ATTACHMENT B
DEVELOPMENT PLAN AMENDMENT/MINOR CONDITIONAL USE PERMIT
Residential Unit in Old Town Goleta
5836 Hollister Avenue; APN 071-053-013
Case No. 18-076-DPAM/CUP

In addition to all applicable provisions of the Goleta Municipal Code ("GMC"), John Wen Ho ("Applicant" or "Permittee") agrees to the following conditions for the City’s approval of Case No. 18-076-DPAM/CUP ("Project Conditions"). Unless the contrary is stated or clearly appears from the context, the construction of words and phrases used in these Project Conditions use the definitions set forth in the GMC. For purposes of these Project Conditions, the term "Director" refers to the Planning and Environmental Review Director, or designee.

AUTHORIZATION

1. This Development Plan Amendment and Conditional Use Permit, Case No. 18-076-DPAM/CUP, is for parking lot improvements and landscape relocation and to permit (and legalize) the existing residential unit on the second level of the rear building as a 2-bedroom, 2-bath, 1,953 SF apartment unit, and authorizes implementation of the plans stamped “APPROVED,” dated July 27, 2020, and attached subject to these Conditions of Approval. 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 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.

2. Effective Date – Inland Area. This Development Plan Amendment and Conditional Use Permit 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.

3. Pursuant to GMC § 35-315.9, the Applicant/Permittee shall obtain a Land Use Permit to effectuate the DPAM/CUP within eighteen (18) months from the effective date of the DPAM/CUP.

4. Once the permit is effectuated, this permit runs with the land and the rights and obligations thereof, including the responsibility to comply with these Conditions of Approval, and shall be binding upon successors in interest unless or until this permit abandoned by the permittee for a period of one year or is revoked by the City for cause at a noticed public hearing.
5. This permit is granted for the property/parcel of record on which the project is located and shall not be transferred.

GENERAL CONDITIONS

6. 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.

7. The Applicant 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.

8. Any new, expanded, or changed use on the project site shall be subject to City review and approval. The City shall determine whether the new, expanded, or changed use on the project site requires the permittee to seek additional approval, permits, or other action by the City. Failure of the permittee to obtain the above-described review and approval of the City is a violation of this permit.

9. The Applicant shall, at Applicant’s expense, defend, indemnify and hold harmless the City and its agents, officers and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, review, set aside, void, or annul, in whole or in part, the City approval of this permit or any condition attached hereto or any proceedings, acts, or determinations taken, done, or made prior to the approval of this permit that were part of the approval process.

10. In the event that any Condition of Approval imposing a fee, exaction, dedication or other mitigation measure is challenged by the permittee in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided by law, this permit shall 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 Condition of Approval is invalidated by a court of law, the project shall be reviewed by the City and substitute Conditions of Approval may be imposed.

11. Any proposed deviations from the approved Permit/Conditions of Approvals/Required Plans, will require approval from the appropriate decision maker. Substantial conformity shall be determined by the Planning and Environmental Review Director or designee.
12. The Applicant and the Operator (if different than the Applicant) are both responsible for complying with all conditions of approval contained in this DPAM and CUP. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the Applicant and the Operator.

13. The Permittee must comply with all of the requirements of the Santa Barbara County Fire Department per stamped approved plans dated June 11, 2020.

14. The Permittee must comply with all of the requirements of Goleta Water District (GWD) to the satisfaction of the GWD, including securing water service connections before the City issues certificate of occupancy per letter dated April 26, 2018.

PRIOR TO THE ISSUANCE OF A LAND USE PERMIT:

15. The Applicant, prior to the issuance of a Land Use Permit, must provide evidence that he has recorded a signed Agreement to Comply with Conditions that specifies that the Applicant/Permittee and Property Owner agree to comply with the project description, approved exhibits and all conditions of approval. All costs associated with the preparation, review and recordation of the Agreement to Comply with Conditions are the sole responsibility of the Applicant/Permittee.

16. These Conditions of Approval shall be printed in their entirety on all plans submitted for issuance of any LUP or Building Permit for the project.

17. Prior to Land Use Permit issuance, the applicant shall pay all applicable permit processing fees in full.

18. The Applicant is responsible for ascertaining and paying all City Development fees, including without limitation, Public Administration, Library, Park, Transportation, Storm Drain, Bicycle/Pedestrian, and Fire Services as required by the GMC. In addition, the impact fees established by the Goleta Union/Santa Barbara Unified School Districts (School Fees) shall also be paid in accordance with the requirements of those entities. This condition also serves as notice pursuant to Government Code Section 66020(d) that the City of Goleta is imposing development impact fees (“DIFs”) and the Applicant has 90 days after the imposition of the fees to protest such fees.

The table below provides the initial DIFs that would be adjusted based on the ECI, as described above, based on the City of Goleta’s Residential DIF rates for Fiscal Year 2019/2020 for one residential unit. (Actual rates will be calculated based on adjustments at time of payment.)
## Conditions of Approval

**Case No. 18-076-DPAM/CUP**

### Table: FEE RATES AND TIMING

<table>
<thead>
<tr>
<th>FEE</th>
<th>RATE</th>
<th>ESTIMATED FEE</th>
<th>TIME DUE</th>
<th>AGENCY</th>
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<tr>
<td>Public Administration</td>
<td>$2,271/unit</td>
<td>$2,271</td>
<td>Prior to CO</td>
<td>City</td>
</tr>
<tr>
<td>Library</td>
<td>$707/unit</td>
<td>$707</td>
<td>Prior to CO</td>
<td>City</td>
</tr>
<tr>
<td>Park</td>
<td>$9,986</td>
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<td>Storm Drain</td>
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<td>Bicycle &amp; Pedestrian</td>
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<td>City</td>
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<tr>
<td>School Fees –</td>
<td>Set by School Districts</td>
<td>--</td>
<td>Prior to Building Permit</td>
<td>Goleta Union&amp; SB Unified School Districts</td>
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<tr>
<td>TOTAL</td>
<td></td>
<td>$16,093</td>
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</tbody>
</table>

## PRIOR TO THE ISSUANCE OF A BUILDING PERMIT:

19. The Applicant shall obtain from the City's Planning and Environmental Review Department a Land Use Permit prior to commencement of any uses and/or development authorized by this permit.

20. The Applicant shall obtain from the City’s Planning and Environmental Review Department all Building Permits required by Title 15 of the Goleta Municipal Code prior to the construction, erection, moving, alteration, enlarging, rebuilding of any building, structure, or improvement, or any other action(s) requiring a Building Permit pursuant to Title 15 of the Goleta Municipal Code.

21. The Applicant 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.

## PRIOR TO OCCUPANCY:

22. The Applicant shall install all required Trash enclosures in accordance with approved plans.

23. The Applicant shall install all landscaping in accordance with approved plans.

24. The Applicant shall pave and restripe the parking lot in accordance with approved plans.

25. The Applicant shall pay all adopted impacts fees due including but not limited to Public Administration, Library, Park, Transportation, Storm Drain, Bicycle/Pedestrian, and Fire, in effect at the time.
26. The Applicant shall secure final clearance from all applicable Agencies/City Departments as needed.

By signing this document, Permittee certifies that it has read, understood, and agrees to the Conditions of Approval listed in this document.

________________________
John Weh Ho
Property Owner

- End of Conditions -