

EXHIBIT "A"

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

302, 310, 314, 324, 326, 328 Front Street – CP21-0051

Coastal Permit, Non-Residential Demolition Authorization Permit, Design Permit, Boundary Line Adjustment, Special Use Permit, Administrative Use Permit, Additional Height Request, a Revocable License for an Outdoor Extension Area, and a Heritage Tree Removal Permit to demolish a commercial building, combine five parcels, and construct a six-story, 232-room hotel with ground floor retail, banquet and conference space, restaurant, and bar on property located within the CBD (Central Business District)/CZ-O (Coastal Zone Overlay)/SP-O (Shoreline Protection Overlay); F-P (Floodplain)/FP-O (Floodplain Overlay) zone district and within the Front Street/Riverfront subarea of the Downtown Plan. The project requires approval of a Section 408 Permit from the US Army Corps of Engineers to allow for the placement of fill between the levee and the proposed building to allow for the development of an outdoor extension area adjacent to the Riverway path. The project also includes a finding that the sale of the exempt surplus properties is consistent with the General Plan in accordance with the Surplus Lands Act (Environmental Determination: Categorical Exemption)

1. If one or more of the following conditions is not met with respect to all its terms, then this approval may be revoked.
2. All plans for future construction which are not covered by this review shall be submitted to the City Planning and Community Development Department for review and approval.
3. This permit shall be exercised within three (3) years of the date of final approval or it shall become null and void. When a building permit is required, a zoning permit shall be considered exercised following the issuance of a valid building permit. When only an occupancy permit is required, a zoning permit shall be considered exercised when the occupancy permit is issued.
4. If, upon exercise of this permit, this use is at any time determined by the Planning Commission to be incompatible with the surrounding neighborhood, revocation of, or amendment to, this permit by the Planning Commission could occur.
5. The use shall meet the standards and shall be developed within limits established by Chapter 24.14 of the Santa Cruz Municipal Code as to the emission of noise, odor, smoke, dust, vibration, wastes, fumes or any public nuisance arising or occurring incidental to its establishment or operation.
6. The applicant shall be responsible for the completeness and accuracy of all forms and supporting material submitted in connection with any application. Any errors or discrepancies found therein may result in the revocation of any approval or permits issued in connection therewith.

7. All final working drawings shall be submitted to the Zoning Administrator for review and approval in conjunction with building permit application. The plans submitted for building permits shall have the same level of articulation, detailing, and dimensionality as shown in the approved plans. All approved exterior finishes and materials shall be clearly notated on the building permit plans.
8. The applicant and contractor who obtains a building permit for the project shall be required to sign the following statement at the bottom of these conditions, which will become conditions of the building permit:

“I understand that the subject permit involves construction of a building (project) with an approved Design Permit. I intend to perform or supervise the performance of the work allowed by this permit in a manner which results in a finished building with the same level of detail, articulation, and dimensionality shown in the plans submitted for building permits. I hereby acknowledge that failure to construct the building as represented in the building permit plans, may result in delay of the inspections process and/or the mandatory reconstruction or alteration of any portion of the building that is not in substantial conformance with the approved plans, prior to continuation of inspections or the building final.”

Signature of Building Contractor

Date

9. All requirements of the Building, Fire, Economic Development, Public Works, and Water Departments shall be completed prior to occupancy and continuously maintained thereafter.
10. The property owner and/or project applicant agree(s) as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government code Section 66474.9, defend, indemnify and hold harmless the City of Santa Cruz or its agents, officials, officers and employees from any claim, action or proceeding against the City or its agents, officials, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner and/or project applicant will reimburse the City for any court costs and attorney’s fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve the property owner and/or project applicant of these obligations under this condition. An agreement to this effect shall be recorded upon demand of the City Attorney or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The City shall promptly notify the property owner and/or project applicant of any such claim, action or proceeding and the City shall cooperate fully in the defense thereof. If the City fails to promptly notify the property owner and/or project applicant of any such claim, action or proceeding or

fails to cooperate fully in the defense thereof, the property owner and/or project applicant shall not thereafter be responsible to defend, indemnify or hold the City harmless.

11. The applicant and/or property owner shall be responsible for ensuring that any existing buildings approved for demolition or conversion remain occupied by a tenant or, if any buildings are vacant or become vacant prior to demolition or conversion, that these buildings are adequately secured to prevent break-ins and other vandalism. All windows, doors, and other openings into vacant buildings shall be completely covered and a six-foot tall chain link fence shall be installed around the perimeter of the property. Graffiti shall be removed or painted over within 72 hours. If a break-in occurs, the applicant and/or property owner shall, within 24 hours, clean the site of trash and debris, and re-secure the site and building(s). Additionally, following a break-in, the applicant/property owner shall provide the Planning Department, SCFD Fire Marshall and SCPD with a copy of a signed contract with a private security company to provide ongoing monitoring of the site. If a break-in or other public safety concern occurs at the site that requires an emergency response, the applicant and/or property owner shall be responsible for paying the fully burdened hourly rates for Police, Fire, Code Compliance, or other City Staff to respond and follow up.

PRIOR TO BUILDING PERMIT APPLICATION:

12. Pursuant to Section 66412(d) of the California Government Code the following requirements have been imposed in order for the lot-line adjustment to conform with the City's Zoning and Building Ordinances, or to facilitate the relocation of existing utilities, infrastructure, or easements:
 - The lot line adjustment shall be recorded as a sequential lot line adjustment, with each lot line adjustment involving no more than four lots;
 - For each sequential lot line adjustment, a new property description shall be recorded with the County Recorder's office and a copy of the recorded description provided to the City Planning Department. The deed(s) of conveyance must contain the following statement after the description of the property(ies) or portion(s) of property to be transferred:
"The purpose of the deed is to adjust the boundary between Lots [insert lots here] as approved by the City of Santa Cruz under Application CP21-0051. This conveyance may not create a separate parcel and is null and void unless the boundary is adjusted as stated."
 - Prior to recordation of the Lot Line Adjustments, accommodations shall be made to ensure that the City retains possession of the portion of the southernmost lot (005-151-48) located at the northeast corner of Front and Laurel Streets that falls within the public right-of-way and any additional right-of-way necessary and not yet dedicated to facilitate completion of the Downtown Intersection Improvements Project, which is planned to widen the intersection of Laurel Street, Front Street, and Broadway; provided that additional right-of-way does not materially impact development of the project as approved.
13. The sequential lot line adjustments needed to establish the project site shall be recorded prior to approval of any demolition, grading, or building permit.

14. The applicant shall apply for and obtain new addresses for the site from the City Planning Department.
15. Prior to building permit application, applicant shall pay any outstanding fees associated with environmental review or preparation of documentation for federal permits.

PRIOR TO BUILDING PERMIT ISSUANCE:

16. Adequate provisions shall be made to supply water to each of the premises covered by this application. The design of water facilities shall be to standards of the Water Department and plans therefore must be submitted to the Water Department Director for review and approval prior to the issuance of a building permit.
17. Landscape and irrigation plans shall be submitted at the time of the building permit application and will be reviewed by both the Planning Department and Water Department. The landscape and irrigation plans shall demonstrate compliance with all requirements of the City's Water-Efficient Landscaping Ordinance in Chapter 16.16 of the Santa Cruz Municipal Code prior to issuance of the building permit.
18. Public Improvement Agreement for Fill Structure and Levee Improvements. The applicant shall work with the Public Works Department to record an agreement addressing the fill structure adjacent to the levee, which may include easements or other such rights necessary for construction of the fill and Levee improvements. The agreement(s) shall require that the applicant or Project Owner, and its successors are responsible for ongoing maintenance of the fill area and any damage to the levee resulting from installation or maintenance of the fill, the project or any associated work or environmental conditions over the life of the project. It shall also be specific as to the design, engineering, and construction of the fill and Riverwalk improvements including detailing all utilities, both public and private, within the fill structure. The agreement(s) shall also include the tree and landscape maintenance responsibilities per the flood control improvement project.

The Project developer shall design, construct, and maintain the proposed public improvements between Front Street and the San Lorenzo River (the "Maple Alley Paseo") as more particularly shown on the approved plans and as specified in the Public Improvement Agreement, unless otherwise directed by the City in writing, and subject to City specifications and approval. The design of the paseo shall be in accordance with the accepted principles of crime prevention through environmental design (CPTED) to the satisfaction of the City. The Project shall enter into a maintenance agreement for the paseo and Riverwalk (Levee) Improvements with the City prior to the Certificate of Occupancy to the satisfaction of the City. The Maintenance Agreement shall require the Project owner to maintain all public or quasi-public improvements, landscaping, trees, fixtures, and furnishings on public property for the life of the project, which may include periodic replacement or restoration of materials upon terms set in the Agreement.

19. Section 408 Army Corps of Engineers Permit: Prior to the issuance of a building, grading, or demolition permit for the site, a Section 408 Permit shall be issued for the project by the Army

Corps of Engineers (ACOE). The plans approved by the ACOE must be consistent with the plans submitted for building/grading permit issuance and the applicant must demonstrate that the ACOE has approved the landscaping plans submitted with the building permit application. The applicant shall be responsible for the documentation, consultants, and fees related to obtaining the Section 408 Permit.

20. The project shall provide replacement trees or an equivalent in-lieu fee, as determined by the City Urban Forester, for the eleven heritage trees approved for removal due to their location within the project footprint. Replacement trees shall be shown on the building permit plans at a ratio of two 24-inch box tree or six 15-gallon trees for each of the four trees to be removed and shall identify a location, size, and species as approved by the City Urban Forester. If an in-lieu fee is provided, the fee shall be paid prior to issuance of any demolition, building, or grading permit or removal of any heritage trees.
21. Prior to building permit approval, and prior to removal of any riparian tree, applicant shall submit evidence of a permit from Army Corps of Engineers to remove the existing riparian trees within the project site.
22. Final colors, materials and transitions shall be approved by the Zoning Administrator prior to approval of building permits.
23. Prior to issuance of the building permit, the property owner shall sign and submit a BMP maintenance agreement ensuring that they will provide long-term operation and maintenance of structural storm water control measures (see template in Appendix C of Chapter 6B Storm Water BMPs for Private and Public Development Projects). The signed maintenance agreement should be attached to the O&M Plan.
24. Prior to issuance of the demolition permit(s), the applicant shall obtain a building permit for the construction of the new building. Issuance of the demolition permit may be made prior to building permit issuance at the discretion of the Planning Director, if building permit plan check is nearing completion and permit issuance is eminent or if special circumstances warrant earlier demolition.
25. Prior to issuance of a demolition, building, or grading permit, the applicant shall meet the requirements of the Santa Cruz County Environmental Health (SCCEH) Department.
26. Final building permit plans shall include the following:
 - a. Plans submitted for building permit issuance shall include electric vehicle charging stations as required per Section 24.12.241 of the Zoning Ordinance.
 - b. Plans submitted for building permit issuance shall show all exterior site lighting locations and fixture details. All exterior building lighting shall be shielded and contained in a downward direction. No exterior lighting shall produce off-site glare. Exterior site lighting shall be provided along pedestrian pathways and in the vehicle parking area. Security lighting shall be motion sensor only.
 - c. Building permit plans shall specify the glass treatments consistent with the City of Santa Cruz Bird Safe Building Design Standards (City Standards) for building exteriors within

40 feet of grade and facing the San Lorenzo River. Treatments should follow the “2” x 4” rule” included in the City Standards and may include:

- Bird safe glass approved for use by the American Bird Conservancy
 - Fritted windows
 - Patterned windows
 - UV pattern film (not appropriate for all locations)
 - Window nets
 - Window screens
 - Any American Bird Conservancy approved product:<https://abcbirds.org/glass-collisions/stop-birds-hitting-windows/>
 - Other design measures identified by a qualified biologist with a background in ornithology as providing adequate bird protections and that do not conflict with required findings for a Planning Permit.
- d. Bicycle parking shall be provided in accordance with Section 24.12.250-252 of the City's Zoning Ordinance and shall be shown on final building permit plans.
- e. All utilities and transformer boxes shall be placed underground in accordance with the provisions of Section 24.12.700 through 24.12.740 of the Zoning Ordinance. Location of utilities and transformer boxes shall be shown on final building permit plans. Pursuant to Chapter 24.12, Part 8 of the Zoning Ordinance the project shall install dark conduit for future expansion of the City's broadband network along its street frontage.
- f. A drainage plan shall be submitted in conjunction with application for building permits.
- g. Final building permit plans shall indicate the type of glass used in all ground level windows. The use of reflective or tinted glass in ground level show windows is prohibited.
- h. Final building permit landscape plans shall indicate the height at maturity of all plants proposed in the Riverwalk extension area. All plants proposed in this area, other than trees, shall be no more than 42 inches in height at maturity.
- i. Final building permit plans shall include a lighting plan that shows exterior lighting at all building entryways and stairways.
- j. Final building permit plans shall not include any up-lighting or spotlights.
- k. Building permit plans shall show design of roof drainage.
- l. Final building permit plans shall include a lighting plan that provides the following: lighting shall be incorporated into the facade of the building and shall complement the style of the building. Lights on buildings shall not be glaring to pedestrians and shall illuminate only the extension area and the activities within. General illumination shall be at 5 foot-candles, with a maximum of 10 foot-candles. Table lamps or candles are encouraged in cafe areas.
- m. All commercial spaces shall allow for future food and/or beverage service uses. Final building permit plans shall identify the venting and grease trap locations for the restaurant space as well as possible future venting and grease trap locations for commercial spaces 1, 3, and 4.
- n. Development shall meet any applicable flood zone requirements, including but not limited to FEMA requirements, any applicable regulations in Parts 21 and 28 of Chapter 24.10 of the Zoning Ordinance, and any other applicable flood requirements.
- o. The vehicular driveway exit from the hotel may include an automated warning buzzer, sign, or other mechanism to alert pedestrians of outgoing vehicles, to the satisfaction of the Public Works and Planning & Community Development Directors.

27. A pre-construction nesting bird survey shall be conducted by a qualified biologist if construction, including tree removal, adjacent to the San Lorenzo River, is scheduled to begin from February 1 to August 31 to determine if active nests are present in or near the construction sites. The survey shall be conducted no more than seven days before the start of any construction activities on the site (including tree removal, clearing, and excavation). If nesting bird species protected under the Migratory Bird Treaty Act and/or California Fish and Game Code (§3503) are found and the biologist determines that construction activities could result in the removal of an active nest or cause mortality of eggs or young, the biologist shall identify a suitable no-disturbance buffer around the nest in which no work would be allowed until after the biologist has determined the nest is no longer in use or the young have fledged. Alternatively, construction may be delayed until after the nesting season (i.e., September). The nesting survey shall be submitted to the Planning Department for review and approval prior to the start of construction.
28. Rooftop structures, shade canopies, and equipment shall meet applicable setbacks, heights, and any other applicable criteria from the Downtown Plan or Zoning Code Section 24.12.150. The shade structures proposed as part of the rooftop pool area shall meet the required 15-foot setback from the roof edge. This shall be demonstrated on the construction drawings as part of the building permit plan check review.
29. Prior to the issuance of the first building permit, the applicant shall contribute to the provision of affordable housing in accordance with the Downtown Plan by providing an in-lieu public benefit fee payment to the City of Santa Cruz of \$5.00 per additional square foot of floor area above the base height limit as required by the certified Local Coastal Program.

In addition, prior to the issuance of a certificate of occupancy, the applicant shall enter into a recorded agreement with the City of Santa Cruz to implement an affordable workforce housing program whereby the hotel operator would lease no fewer than four market rate offsite dwelling units located within the City of Santa Cruz (studios and 1-bedrooms, at the applicant's discretion), with preference for units in the downtown area, and make them available at subsidized rents for qualifying low or very-low income employees of the hotel as affordable workforce housing for a period of 20 years. The agreement shall be subject to the review and approval of the Economic Development & Housing Director. If required by applicant's lender as a condition to any construction or other financing to be secured by the hotel, such agreement shall also be fully subordinated to the deed of trust in favor of such lender. Rents shall be subsidized such that hotel workers would be paying no more than 30% of their income, with income verification conducted by the hotel operator. Compliance monitoring shall occur on an annual basis and require the hotel operator to provide a certification and sworn affidavit, in a format to be agreed upon by the applicant and the City of Santa Cruz, indicating how the project is complying with the program, the location and type of unit leased, and amount paid for rent. In the event that the applicant demonstrates that, despite good faith efforts, it is not feasible to implement the program described above prior to occupancy, the applicant may alternatively provide an in-lieu public benefit fee equivalent to the average construction cost of providing four low-income units, similar to the in-lieu fees authorized in compliance with Section 24.16.030(6) of the City's Zoning Ordinance, which shall be calculated based on the average production cost per unit of the three most recently completed affordable housing projects in the City of Santa Cruz.

30. If a vibratory ground improvement system, such as vibro replacement stone columns (VSCs), is selected for the project, require vibration data be provided by the ground improvement contractor prior to construction so that potential effects to adjacent structures can be evaluated, and that continuous vibration monitoring be performed during installation of the VSCs to make sure structural vibration criteria is not exceeded.
31. Prior to building permit issuance or at a later time, no later than certificate of occupancy, with said payment timing subject to the discretion of the Director of Public Works, the applicant shall contribute fair-share payments for improvements at the following intersections: Front/Soquel (signal timing and lane modifications); Front/Laurel (westbound lane addition and north and south right-turn overlap); and Pacific/Laurel (southbound left-turn lane addition), consistent with the EIR prepared for the Downtown Plan Amendments in 2017.

DURING CONSTRUCTION:

32. All refuse and recycling activities during construction shall be done in accordance with Chapter 6.12 of the Santa Cruz Municipal Code. Be aware that private companies offering refuse or debris box services are not allowed to operate within the City limits, except under certain limited circumstances detailed in Chapter 6.12.160.
33. Any person exercising a development permit or building permit who, at any time in the preparation for or process of excavating or otherwise disturbing earth, discovers any human remains of any age or any artifact or any other object which reasonably appears to be evidence of an archaeological/cultural resource or paleontological resource, shall:
 - a. Immediately cease all further excavation, disturbance, and work on the project site;
 - b. Cause staking to be placed completely around the area of discovery by visible stakes not more than ten feet apart forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking;
 - c. Notify the Santa Cruz County sheriff-coroner and the city of Santa Cruz planning director of the discovery unless no human remains have been discovered, in which case the property owner shall notify only the planning director;
 - d. Grant permission to all duly authorized representatives of the sheriff-coroner and the planning director to enter onto the property and to take all actions consistent with this section.
34. Grading shall be done during periods of dry weather and protective measures shall be incorporated during grading to prevent siltation from any grading project halted due to rain.
35. Prior to site grading or any disturbance all trees and/or tree stands indicated for preservation or approved plans shall be protected through fencing or other approved barricade. Such fencing shall protect vegetation during construction and shall be installed to the satisfaction of the Director of Planning and Community Development.

36. The project shall implement all recommendations of the arborist report by Kurt Fouts dated April 13, 2021.
37. All new trees shall be a minimum 15-gallon size.
38. The project shall implement all recommendations of the two noise assessment studies: 1) The Cruz Hotel, Santa Cruz, CA prepared by Salter Inc. dated March 2022; and 2) Construction Noise Control & Operational Assessment prepared by SM&W dated March 13, 2024.
39. All diesel-fueled off-road construction equipment greater than 75 horsepower shall be zero-emissions or equipped with California Air Resources Board (CARB) Tier 4 Final or Interim compliant engines. Alternatively, CARB Tier 2 or 3 compliant engines may be used if CARB Level 3 Verified Diesel Emissions Control Strategy (VDECS) filters are added to each piece of off-road diesel-fueled equipment.

PRIOR TO BUILDING PERMIT FINAL/OCCUPANCY:

40. The development of the site shall be in substantial accordance with the approved plans submitted and on file in the Department of Planning and Community Development of the City of Santa Cruz. All aspects of construction must be completed prior to occupancy. Major modifications to plans or exceptions to completion may be granted only by the City authority which approved the project.
41. All landscaping shall be installed prior to final utility release or issuance of occupancy permits, and shall be subject to a minimum 1 year establish period with warranty.
42. All new mechanical equipment and appurtenances, including gas and water meters, electrical boxes, roof vents, air conditioners, antennas, etc. visible from the public way and from adjacent properties, shall be screened with material compatible with the materials of the building and shall be subject to the approval of the Zoning Administrator.
43. Prior to final occupancy, the applicant shall file a trespass letter with the Santa Cruz Police Department (SCPD) in accordance with Santa Cruz Municipal Code section 9.60.012 providing SCPD the authority to remove trespassers on the premises when closed to the public.
44. Prior to final occupancy, the applicant, or its assignee, shall enter into Revocable License Agreement(s) for operation and maintenance of the extension area(s), including but not limited to the outdoor dining or other uses by the property owner(s) or tenant(s) on public property. This requirement shall apply regardless of any easement rights that may be granted. The Owner may use credits, if established by the aforementioned Maintenance Agreement, toward any applicable Extension Area fees required by the City for such Extension Areas.
45. Perpetual Maintenance. Prior to Issuance of a Certificate of Occupancy for the Project, Owner shall execute an Agreement with the City by which the Owner shall provide, at Owner's sole cost, the ongoing maintenance, integrated pest control, and security of all

exterior areas of the project, including, without exception, all public and extension areas, such as landscape, furnishings, lighting, and improvements along the Riverwalk as well as the Maple Paseo. This Agreement may establish maintenance credits for the Owner toward any applicable Extension Area Fees based upon Owner's annually documented cost of maintenance and security for the public areas. Owner shall be responsible for the periodic rehabilitation or replacement of certain furnishings, improvements, and landscape matter identified within the Maintenance Agreement.

OPERATIONAL CONDITIONS:

46. The project plans shall specify exterior lighting that is downcast and avoids up-lighting and spotlighting. During operation of the project, non-emergency lighting shall be turned off (such as by automatic shutoff), or shielded, at night to minimize light from buildings that is visible to birds, especially during bird migration season (February-May and August-November).
47. Prior to issuance of a certificate of occupancy for the Project, including any Temporary Certificates of Occupancy, Owner shall execute an Agreement with the City to memorialize Owner's obligation to provide hotel guests with a voluntary option to provide a financial contribution to the City for (1) affordable housing creation and preservation, (2) addressing and reducing conditions of homelessness in the City, and (3) projects or purposes that benefit the Santa Cruz Riverwalk and related environmental conservation, activation, and restoration efforts, such as programs or initiatives by the City, Coastal Watershed Council or similar community organizations. Owner shall allow hotel guests to direct the payment of any fee to one or more of the designated purposes. All payments provided by hotel guests in connection with the voluntary fee program will be remitted to the City in the same manner as transient occupancy taxes.
48. Prior to commercial/business use of a building or site, owners or tenants shall obtain a Zoning Clearance/Occupancy Permit from the City Planning Department and a Business License from the City Finance Department.
49. The use shall operate in conformance with Chapter 9.36 of the Municipal Code (Noise).
50. The applicant shall enter into a Revocable Expansion Area Agreement with the City that will outline the allowable uses, and hours of operation. Any entertainment must adhere to the requirements of Condition #64 and must be conducted according to City rules and in a manner that does not create a public or private nuisance. Any Public/Major Special Events on the premises shall be conducted in accordance with Chapter 10.64 of the Municipal Code, with requisite permit applications being filed in accordance with the timelines outlined therein. Subsequent to occupancy of the premises, all landscaping shall be permanently maintained. The City reserves the right to reserve outdoor public property for events, provided such events do not prohibit existing or planned activities otherwise authorized in the Revocable Expansion Area Agreement.
51. Street front entries shall remain unlocked and unblocked and shall remain in use during store hours.

52. Store displays shall be configured in such a way as to allow pedestrians to see into the store from the sidewalk. Goods, posters, photos or other visual images shall be placed a sufficient distance from the store windows to enable pedestrians to see clearly into the store.
53. Turn non-emergency exterior lighting off (such as by automatic shutoff), or shield it, at night to minimize light from buildings that is visible to birds, especially during bird migration season (February-May and August-November).
54. Any signage for commercial spaces shall obtain a Sign Permit and any required building permit prior to installation of such signage.
55. All outdoor furniture (e.g., tables, chairs, retailing stands) shall be durable, well maintained, and of a high quality, suitable for outdoor use; such furniture shall be light, not heavy or massive in nature, to ensure that it does not visually dominate the street.
56. The design materials and colors used for outdoor chairs, tables, display stands, lighting, and other fixtures (including umbrellas and awnings) shall be generally consistent with both the architectural style and colors used on the building façade.
57. The Riverwalk extension area shall be managed and maintained in a manner to keep it clean, safe, nuisance free, and consistent with other laws and regulations.
58. Outdoor moveable furniture shall be removed at the close of business hours.
59. Stairwell entrances shall be secured and shall be accessible to police and other emergency responders.
60. Alcohol present at location must be served in accordance to the existing Alcohol Beverage Control license conditions.
61. Intoxicated people will not be served and/or consume alcohol on the premises. Persons under the age of twenty-one (21) will not be served and/or consume alcohol.
62. Persons serving alcohol shall attend a Responsible Beverage Service type class with the Santa Cruz Police Department (or other approved agency).
63. An operational and recorded video surveillance system is to be in place on the premises. The system shall provide video surveillance coverage of all common areas where alcoholic beverages are served and consumed, and shall also provide video surveillance coverage of the exterior of the premises, including the entire parking lot and interior parking garage, all building and garage vehicle and pedestrian entry/exit areas, all common stairwells (including emergency stairwells), all elevators, lobby areas (including elevator lobbies), all common residential floor hallways (all floors), any exterior courtyards, any entertainment areas, and any common pool or recreational areas. The system must maintain at least twenty eight (28)

days of recorded video storage which must be made available to law enforcement when requested.

64. Live entertainment is permitted with the hotel and on the riverwalk, subject to the approval and issuance of a revocable Entertainment Permit from the Police Department and subject to the following conditions:
 - a) Within the restaurant (interior and exterior) and outdoors within the Riverwalk extension area, live entertainment shall be incidental only and shall only occur between the hours of 8:00 a.m. and 10:00 p.m.
 - b) For indoor events, such as weddings or conferences, live entertainment shall be permitted pursuant to the conditions of an Entertainment Permit and shall comply with the City's noise ordinance.
 - c) Live entertainment, including DJ's, is not permitted at rooftop deck and pool area without a modification of this permit.
 - d) Hours of events may be further limited at any time at the discretion of the Police Department in order to fulfill nuisance avoidance or other objectives.
 - e) Entertainment Permits shall be conditioned to ensure that any uses operate in a manner that does not create a public or private nuisance related to noise or other issues.
 - f) The number of events is not limited by this permit and shall be specified as part of an Entertainment Permit.
 - g) Entertainment Permit conditions can be modified by the Police Department, and any Entertainment Permit is revocable if non-compliance occurs.
65. Exterior lighting is to be in place on the premises. The exterior of the premises, including the parking lot, interior garage areas, and vehicle and pedestrian entry/exit areas, should have sufficient lighting for security purposes.
66. Borders shall be in place separating any outdoor seating area and any public space to provide separation between any alcohol service area and any public area. The borders shall not be topped with a flat surface to avoid alcoholic beverage placement.
67. A sign shall be posted in a conspicuous space at the entrance/exit points of any outdoor patio area(s) onto any public area(s), which shall state, NO ALCOHOLIC BEVERAGES BEYOND THIS POINT. Said sign shall measure no less than seven inches by eleven inches (7 x 11), and contain lettering no less than one (1) inch height.
68. A general property map indicating room/area (residential, banquet, recreational, etc.) locations shall be posted in a visible location at the main access point to the property, and a general floor map shall be posted in a visible location at the main access points to each floor.
69. All common areas (e.g., trash enclosure, storage, laundry, maintenance, community, lobby, bike room, etc.) shall be secured and only open to guests/employees via a locking mechanism.
70. The hotel shall have a public telephone listing.

71. The hotel shall provide evidence of the adoption and implementation of responsible beverage service (RBS) policies and practices, including but not limited to participation in a formal RBS training program. For the purposes of this subsection, “formal RBS training program” shall mean any program from a list of vendors or programs approved by the Santa Cruz police department.
72. Employees shall be at least twenty-one years of age to sell and serve alcohol.
73. The applicant must bear the cost of modifications or cease operations if, subsequent to the approval of a administrative use permit, it is determined pursuant to Section 24.12.1110 that the establishment constitutes a public nuisance.
74. Replacement plant material shall be, to the extent feasible, consistent with the Project’s approved plant palette, or shall endeavor to be low allergen, drought tolerant, and native.
75. The Project owner shall endeavor to employ sustainable practices of integrated pest management and non-toxic pest control for management of pests and vectors that may occur on or about the project from time to time.
76. The applicant shall develop an employee parking plan in consultation with City staff that shall be finalized prior to issuance of the certificate of occupancy. The plan shall permit the use of onsite parking spaces for hotel employees as capacity allows, and shall provide for low or no-cost parking options for employees when onsite parking is not available.

VOLUNTARY COMMUNITY BENEFIT CONDITIONS BY THE APPLICANT:

The following conditions proposed by the applicants are voluntary and are directly linked to the Coastal Permit. Given that these are voluntary, the applicant has conditioned these contributions will be null and void upon an appeal of the project to the Coastal Commission and a finding of substantial issue as part of the Coastal Permit appeal process.

77. As an additional condition of approval for the Coastal Permit only, as voluntarily agreed to by the applicant, the project shall make the following payments prior to the certificate of occupancy being issued, unless otherwise specified:
 - a. Prior to final occupancy, the applicant shall provide a one-time financial contribution to the Santa Cruz Hostel Society in the amount of \$50,000.
 - b. Prior to final occupancy the applicant shall provide the Boys and Girls Clubs of Santa Cruz County with a one-time contribution in the amount of \$50,000 to assist with revitalization of its indoor swimming pool at the Downtown Santa Cruz club house.
 - c. ~~Prior to final occupancy the~~ The applicant shall provide an annual payment of \$10,000 for a period of ten years to the City of Santa Cruz ~~with a one-time contribution in the amount of \$50,000 to fund~~ the City’s “Santa Cruz” downtown and beach shuttle program.
78. Tower viewers for visitors shall be provided on site to view the river habitat.

79. The hotel shall provide bike rentals that are free of charge to the public for the first 90 minutes.
80. The hotel shall provide free public Wifi access at the Paseo and Riverwalk within the vicinity of the hotel.
81. Final building floorplans shall indicate that no fewer than three family suites ~~with bunk beds~~ are included to accommodate families of four or five without the need to book multiple rooms. Said family suites shall be maintained throughout the duration of the project.
82. The hotel owner shall provide no fewer than three community days per year for local non-profit organizations to have access to the hotel's rooftop facilities or conference facilities for community uses, such as fundraisers or events, at cost (e.g., Boys and Girls Club of Santa Cruz County, Nueva Vista Community Resources, and similar organizations). The Hotel Owner shall work with the Economic Development and Housing Department to establish rules, guidelines, and processes for reservation of community days.
83. Amenities such as the restrooms, Riverwalk and Paseo improvements, bar and restaurant services will remain publicly accessible during operating hours, subject to rules and regulations approved by the City in writing.
84. **Lower-Cost Overnight Accommodations.** Prior to issuance of the first building permit, to help ensure that overnight accommodations are available at a range of price points in the Coastal Zone, the applicant shall provide onsite accommodations and pay an in-lieu fee as set forth below.

A. Concurrent with a building permit application, Applicant shall submit, for the Planning Director's review and written approval, two full-size sets of revised project plans for the proposed development. The final plans shall include no less than six family suites, approximately 470 sf in size, that can accommodate families of four or more (which may or may not include bunk beds, pullout sofas, and other amenities designed to increase occupancy for families of four), and which also include kitchenettes so that families can prepare meals.

B. At the time of building permit issuance, the Applicant shall pay an in-lieu fee for low-cost visitor accommodations according to the following formula. The in-lieu fee shall be determined by calculating the product of 25% of the total number of rooms in the project at the time of building permit issuance (not including suites provided pursuant to the preceding paragraph) and a fee of \$144,750 per room, which fee shall be subject to any increase due to inflation based on the Turner Building Cost Index from the date of final approval up until the date of payment. That amount shall then be adjusted to reflect a credit for the following: (1) the amount of the in-lieu public benefit fee required by Condition 30 for housing that would be payable prior to occupancy (i.e., \$5.00 per additional square foot of floor area above the base height limit, plus the equivalent BMR in-lieu fee for four low-income units, with the understanding that the election to either provide units or pay the additional fee would not occur until prior to occupancy), and (2) the \$50,000 contribution to the Santa

Cruz Hostel Society and \$50,000 contribution to the Boys and Girls Clubs of Santa Cruz County subject to review and approval by the Planning Director. Concurrent with submitting a building permit application, the Applicant shall provide the Planning Director with all information requested by the Planning Director for purposes of calculating the amount of the in-lieu fee and associated credits, which such determination shall be made at the discretion of the Planning Director.

i. The City of Santa Cruz shall deposit the in-lieu fee into one or more interest bearing trust account(s) that are actively managed by the City. The purpose of the account shall be to establish, promote or improve lower-cost overnight visitor accommodations, such as lower-cost hotel and motel rooms, hostel beds, tent campsites, cabins or campground units, at appropriate locations within the City of Santa Cruz or greater Santa Cruz County. The expenditure of any funds by the City of Santa Cruz to (1) the Santa Cruz Hostel Society or (2) to the County of Santa Cruz for purposes of providing overnight accommodations at Greyhound Rock County Park is permitted without further approval by the Executive Director of the California Coastal Commission.

ii. If the City of Santa Cruz intends to utilize the funds for anything other than the pre-approved purposes outlined above, the City of Santa Cruz shall provide notice to the Executive Director of the California Coastal Commission of the intended recipient(s) and obtain the Executive Director's written approval of the recipient(s) prior to the expenditure of any funds.

iii. Prior to the City's approval of any expenditure, the entity accepting the funds shall enter into a memorandum of understanding with the City which must include the following:

(1) a description of how the funds will be used to establish, promote or improve lower-cost accommodations (generally defined as accommodations that are made available at a daily rate that is 75% or less relative to the average statewide average rate for overnight accommodations);

(2) a requirement that the entity accepting the funds must maintain operations of the accommodations at a lower-cost rate;

(3) an agreement that the entity accepting the funds will obtain all necessary regulatory permits and approvals, including but not limited to, a coastal permit for development of the lower-cost accommodations, if necessary.

iv. If any portion of the funds remain in the City's interest-bearing account seven years after the funds have been deposited, then the City shall donate the remaining amount to one or more of the State Park units or non-profit entities providing lower-cost visitor-serving amenities in a Santa Cruz County, Monterey County, or San Mateo County jurisdiction within the coastal zone or other organization acceptable to the Executive Director. The Executive Director may extend the seven-year deadline to expend the funds for good cause if the City makes a request in writing prior to expiration of the deadline.