

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A DEVELOPMENT AGREEMENT FOR THE WATERFRONT HOTEL BY AND BETWEEN THE CITY OF SANTA BARBARA AND AMERICAN TRADITION, LLC

WHEREAS, Government Code Sections 65864-65869.5 authorize local agencies to enter into a binding Development Agreement (as such agreements are defined by Government Code §§65864-65869.5) with a property owner for the development of property in order to give assurances to the property owner and the City that, once approved under the applicable planning and zoning codes, a development project can proceed in accordance with existing land development policies, rules and regulations.

WHEREAS, Government Code Section 65869 specifically provides that a statutory development agreement need not be approved by the state Coastal Commission for any development project located in an area for which a local coastal program is required so long as the required local coastal program has been certified pursuant to the Coastal Act by the Coastal Commission prior to the date the development agreement is approved by the local agency.

WHEREAS, the City of Santa Barbara's Local Coastal Program was certified by the state Coastal Commission November 12, 1986 and has been duly amended from time to time since then.

WHEREAS, under the Santa Barbara City Charter, the City exercises control over municipal affairs, including the land development process, and has authority to enter into development agreements for purposes consistent with the public health, safety and general welfare.

WHEREAS, the recitals of the attached Development Agreement between the City of Santa Barbara and American Tradition, a California general partnership, hereinafter referred to as the "Parker Family," are a complete and accurate recitation of the review conducted for and consideration given the Project (as defined in the Development Agreement) and such recitals are incorporated herein by this reference as though fully set forth herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines with respect to the Project as follows:

- A. CEQA FINDINGS. The following environmental findings and determinations are made pursuant to and in accordance with the California Environmental Quality Act (Public Resources Code, Division 13):
1. The City Council has reviewed and considered the Addendum, dated January 14, 2016, to the Certified Final Project Environmental Impact Report (EIR) SCH#92091038 along with the Certified EIR and earlier EIR Addenda of June 1995, November 1996, and August 2007, which together constitute environmental analysis for the current project under California Environmental Quality Act (CEQA) provisions; and
 2. The City Council finds that the EIR Addendum dated January 14, 2016 has been completed in compliance with CEQA and reflects the Council's independent judgment and analysis.
- B. DEVELOPMENT AGREEMENT FINDINGS. The following findings are made pursuant to and in accordance with City Council Resolution No. 89-120:
1. The Development Agreement is consistent with the General Plan and Specific Plan, as well as the Local Coastal Plan and Zoning Ordinance. The Agreement allows continued development of the site with a project (hotel and parking) that is compatible with the vision of the Waterfront area described in the General Plan, is consistent with the visitor-serving uses allowed in the Specific Plan for Parcel B, is consistent with the Local Coastal Plan designation of Hotel-Related Commerce and is consistent with the Hotel & Related Commercial/ Park Plaza Specific Plan/ Coastal Overlay (HRC-2/SP-1/S-D-3) zoning designation. The Development Agreement is also consistent with policies of the General Plan related to circulation, safety and environmental resources, and Local Coastal Plan policies related to locating new development, visitor-serving commercial uses, recreation, shoreline access, hazards, water and marine environments, visual quality, cultural resources and public services. Additional information is provided in Section VIII of the December 21, 2015 Planning Commission Staff Report.
 2. The Development Agreement is in substantial conformance with public necessity, convenience, and general welfare and good zoning practices because it will provide additional time for the applicant to develop a hotel in this location, which City plans and policies identify as a desired land use for the site, or will allow the opportunity for a revised hotel to be considered by the City, taking into consideration the significant public improvements that have been made in furtherance of the goals of the Specific Plan and the prior Development Agreement, including the approved project permit conditions of approval, and;

3. The Development Agreement provides assurances to the developer of the right to develop a hotel in accordance with the terms of the Development Agreement and that adequate consideration is provided by the City that early completion of the public improvements, including the park and circulation improvements provided for more orderly and timely mitigation of traffic and air quality impacts.

SECTION 2. DEVELOPMENT AGREEMENT

The City Council of the City of Santa Barbara hereby adopts the Development Agreement included as Exhibit A.

Exhibit A – Development Agreement