

## ATTACHMENT B

### Conditions of Approval

**ATTACHMENT B**  
**CONDITIONS OF APPROVAL**  
**Development Plan Amendment for New Parking Lot Shade Canopies and Utility**  
**Equipment Fencing**  
**1 South Los Carneros Road; APN 073-330-074**  
**Case No. 21-0002-DP; Associated Case No. 21-0005-DRB**

In addition to all applicable provisions of the Goleta Municipal Code (“GMC”), KARL STORZ IMAGING, INC. (“Applicant/Permittee”) agrees to the following conditions for the City’s approval of Case No. 21-0002-DPAM (“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, unless otherwise specified, the term “Director” refers to the Planning and Environmental Review Director.

**AUTHORIZATION**

1. This Development Plan Amendment (DP), Case No. 21-0002-DP, authorizes implementation of plans stamped “APPROVED”, dated May 24, 2021 and attached/subject to these Conditions of Approval set forth below, including specified plan sheets and agreements included by reference, as well as all applicable City rules and regulations.

The project description is as follows:

This Development Plan Amendment approves new parking lot shade canopies and utility equipment fencing on the parcel known as Assessor Parcel Number (APN) 073-330-074. Approval of Case No. 21-0002-DP amends prior Case No. 83-DP-10, approved by the Santa Barbara County Board of Supervisors on September 17, 1984. The changes authorized with this DPAM include two new shade canopies (carports) in the eastern portion of the existing parking lot, totaling 10,775 square feet and new utility equipment fencing for safety and security fencing to enclose the new equipment (225 square feet) at the north (rear) elevation of the existing building. Minor landscaping and lighting changes to accommodate the structures are included as part of the project. Landscaping changes include replacing 11 trees to be removed, with a net reduction of three trees; lighting changes include the removal of 2 existing light poles and the addition of 14 new under-canopy lights.

2. The 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.

3. 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.
4. 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.
5. Approval of the Development Plan Amendment will expire five (5) years after approval, unless before the expiration, a Zoning Clearance is issued to effectuate this Development Plan Amendment (21-0002-DP), or a time extension has been applied for by the Applicant/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.
6. This 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.
7. This permit runs with the land and the rights and obligations thereof, including the responsibility to comply with the Development Plan, are binding upon successors in

interest. The Development Plans may be modified, terminated, or abandoned in accordance with applicable law including, without limitation, the Goleta Municipal Code.

8. On the date that a subsequent Zoning Clearance is approved for the property, any previously approved but unbuilt plans become null and void.
9. 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 all necessary grading and/or building permits in accordance with Chapter 15 of the Goleta Municipal Code.
10. The City will only issue permits for development, including grading and building permits, when the construction documents (e.g., grading plans, building plans, etc.) are in substantial compliance with the approved Development Plans. The size, shape arrangement, use, and location of buildings, walkways, parking areas, drainage facilities, signs 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.
11. 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.
12. When exhibits and/or written Project Conditions are in conflict, the written Project Conditions must prevail.
13. 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.
14. 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, GMC Title 17.
15. 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 the Development Plans.

16. 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.
17. In the event that any condition 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.
18. Unless specifically authorized otherwise, a Zoning Clearance must be secured from the Planning and Environmental Review Department prior to the submittal for Building Plan check. The Zoning Clearance shall include approval of all the required plans, and all plans shall conform to the conditions provided herein.
19. All Conditions of Approval and Mitigation Measures associated with the previous development plan and amendments thereto, including 83-DP-10 (attached as Exhibit 1) and 10-045-DPAM, remain in effect unless updated.

## **AGENCY REQUIREMENTS**

### **General**

20. Any modifications to the approved plans, including but not limited to site plan, floor plans, lighting plans (including light color temperature), elevations, landscaping, colors, and materials, cannot be executed without the Planning and Environmental Review Director's approval.

21. New lights installed as part of this project shall meet GMC requirements (e.g., hooded, timing controls), shall not be directed towards any property zoned residential, and shall not exceed a color temperature of 3000K.
22. All plans submitted for permit issuance (e.g., grading, building permit, etc.) must include all applicable conditions of project approval.
23. 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.
24. The Applicant/Permittee shall maintain all landscaping, per the approved plan, for the life of the project.
25. 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.
26. The Applicant/Permittee, including all contractors and subcontractors, shall limit construction activity and equipment maintenance is limited to the hours between 8 AM and 5 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 Zoning Ordinance noise standard upon which these construction hours are based shall supersede the hours stated herein. No construction may 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.

27. These Conditions of Approval shall be printed in their entirety on all plans submitted for issuance of any Zoning Clearance or Building Permit for the project.
28. Permittee shall provide for dust control at all times during site preparation and project construction.
29. Consistent with Design Review Board approval granted on April 27, 2021, the location of the 11 replacement trees shall be determined in the field.

**Prior to Zoning Clearance Approval**

30. Prior to the issuance of the Zoning Clearance, the Applicant/Permittee must provide a signed copy of these approved conditions of approval.
31. Prior to Zoning Clearance approval, the City's Public Works Department shall approve the project plans. Additional permitting requirements may be necessary if the project description changes (e.g., if 50 cubic yards of import or export is required) or would affect Public Works facilities (e.g., underground stormwater lines).
32. Prior to Zoning Clearance approval, the City's Planning and Environmental Review Department shall approve the project plans. Additional permitting requirements may be necessary if the project description changes (e.g., if 2,500 square feet of landscaping is rehabilitated).
33. Prior to Zoning Clearance approval, the Applicant/Permittee shall submit letters confirming project review and compliance with all conditions and requirements from all applicable agencies and easement holders, including the Santa Barbara County Fire Department (SBCFD) and the Southern California Gas Company.
34. Prior to Zoning Clearance approval, for all ground-disturbing activities (including but not necessarily limited to trenching as well as construction of the footings for the posts for the shade canopies), the applicant shall either monitor the activities for archaeological resources or prepare a letter demonstrating that the activity would have not potential to affect such resources. If monitoring is performed, all applicable conditions of approval associated with 10-045-DPAM shall apply. If a letter is submitted, it must be prepared by a qualified archaeologist and must be acceptable to the Planning and Environmental Review Department.
35. Prior to Zoning Clearance approval, the Applicant must obtain a Revised Final approval from the City's Design Review Board regarding proposed landscape

changes (e.g., changes near the existing building, including along the northern elevation). These requirements may be waived if the Planning and Environmental Review Department determines that changes are minor and that a Revised Final Review is not required.

### **Prior to Building Permit Issuance**

36. Prior to the issuance of the Building Permits, the Applicant/Permittee shall obtain a Zoning Clearance from the City's Planning and Environmental Review Department.
37. If vegetation removal or exterior demolition, grading, or other construction activities commence during the avian breeding season (typically February to August for most bird species, January 1 through September 1 for some raptors, but which can be variable based on seasonal climatic conditions), the following measures shall be implemented:
  - a. At the Applicant/Permittee's expense, the Applicant/Permittee must retain a City-approved biologist to conduct a survey to determine whether any of the following protected birds/bird activities exist on, or within 100 feet of, the project site: (1) special status breeding/nesting birds, (2) breeding/nesting birds protected by the Migratory Bird Treaty Act, and/or (3) raptor nests or roosts and related habitat areas. The survey must be conducted at least one week, but no more than two weeks, before commencing exterior construction activities, including any scheduled tree removal.
  - b. If protected birds/bird activities are found, the survey must establish the breeding and roosting status of any protected birds and include recommendations to minimize impacts to nesting protected birds during construction to ensure that active nests are not disturbed, that all young have fledged and become independent of the adult, and/or that roosting raptors are sufficiently protected. Such recommendations may include, but are not limited to, imposing setbacks, installing fence protection, and/or restricting the construction schedule. Alternatively, if recommendations to minimize impacts are not proposed, justification for not proposing them must be provided.
38. If vegetation removal or exterior demolition, grading, or other construction activities are reasonably expected to commence during the avian breeding season, the Applicant/Permittee must submit the name and qualifications of the project biologist



that will conduct such survey work to the City for the Planning and Environmental Review Director's or designee approval before the issuance of grading and/or building permits. The results of the survey must be submitted to the City for review and approval before issuance of any grading or building permits for the project.

**Prior to Issuance of the Certificate of Occupancy**

39. Prior to the issuance of the Certificate of Occupancy/Final Inspection, the applicant/permittee must:
- a. Install all required landscaping and trash enclosures in accordance with the approved plans.
  - b. Construct new buildings in accordance with the approved plans, including colors and materials.
  - c. Pay all any outstanding development review fees.

By signing this document, \_\_\_\_\_ on behalf of KARL STORZ IMAGING, INC., certifies that they read, understand, and agree to the Project Conditions listed in this document.

---

Miles Hartfeld, KARL STORZ IMAGING, INC.

Date

- End of Conditions -

ATTACHMENT B

EXHIBIT 1

Conditions of Approval for Case No. 83-DP-10

ATTACHMENT D  
CONDITIONS OF APPROVAL  
83-DP-10, 84-DP-11

Conditions of Approval (Buildings 1 through 4)

1. No grading of the Approved Project nor any construction or remodeling activity is permitted except in conformance with Planning Commission Exhibits #1 & #2 dated October 3, 1984, in Case Nos. 84-DP-11 and 83-DP-10. No such grading, remodeling or construction activity is permitted until the additional submittals required by paragraph 6.2 have been given final approval.

2. The size, shape, arrangement, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in substantial conformity with the approved development plan marked "Planning Commission Exhibits #1 & #2, dated October 3, 1984."

3. All final plans of buildings, structures, landscaping and irrigation shall be subject to approval by the Board of Architectural Review prior to the issuance of Land Use Permits.

4. Uncovered parking spaces and driveways shall be graded, surfaced, and drained in accord with standard requirements of the County Transportation Department and Public Works Department for such improvement.

5. A landscape plan and irrigation plan, prepared and signed by an individual qualified to do landscape design under the laws of the State of California, must be approved by the Department of Resource Management. Prior to issuance of building permits, a bond, cash deposit, or assignment of deposit, in an amount to be determined by the Department of Resource Management, to assure installation and adequate maintenance for a period of two (2) years, shall be filed with the Clerk of the Board of Supervisors. Upon completion of the installation, a person qualified to do landscape design under the laws of the State of California shall furnish to the Department of Resource Management a signed statement certifying that the installation is complete. Bonds, cash deposits, or assignments of deposit will be released two years after the date that the Director of the Department of Resource Management concurs with the certification of installation provided the landscaping has been adequately maintained.

Landscaping plans for the Realignment Triangle, the 50 foot greenbelt on the northwest frontage of the realigned Los Carneros Road and the areas shown for Building 1 on 83-DP-10, shall be approved prior to zoning clearance for

Building 1. The remainder of the landscaping plans shall be approved prior to zoning clearance for each additional building.

6. Uncovered parking areas of more than 3,600 square feet shall be planted with trees spaced at suitable intervals in each direction in order to break up the continuity of paved areas.

7. Compliance with Departmental letters:

A. Fire Department dated June 23, 1983 and March 1, 1983, except that Fire Department letter dated June 23, 1983, paragraph 7, shall be modified to read:

"Subject to the satisfaction of the Fire Department, access roads and fire protection facilities shall be installed and made serviceable prior to or concurrently with the delivery of combustible materials"; and

Fire Department letter dated March 1, 1984, shall be modified to read:

"All access roads servicing this project must be a minimum of 30 feet in width, irrespective of parking, and (subject to the approval of the Fire Department) the truck access driveway must be 24 feet in width."

B. Public Works, Grading, dated December 5, 1983, except Item 3 of said letter shall be modified to read:

"Private internal roads shall be engineered by a registered civil engineer and shall meet County structural standards based on a traffic index."

C. Flood Control dated February 24, 1984.

D. Environmental Health, dated April 30, 1984, except paragraph 2 of said letter shall be modified to read:

"If required by the Environmental Health Services, a detailed cost comparison between the system proposed and the cost of making the necessary financial arrangements for connection to the Castilian Mutual Water Company shall also be submitted, said cost comparison must reveal, to the reasonable satisfaction of Environmental Health Services, that it is economically infeasible to be served by the

Castilian Mutual Water Company before construction of an additional water system would be approved."

E. Roads Division, dated October 3, 1984.

F. Park Department, dated March 30, 1984, except that the following shall be amended to read:

"The applicant will be required prior to zoning clearance, to provide a 20 foot easement to the County of Santa Barbara for the above-cited uses. Said trail shall be located within the flood control easement on the eastern side of Tecolotillo Creek, be free and clear of manmade obstructions, and unpaved. It shall begin at the Los Carneros Road realignment, run in a northerly direction, and terminate at the northwest property corner."

8. All signs shall comply with Santa Barbara Code Chapter 35 (Sign Regulations), and any additional requirements contained in the draft Specific Plan, or, if adopted, any Final Specific Plan for the site.

9. If this agreement is terminated for any reason and the additional submittals required under paragraph 6.2 have not been finally approved, zoning clearance shall not issue unless the Planning Commission or the Board of Supervisors on appeal have approved a Final Development Plan prior to September 17, 1986, or if a one-year extension has been granted, prior to September 17, 1987.

10. The design of the garbage pickup areas shall be architecturally compatible with the overall architecture of the project

11. Planter islands shall be designed to protect landscaping from pedestrian or vehicular damage.

12. Utilize dust control methods on any dust-producing condition in compliance with the Air Quality Attainment Plan.

13. Prior to zoning clearance for any portion of the Approved Project, the applicant shall submit evidence satisfactory to the Board of Supervisors of mitigation of housing impacts in accordance with the following table:

<u>Building No.</u>	<u>Affordable Housing Units (Cumulative Basis)</u>
1	26
2	52
3	72
4	98

Said mitigation may be in the form of (1) the application of valid housing credits, (2) the provision of housing units, or (3) the payment of in-lieu fees.

14. Motorcycle parking in an amount equal to one motorcycle parking space for each 20 required automobile parking spaces shall be provided for each building.

15. Prior to zoning clearance for any building the applicant shall enter into an agreement with the Metropolitan Transit District to provide bus passes at a 25% discount to 15% of the employees for a period of three months. A copy of this agreement shall be forwarded to the Department of Resource Management.

16. The applicant shall ensure that carpooling and vanpooling (ridesharing) shall be promoted and subsidized as follows:

A. Preferential parking for participants of the ridesharing program shall be reserved and designated in close proximity to building entrances; and,

B. Active advertising of the ridesharing program shall be posted by each tenant in locations available to all employees.

17. Maps showing bicycle routes and bus route/schedule information shall be posted in each new building in a location available to all employees of that building and in protected cases adjacent to transit stops.

18. Secure bicycle storage areas shall be incorporated into the project design and adequate changing facilities and showers shall be provided in appropriate locations in buildings #1 and #3 to act as an incentive to use bicycles.

19. The applicant shall arrange with the Ridesharing Office for the purchase or leasing of vans for use by employees for both local and long distance vanpooling.

Arrangements agreed to with ridesharing office shall be to the satisfaction of the Resource Management Department.

20. The project shall be designed with interior lunch-time areas for use by all employees of the building. Applicant shall provide an exterior lunchtime eating area in a park-like setting for use by all Park employees. A full service cafeteria shall be provided in building #2. Food vending machines or other methods for the sale of food on-site shall also be provided.

21. Prior to zoning clearance, the applicant shall submit a draft agreement to County Counsel outlining the procedure and nature of the office of Transportation Coordinator; the name of the coordinator and exact details shall be submitted in a written agreement to County Counsel prior to occupancy.

22. Applicant shall install water efficient low flow plumbing devices. Said specification shall be indicated on the building plans submitted at the time of zoning clearance for any building.

23. Water meters and water level gauges shall be installed on the private water system and permanent recording of quarterly well records shall be maintained.

24. Drought tolerant landscaping and drip irrigation shall be incorporated into the project design.

25. The landscape plantings along Los Carneros Road should be enriched with understory plantings consisting of shrubs and groundcovers that would afford seasonal interest as well as additional visual screen for the parking areas, and shall be consistent with the list of landscaping materials in the Draft Specific Plan, or, if approved, any Final Specific Plan for the site.

26. Nighttime lighting shall be formed downward to avoid point sources of light interfering with the vision of motorists. Lighting elements should be recessed within their fixtures to prevent glare.

27. No toxic or hazardous materials shall be used or stored on any portion of the Site which is within one hundred feet (100') of Tacolotito Creek. A drainage and clean-up program in case of a spill in transfer and storage shall be coordinated with the Environmental Health Department.

28. The following mitigation measures shall be incorporated into the project:

A. During construction periods, watering of exposed surfaces shall be performed, exposed surfaces should be replanted as soon as possible, and haul trucks shall use tarpaulins.

B. Partially demineralize the raw water in mutual water company facilities.

C. To mitigate potential geologic hazards, the applicant shall:

- Grade during dry season to avoid storm water erosion.
- Sprinkle exposed soils to reduce wind erosion.
- Maintain a balanced cut and fill operation.
- Install temporary and permanent erosion control systems.
- Design foundations and structures to withstand 0.42g ground accelerations.
- Use Structural Engineers Association of California seismic design guidelines.
- Investigate site for liquefiable soils.
- Remove and backfill liquefiable soils or design foundations for support below liquefiable soils or resite building.

D. To mitigate impacts on Biological Resources, the following mitigation measures are required:

- Construction should be conducted in a manner in which debris is not deposited into Tecolotito Creek and erosion potentials are not increased (1601 Agreement with Cal. F&G).
- Disturbed banks should be revegetated with non-woody native plant species on the lower portions of the banks and trees and shrubs on the upper portion of the banks.

E. To mitigate aesthetic impacts, the applicant shall provide landscaping and buffer zones to reduce visual impact (as proposed in the project plan).

F. Impacts on Archaeological Resources shall be mitigated as follows:



- A qualified archaeologist shall be retained to conduct a field reconnaissance to determine whether the site (CA-SBA-1203) has been impacted. If not already impacted: Archaeological recovery of a 10% sample of high density midden.
- Analysis of previously recovered artifacts in conjunction with newly recovered materials.
- If recently impacted: Conduct further testing to determine current integrity of site.
- Generate appropriate mitigation recommendations based upon results of testing program.

29. During construction grading temporary settling ponds will be graded into the site to prevent erosion and silt runoff from the site. The overflow from these ponds will be channeled into the drainage systems. This is a normal construction practice. The same type of settling pond will also be graded into any other areas of the site that may be graded in preparation for future buildings. Landscaped areas will also incorporate small settling areas to collect any sediment that may occur during heavy rains. In the paved areas where the handling or storage of chemicals may occur, pollutant traps reasonably sized to handle runoff will be installed and subsequently maintained to entrap chemicals that may be spilled prior to entry into the drainage system. The location of the pollutant traps and the small settling areas shall be shown or indicated by notes on plans filed with and approved by the Department of Resource Management in accordance with paragraph 6.2 of the Development Agreement for the Approved Project.

Any hazardous waste facility will require total containment of any spilled material. The Federal and State regulations require that provisions be made to prevent any spilled material from reaching any water source, including ground water. Thus, hazardous waste storage facility has no outlet drainage and any spilled material is contained within the facility until properly cleaned up and disposed of according to Federal, State and local agency procedures.

30. Applicant shall meter all ground and creek water utilized by the project.