

ATTACHMENT C
AS-BUILT DEVELOPMENT PLAN CONDITIONS OF APPROVAL
Storke Plaza Development Plan with Modifications
250, 260, 270 Storke Road; APN 073-100-032
Case No. 19-024-DP

In addition to all applicable provisions of the Goleta Municipal Code (“GMC”), Storke Road II, LLP. (“Applicant/Permittee”) agrees to the following conditions for the City’s approval of Case No. 19-024-DP (“Project Conditions”). (Applicant/Permittee also means Owner.)

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.

AUTHORIZATION

1. This As-Built Development Plan (DP), Case No. 19-024-DP, authorizes implementation of plans stamped “APPROVED”, dated October 14, 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 description is as follows:

An As-Built DP to bring the site into compliance with the current requirement for a Development Plan, pursuant to Sec. 35-225.2 of the Inland Zoning Ordinance. The Project will memorialize the existing development on site. The property includes two, existing, two-story commercial buildings, which are 16,024 SF (Gross) and 16,744 SF (Gross) that were approved via a zoning permit in 1977. The site also includes a non-habitable Pump House/Equipment building approved as an enclosure for a now abandoned well pump on the site. The Pump House/Equipment building is 791 SF(Gross) with a 588 SF(Gross) mezzanine space. There will be no expansion of or change to the existing approved use of the buildings. No new square footage is proposed. The applicant is proposing minor site improvements to improve site circulation and to bring the site into compliance with current standards. These changes include:

- i. The addition of landscape islands at the end of all parking lanes.
- ii. The addition of stop signs within the parking lot to improve circulation.
- iii. Re-stripping of the existing Storke Road driveways.
- iv. Add new pedestrian path of travel between building 270 and 250.

With the minor changes, the site will contain 129 parking spaces and approximately 6,447 SF of landscaping. The site is currently legal non-conforming as to setbacks. As a result, the applicant is requesting two modifications to allow for the previously

developed site to be brought into conformance. The two modifications being requested are as follows:

- i. To allow for the parking along southern property line to encroach approximately three feet into the side setback.
 - ii. To allow for the buildings addressed as 270 Storke and 250 Storke to encroach ten feet into the front setback.
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 As-Built Development Plan will expire five (5) years after approval, unless before the expiration, substantial physical construction has been completed on the Development Plan 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. Should the project construction be phased, all unbuilt portions of the approved Development Plan shall expire at the same time as the Development Plan or two years from the date of issuance of the Building Permits, whichever occurs later, unless prior to the expiration date, substantial physical construction has been completed on the unbuilt portion of the development.
5. Effective Date – Inland Area. This As-Built Development Plan 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.
6. This permit runs with the land and the rights and obligations thereof, including the responsibility to comply with the As-Built Development Plan, are binding upon successors in interest. The As-Built Development Plan may be modified, terminated, or abandoned in accordance with applicable law including, without limitation, the GMC.
7. On the date that a subsequent Development Plan is approved for this site, any previously approved but unbuilt plans must become null and void.

8. The City will only issue permits for development, including grading, when the construction documents (e.g., grading plans, building plans, etc.) are in substantial compliance with the approved As-Built Development Plan. 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 must be determined by the Planning and Environmental Review Director.
9. Any proposed deviations from the exhibit, project description, or Project Conditions must be submitted to the Planning and Environmental Review Director for review and approval by the appropriate decision maker. Any unapproved deviations from the project approval will constitute a violation of the permit approval.
10. When exhibits and/or written Project Conditions are in conflict, the written Project Conditions must prevail. If/when the Project Conditions and Mitigation Measures are in conflict, the written Mitigation Measures must prevail.
11. 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.
12. 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.
13. 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 As-Built Development Plan.
14. 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 project components including any modifications 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 is 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.
15. In the event that any conditions imposing a fee, exaction, dedication or other mitigation measure is 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.

AGENCY REQUIREMENTS

Santa Barbara County Fire Department (SBCFD): Comply with all conditions and requirements outlined in the letter dated April 2, 2019 from the Santa Barbara County Fire Department to the satisfaction of the SBCFD.

CITY DEPARTMENT CONDITIONS

Public Works Department

Prior to Grading Permit or Land Use Permit (LUP) Issuance

16. The Applicant/Permittee shall comply with all requirements identified in the City of Goleta Public Works Department Memorandum "250-270 Storke – Improvement on City ROW" dated October 4, 2019 (attached).
17. The Applicant shall complete and submit an Erosion and Sediment Control Plan, per City of Goleta requirements. Erosion and Sediment Control BMPs shall be in place for all construction activities causing a surface disturbance and/or stockpiling of debris and/or construction materials.
18. 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.

Prior to Building Permit Issuance

19. Provide a signed Certificate of Implementation: C&D Debris Recycling Program.
20. Identify the following on the Building Plans:
 - a) Show all existing survey monuments to be preserved and/or tied out in coordination with the County of Santa Barbara's Surveyor's Office.
 - b) Show all easements and property boundaries.
 - c) Show general site drainage patterns.
 - d) Clearly identify all proposed areas of construction causing surface disturbance. Protect with appropriate Best Management Practices (BMPs) to inhibit construction debris/materials from impacting site or travelling off-site.
 - e) Removal of vegetation impacting line of site, north ingress/egress, Storke Road.
 - f) All locations for striping and/or marking. Striping and/or marking shall comply with the most current applicable standards.

Prior to Encroachment Permit Issuance

21. Any work in the public right of way requires a Public Works Encroachment Permit.
- i. As determined by the Public Works Department, the improvements shall include but not be limited to:

Storke Road

- (1) Show all roadway easements/dedications.
 - (2) Preserve and/or reset survey monuments.
 - (3) Restriping of existing crosswalk and approach striping and marking.
 - (4) All driveway accesses shall be ADA compliant, including access ramps with truncated domes, as necessary.
22. If survey monuments may be damaged or affected by the construction activities, the City will require a security for the resetting of the survey monuments disturbed by construction.

Prior to Final Inspection

23. A **Post- Construction Waste Reduction and Recycling Summary (WRRS) Report** shall be submitted to the Public Works Department for review and approval. 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.

24. A **Post Construction Solid Waste & Recycling Plan** shall be submitted and filed with the Public Works Department. The Plan should include a written description of how the operational facilities will maintain the State required diversion, currently 50%, will implement mandatory commercial recycling and mandatory organics recycling and how any hazardous materials will be handled.

The City would like to suggest an educational program for all new tenants and outreach material be distributed annually. Additionally, the City has an Integrated Pest Management Program that does not allow for the use of toxic chemicals as rodenticides or herbicides. It is additionally suggested that an Environmentally preferable purchasing practice be implemented.

25. Complete all Public Improvements, as shown on the building and/or public improvement plans, or as noted in the Conditions of Approval.

26. Submit reproducible Record Drawings and an electronic signed copy of the Record Drawings for any revised street striping, private and/or public improvements (i.e., sidewalk, curb cut, drainage/bio filter, bus stop, striping/markings).

27. All existing survey monuments shall that were preserved and/or tied out shall be reset in coordination with the County of Santa Barbara's Surveyor's Office.
28. Repair any damaged public improvements (curbs, gutters, sidewalks, pavement markings, etc.) caused by construction subject to the review and approval by Public Works Staff. Repair any damaged private improvements.
29. Clearly identify site property boundaries in the field for inspection by Public Works Staff and confirm striping and improvements are consistent with the plans and within the project boundaries.

Ongoing Maintenance

The owner shall provide landscape and hardscape maintenance per approved plans.

Planning and Environmental Review Department

General Conditions

30. Any modifications to the approved plans, including but not limited to site plan, floor plans, elevations, landscaping, colors and materials, cannot be executed without the Planning and Environmental Review Director's approval.
31. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, demolition, enlarging or rebuilding of any building structure, or improvement, the Applicant/Permittee must obtain a grading and/or building permit from the Planning and Environmental Review Director.
32. All plans submitted for permit issuance (e.g., grading, building permit, etc.) must include all applicable conditions of project approval.
33. All work within the public right-of-way, including without limitation, utilities and grading, must be explicitly noted on the building plans. The Applicant/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.
34. The Applicant/Permittee is responsible for informing all contractors, subcontractors, 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.
35. The Applicant/Permittee, including all contractors and subcontractors, shall limit construction activity and equipment maintenance is limited to the hours between 7 AM and 4 PM, Monday through Friday. Exceptions to these restrictions may be made

for good cause at the sole discretion of the Planning and Environmental Review Director, for onsite work. Exceptions to these restrictions may be made for good cause at the sole discretion of the Public Works Director or designee, for work in the City Right-of-Way only. Any subsequent amendment to the General Plan noise standard upon which these construction hours are based shall supersede the hours stated herein. No construction can occur on State holidays (e.g. Thanksgiving, Labor Day). Non-noise generating construction activities such as interior plumbing, electrical, drywall and painting (depending on compressor noise levels), are not subject to these restrictions.

Prior to Issuance of a Land Use Permit or Building Permit:

36. Provide a signed copy of these approved conditions of approval for the As-Built Development Plan.
37. If the project meets the threshold outlined in Ordinance 16-04 regarding Water Efficient Landscaping, the Applicant/Permittee must secure approval of an irrigation plan from the Building Official or designee before issuance of a building permit. The landscape and irrigation shall be installed per plan prior to Final Building Inspection Clearance.
38. The landscaping plan must consist of at least 75% drought-tolerant native or Mediterranean type plants which adequately complement the project design and integrate the site with surrounding land use. The plant material used in the landscape palette must be compatible with the Goleta climate pursuant to Sunset Western Garden Book Zone 24 published by Sunset Books, Inc. Revised and Updated 2012 edition or a more current edition.
39. The Applicant/Permittee shall maintain all landscaping, per the approved plan, for the life of the project. All landscape changes are subject to DRB review and approval of landscaping and irrigation plans.
40. The irrigation plan must:
 - a. Demonstrate compliance with the City's Water Conservation regulations and Guidelines for Water Conservation in Landscaping. Use reclaimed water to irrigate landscaped areas if the recycled waterline is extended to serve the site. If that occurs, then dual water connections must be installed to allow for landscaping to be irrigated by reclaimed water, if feasible.
 - b. Utilize efficient irrigation systems which minimize runoff and evaporation and maximize the water which will reach plant roots (e.g., drip irrigation, automatic sprinklers equipped with moisture sensors, etc.)
 - c. Utilize automatic sprinkler systems that must be set to irrigate landscaping during early morning hours or during the evening to reduce water losses from evaporation. Sprinklers must also be reset to water less often in cooler months

and during the rainfall season so that water is not wasted by excessive landscaping irrigation.

41. The project must minimize outdoor water use through the following:
 - a. Use of native and/or drought tolerant species in the final landscaping;
 - b. Installation of drip irrigation or other water-conserving irrigation;
 - c. Grouping of plant material water needs;
 - d. Limiting turf to less than 20% of the total landscaped area if proposed under the final landscape plan or use of artificial turf in place of living grass (this may exceed the 20% maximum);
 - e. No turf is allowed on slope of over 4%;
 - f. Use of extensive mulching (2" minimum) in all landscaped areas to improve the water holding capacity of the soil by reducing evaporation and soil compaction;
 - i. Installation of soil moisture sensing devices to prevent unnecessary irrigation;
 - g. Use of only recycled water for landscape irrigation if the Project site is connected to a recycled water line;
 - h. Use of plant materials that can withstand high salinity levels, if recycled water is used for irrigation; and
 - i. Use of plant materials that are compatible with the Goleta climate pursuant to Sunset Western Garden Book's Zone 24, published by Sunset Books, Inc., Revised and Updated 2001 edition.
42. The Applicant/Permittee shall maintain all landscaping, per the approved plan, for the life of the project.
43. The Applicant/Permittee must prevent construction and/or employee trash from blowing offsite by providing covered receptacles on-site before commencement of any grading or construction activities; picking up waste weekly or more frequently as directed by the Planning and Environmental Review Director, the name and phone number of a contact person(s) to monitor construction trash/waste and organize a clean-up crew. Additional covered receptacles must be provided as determined necessary by the Planning and Environmental Review Director.
44. During construction, the Applicant/Permittee must promptly remove any graffiti at the Project site.
45. 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 of Goleta, the Applicant/Permittee must obtain written clearance for each development phase from all Departments/Agencies having conditions or project

approval. Such clearance must indicate that the Applicant/Permittee has satisfied all pre-construction conditions.

Prior To Final Inspection:

46. Install all landscaping and irrigation in accordance with approved plans.
47. 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.
48. Construction buildings and all improvements in accordance with all approved plans and secure final clearance from all applicable Agencies/City Departments as needed.

By signing this document, Marc Winnikoff, acting as agent on behalf of Storke Road II, LLP, certifies that he read, understands, and agrees to the Project Conditions listed in this document.

Marc Winnikoff of Storke Road II, LLP

- End of Conditions -