revised by a Qualified SWPPP Developer (QSD). **If less than one acre of disturbance**, applicant shall prepare an Erosion and Sediment Control Plan (ESCP) in compliance with City of Goleta Municipal Code and Standards. The SWPPP or ESCP shall be reviewed and approved by Public Works.

- b. Submit and secure approval of a Storm Water Control Plan (SWCP) to treat and control off-site discharge of stormwater following construction of the project, by the Public Works Director or designee. The SWCP shall be prepared in compliance with the Central Coast Regional Water Board's Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region, Resolution No. R3-2013-0032, and shall use the Stormwater Technical Guide for Low Impact Development: Compliance with Stormwater Post-Construction Requirements in Santa Barbara County.
- c. Provide a copy of the signed Certificate of Implementation of State Law: Construction and Demolition (C&D) Debris Recycling Program ensuring compliance with the Green Building Code. This form indicates who will haul all material and an account number for the C&D project from the hauler. This will facilitate the recycling of all construction recoverable/recyclable materials. The project will be required to meet the CalGreen minimum diversion requirement of 65% of the project's solid waste to be diverted from the landfill.

40. Prior to Building or Grading Permit(s) Issuance, the Applicant/Permittee must:

- a. Provide a signed Certificate of Implementation: Construction and Demolition (C&D) Debris Recycling Program.
  - i. Provide Garbage and recycling receptacles with a lid and empty regularly.
  - ii. Provide trash, recycling, and organics containers so that 50% of the total volume of material generated is to be recycled/mulched/composted thus diverted from landfill disposal. Trash/recycling/organic areas shall be easily accessed by the consumer/tenant /resident and the trash hauler.
  - iii. For commercial projects organics includes food waste and green waste and must be included in the amount of recycling. Green waste i.e.: landscaping debris, is a part of the 50% recycling calculation. Provide adequate area for green waste within trash/recycle/organic area(s) or provide statement if intent is to have a maintenance company haul off green waste to a certified composting/mulching facility.
- b. Identify the following on the Building Plans:
  - i. Show all existing survey monuments to be preserved and/or tied out in coordination with the County of Santa Barbara's Surveyor's Office and provide a security for the resetting of the survey monuments affected by construction as determined to be warranted by the Public Works Director.
  - ii. If applicable and feasible, show Americans with Disability Act (ADA) path of travel from the Public Right-of-Way to on-site structures or show alternative means (e.g.

on call assistance from hotel staff) to be approved by the Building Official and Public Works Director or designee.

- iii. Show all proposed improvements within the Public Right-of-Way, and/or access locations to the Public Right-of-Way.

- c. Receive final Building Plan review and approval from Public Works.

41. Prior to Encroachment Permit Issuance, the Applicant/Permittee must:

- a. Obtain a Public Works Encroachment Permit for hauling. Any work in the public right of way requires a Public Works Encroachment Permit, including hauling of soil/debris/materials to and from the project location. Clearly identify proposed haul route. Provide a video, reproducible and with clarity of existing field conditions, along the full length of the proposed haul route. Coordinate with the Public Works Inspector a minimum of 48 hours prior to video recording operations. Clearly identify proposed location for placement of export material. Obtain, and provide to Public Works, a copy of all applicable permits for placement of export material at off-site location(s) within City limits.
  - i. Ensure that all haul trucks, hauling debris, sand, soil, and other loose materials shall be covered and/or maintain a minimum 2' freeboard.
  - ii. Ensure that construction vehicles only use the City's designated Truck Routes, as clearly indicated on the Haul Route Exhibit. All other routes are prohibited.
  - iii. Ensure that construction parking is implemented in a manner that will minimize the potential for traffic interference. Include construction parking designated area(s) on Haul Route exhibit.
  - iv. Clearly identify the proposed area for construction vehicle staging and location(s) for construction vehicle ingress and egress. The ingress/egress pattern shall be identified on the Haul Route Exhibit.
  - v. Stormwater BMPs are applicable for the entire length of the haul route as determined by the project engineer in concurrence with Public Works Director or designee.

42. Prior to Certificate of Occupancy, the Applicant/Permittee must:

- a. Submit and secure approval of a Post- Construction Waste Reduction and Recycling Summary (WRRS) Report by the Public Works Director or designee. The Report shall substantiate how a minimum 65% diversion goal was met by the project during construction, provides the actual amounts of material generated and what the final diversion rate was, along with either scale house receipts or a summary from the diversion facility used substantiating each load brought to the facility, the tonnage, and the diversion achieved.



- b. Enter into a Stormwater Facility Maintenance Agreement with the City developed at the applicant's expense. The City shall develop and provide to the applicant, a draft Maintenance Agreement, subject to recordation with the County, and requiring project owners, and their successors in interest to regularly inspect, maintain, and when necessary repair or replace stormwater treatment, retention and detention Stormwater Control Measures and Best Management Practices that are incorporated into the project, in perpetuity. Stormwater Facility Maintenance Agreements shall include a legal description of the project's location, a vicinity map, and the project's approved Stormwater Operations and Maintenance Plan.
- c. Submit two hard copy sets of Record Drawings and one electronic signed copy of the Record Drawings for any site Amendments completed at the site (i.e., drainage infrastructure, finish grade elevations, parking, retaining walls, parking, stormwater control measures).
- d. Reset all existing survey monuments shall that were preserved and/or tied out in coordination with the County of Santa Barbara's Surveyor's Office.
- e. Repair any trip hazards and/or damaged public improvements (curbs, gutters, sidewalks, pavement markings, signage, striping etc.) that was existing and/or caused by construction along the full frontage of the project. Repairs are subject to the review and approval by the Public Works Director or designee. Repairs shall be completed by the Applicant at no cost to the City.

43. Ongoing Maintenance:

- a. 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 and the approved Operation and Maintenance Plan.

**CITY DEPARTMENT CONDITIONS – Planning and Environmental Review Department**

- 44. The following standards/requirements are general/on-going and must be complied with by the Permittee and/or successors in interest:
- 45. Obtain all Building Permits required by Title 15 of the Goleta Municipal Code prior to the construction, erection, moving, alteration, enlarging, rebuilding of any building, structure, or improvement, or any other action(s) as required.

46. The Permittee is responsible for informing all sub-contractors, consultants, engineers, or other business entities providing services related to the project of their responsibilities to comply with these conditions including, without limitation, the GMC. This includes the requirements that a business license be obtained to perform work within the City as well as the City's construction hour limitations.
47. Prior to the issuance of the Land Use Permit and building permits, the Applicant/Permittee must:
- a. Secure Design Review Board (DRB) Design Review Approval of landscaping and irrigation plans/restoration plans, including picnic areas, signs, fencing, and furniture (picnic tables, benches) for consistency with the character of the existing landscaping and existing sign programs for the approved hotel (86-DP-46, 97-CDP-078). The plans must be designed to comply with Water Efficient Landscape Ordinance 16-04 as appropriate.
  - b. Enter into an agreement with the City regarding compliance monitoring and submit the fees cover full costs of compliance monitoring. All costs associated with the development, review, and execution of the compliance monitoring contract is the sole responsibility of the Applicant/Permittee.
  - c. Execute a landscape installation and maintenance agreement (developed at the applicant's expense) consistent with the Restoration Plan in a form approved by the City Attorney, with a term of five years.
  - d. All applicable conditions of approval must be included on all plans submitted for a permit (e.g., grading, building permit)
  - e. Conduct a pre-construction meeting to review project conditions for compliance before the start of any work on site. This includes, without limitation, the Permittee, construction team and City representatives from the Planning and Environmental Review, Public Works and Building Departments.
  - f. Secure approval of a composite utility plan from the Design Review Board. All external/roof mounted mechanical equipment (including solar panels, HVAC condensers, switch boxes, etc.) must be included on all building plans and designing this equipment must be integrated into the structure and/or screened in its entirety from public view.
  - g. Screening may include a combination of landscaping and/or fencing/walls. All meters must be concealed by matching the color of the building. All backflow prevention devices and communications equipment must be concealed in an enclosed portion of the building, on top of the building, or within a screened utility area. All transformers and vaults installed within the public right-of way must match existing previous installations at the project

unless otherwise approved by the Director and the Public Works Director, or designee, and then completely screened from view.

- h. Prior to issuance of the Building Permits, the Applicant/Permittee must incorporate energy conservation measures into the building design. All new commercial buildings must comply with the energy efficiency standards set forth in the current California Energy Code and the California Green Building Standards Code.
  - i. Obtain all the necessary approvals, licenses and permits and pay all of the appropriate fees as required by the City. Before any permit may be issued by the City, the Permittee must obtain written clearance for each development phase from all Departments/Agencies having conditions or project approval. Such clearance, processed as a post-discretionary Land Use Permit, must indicate that the Permittee has satisfied all pre-construction conditions.
  - j. The Applicant/Permittee must secure approval of an irrigation plan from the Building Official or designee, if the project meets the threshold outlined in Ordinance 16-04 regarding Water Efficient Landscaping, before issuance of a building permit. The landscape and irrigation shall be installed per plan prior to Final Building Inspection Clearance.
  - k. The Applicant/Permit must secure the construction site with a minimum 6-foot high fence. The fence must be covered with a material approved by the Director to minimize dust from leaving the site.
    - i. The fencing shall remain in place to maintain trail and beach access throughout the construction process.
    - ii. Once the new restrooms and food truck are operational, the fencing shall be adjusted as detailed in the project MMRP and accommodate demolition of the existing Beach House and removal of the protective revetment and sheeting, as approved by the Planning and Development Director, or their representative.
48. The Applicant/Permittee is responsible for ascertaining and paying all Development Impact Fees as determined to be applicable including, without limitation, fire facility fees, library fees, park and recreation fees, public administration fees, and transportation fees as required by and at the timeframe specified in the GMC. In addition, the impact fees established by the Goleta Union/Santa Barbara Unified School Districts (School Fees) must also be paid in accordance with the requirements of those entities. If DIFs are determined to be applicable, the Applicant must pay the rate of the applicable DIFS in effect at the time of payment. Applicant takes notice pursuant to Government Code § 66020 (d) that City may impose DIFs upon the Project in accordance with the Mitigation Fee Act (Government Code §66000 et

seq.). Applicant is informed that it may protest DIFs in accordance with Government Code § 660020.

49. During grading and construction activities, the Permittee, to the satisfaction of the Director, must:

- a. Provide a public access plan that maintains continuous public parking, temporary restrooms (if necessary), and access to Haskell's Beach and keeps sufficient trails open to facilitate said access at all times.
- b. Prevent construction and/or employee trash, as well as dust, from blowing offsite by:
  - i. Providing receptacles with lids on-site before commencement of any grading or construction activities;
  - ii. Picking up waste weekly or more frequently as directed by the City;
  - iii. Designating and providing to the Director the name and contact information of the project foreman who will monitor construction trash/waste and dust. Additional receptacles with lids must be provided as determine necessary by the Director; and,
  - iv. Watering the site, install appropriate fencing, and/or utilize other tactics to control dust.

50. Prior to the issuance of the Certificate of Occupancy for the restroom building, the Permittee must:

- a. Complete construction of all new and approved buildings and emergency road and access improvements in accordance with approved plans. This does not include the demolition of the existing Beach House and removal of the temporary revetment and sheeting (See below).
- b. Provide trash receptacles with lids in accordance with approved plans.
- c. Install all landscaping and irrigation in accordance with approved plans.
- d. Screen all new utility service connections and above-ground mounted equipment such as backflow devices, etc. from public view and/or painted in a soft earth tone color so as to blend in with the project (red is prohibited) in accordance with approved plans.
- e. Secure final clearance from all applicable Agencies/City Departments as needed.

51. Once the new restroom building and food truck are operational, demolition permits may be issued for removal of the existing Beach House building, foundation, and protective

revetment and sheeting once final demolition and restoration plans and worker trainings are approved by the Planning and Development Director, or designee prior to work commencing.

- a. As discussed above, prior to demolition, the protective fencing and staging plan shall be adjusted under the supervision of the environmental, biological archaeological, and tribal monitors as detailed in this document and the project MMRP and to ensure protection of resource values during the demolition and restoration phases (biological, cultural, and hazards).
  - b. Prior to commencement of demolition and restoration phases, respectively, a worker training(s) shall be conducted for all team members conducting the work. The trainings shall be conducted by the project development team and the monitors.
  - c. The demolition and restoration plans shall include resource protective fencing and provide for ongoing public access to parking, trails, the beach, and operational amenities (inclusive of snack bar, restrooms, drinking fountains, and outdoor showers).
  - d. Demolition of the existing Beach House and removal of the protective revetment and sheeting, shall be overseen by the Building Official and the monitors.
  - e. The site shall be prepared for restoration and final installation of fencing and signs approved by the Design Review Board and overseen by the Building Official, or designee and the monitors.
  - f. Final approval of the completed site shall be verified in writing by the Planning and Development Director, or designee.
52. The Applicant/Designee shall enter an agreement with the City for maintenance and monitoring of the project site (i.e., the location of the new restroom building and the existing Beach House) during construction and demolition phases.

By signing this document, Lorcan Drew, on behalf of Watermark Partners and Ritz Carlton, Bacara, Santa Barbara Hotel, certifies that she read, understands, and agrees to the Project Conditions listed in this document.

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Lorcan Drew, Watermark Capital Partners, LLC  
Agent

Date