



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 021-18

1220-1222 STATE STREET & 20 E. VICTORIA STREET

TENTATIVE SUBDIVISION MAP

SEPTEMBER 13, 2018

**APPLICATION OF TOWBES GROUP, AGENT FOR PROPERTY OWNERS: NASSAU LAND COMPANY LP, 1216 STATE STREET LLC, MARY LEWIS, TRUSTEE & ELIZABETH T. BILICH, TRUSTEE, ERIC S MEYER & CYNTHIA C MEYER, AND STEVEN F. BARNES, TRUSTEE & JOHN H. PARKE, TRUSTEE; FOR PROPERTY LOCATED AT 1220 STATE STREET, 1222 STATE STREET AND 20 E. VICTORIA STREET; APNS 039-183-061, 039-183-060, 039-183-059, 039-183-058, 039-183-056, 039-183-055, 039-183-025, 039-183-020, AND 039-183-003; C-G COMMERCIAL GENERAL ZONE; GENERAL PLAN DESIGNATION: COMMERCIAL MEDIUM HIGH DENSITY RESIDENTIAL (MST2016-00555)**

The project consists of a merger of nine lots totaling 0.74 acres and a subsequent re-subdivision to create seven lots. Proposed lot sizes range from 596 square feet to 13,022 square feet. The project also includes improvements, such as lighting, paving and walls, to create “Granada Plaza,” an enhanced paseo connection between State Street and the Granada Garage (City Parking Lot 6); defined bus/truck parking for the Granada Theatre; a new shared trash enclosure; and two new private garages of 476 and 535 net square feet. The paseo to State Street is proposed to be dedicated to the City.

The discretionary application required for this project is a Tentative Subdivision Map to allow the division of nine parcel(s) into seven lots (SBMC Chapter 27.07).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15305.

**WHEREAS**, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, 1 person appeared to speak in favor of the application, and 2 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 6, 2018
2. Site Plans
3. Correspondence received in opposition to, or with concerns of, the project:
  - a. Anna Marie Gott, Santa Barbara
  - b. Virginia Rehling, Santa Barbara

**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission:

I. Approved the subject application, making the following findings and determinations:

A. THE TENTATIVE MAP (SBMC §27.07.100)

As described in Section VII of the Staff Report, the Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara. The site is physically suitable for the proposed development because it is a commercially-zoned area in the City's downtown and the proposed improvements are intended to support existing commercial and cultural uses. The project does not include any residential units, therefore the project is consistent with the density provisions of the Municipal Code and the General Plan. The proposed use is consistent with the vision for this neighborhood of the General Plan because it creates a more inviting and formal pedestrian connection between State Street and Anacapa Street, facilitates back-of-house activities for the Granada Theatre, and organizes refuse collection for the various businesses. The design of the project will not cause substantial environmental damage because it involves improvements within an existing urban area that has been previously developed, and associated improvements will not cause serious public health problems because the project is consistent with all applicable policies. The design of the subdivision accommodates access through the property for the public at large through future dedication of Lot 3 to the city of Santa Barbra.

II. Said approval is subject to the following conditions:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of Building Permit (BLD) or Public Works Permit (PBW) application, whichever occurs first.
3. Submit an application for and obtain City Council approval of the Final Map and Agreement(s) and record said documents.
4. Submit an application for, obtain appropriate permits, and complete all required improvements (refer to Condition C.5).
5. Following recordation of Final Map, submit an application for and obtain a Building Permit (BLD) for construction of approved development (e.g. shared trash enclosure, private garages).
6. Following completion of the shared trash enclosure and public improvements, request City acceptance of dedication of Lot 3.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, except a demolition or other appropriate (as determined by City staff) building permit for work in anticipation of primary project improvements, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development

Director and Public Works Director, shall be recorded in the Office of the County Recorder concurrent with the Final Map, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on September 13, 2018 is limited to the merger of nine existing lots and the resubdivision of seven lots and the improvements, including a shared trash enclosure, two garages of approximately 650 and 550 square feet, and Granada Plaza improvements, as shown on the Tentative Subdivision Map or project plans signed by the chair of the Planning Commission on said date and on file at the City of Santa Barbara.
  2. **Paseo De Las Granadas Operations Agreement.** An Operations Agreement shall be submitted for approval by the Public Works Department Downtown Parking Section. The Agreement must include details on how to address truck and bus circulation and parking; and staging of theater sets and equipment in Paseo De Las Granadas.
  3. **Shared Trash Enclosure.** Applicant shall construct a shared trash enclosure as shown on the approved plans following recordation of the Final Map.
  4. **Uninterrupted Water Flow.** The Owner(s) of each newly created parcel shall allow for the continuation of any historic flow of water onto their newly created parcels including water from adjacent sources such as, but not limited to, public or private property drainage swales, natural watercourses, conduits, runoff from public or private roads, etc, as may be deemed appropriate.
  5. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.
  6. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
- C. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits

for the project except a demolition or other appropriate (as determined by City staff) permit for work in anticipation of primary project improvements:

1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
2. **Dedication.** Irrevocable offer to dedicate Lot 3 in fee for public purposes, as shown on the approved Tentative Subdivision Map.
3. **Water Rights Assignment Agreement.** The Owner(s) of each lot shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
4. **Drainage and Water Quality.** The project is required to comply with Tier Water Management Plan (treatment, rate and volume). The Owner shall submit worksheets from the Storm Water BMP Guidance Manual for Post Construction Practices prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

5. **Granada Garage to State Street Paseo Public Improvements.** The Owner shall submit C-3 public improvement or Public Works plans for construction of improvements along the property fronting State Street and shown as Lot 3 on the Approved Tentative Subdivision Map. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: 225 linear feet of pedestrian corridor with a uniform surface, public drainage improvements consistent with City SWMP requirements with supporting drainage calculations and/or hydrology report for installation of drainage pipe, supply and install paseo lighting, sufficient to ensure pedestrian safety, including one (1) pedestrian 14-foot tall City Standard Dome Style (or other) street light, preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, and

provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

6. **Agreement to Secure Public Improvements.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division. Owner shall submit an Engineer's Estimate, wet signed, and stamped by a civil engineer registered in the State of California, and shall submit securities for construction of improvements prior to execution of the Agreement.
- D. **Community Development Submittal For Final Map Approval.** The Owner shall submit the following to the Community Development Department for review and approval prior to processing the approval of the Final Map:
1. **Minor and Small Addition Allocation.** A written instrument allocating all remaining Minor and Small Addition floor area, approved as to form by the Community Development Department and City Attorney, shall be submitted for recordation with the Final Map.
- E. **Design Review.** The project, including public improvements, is subject to the review and approval of the Historic Landmarks Commission (HLC). The HLC shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Photometric Study.** Provide an updated Photometric Study, subject to approval by the Public Works Department, analyzing proposed lighting with an intent to ensure public safety and minimize light intrusion to adjacent residents and the night sky.
  2. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall be painted "Malaga Green," and if feasible, they shall be screened as approved by HLC.
  3. **Proposed Lot 3 Improvements.** All improvements proposed within the public paseo area (Lot 3) shall be approved in concept by the Public Works Department.
  4. **Trash Enclosure Provision.** A trash enclosure with adequate area for refuse containers and recycling containers (at least 50 percent of the area) sufficient to serve the parcels and uses that are proposed to be served by the shared trash enclosure shall be provided on the Real Property and screened from view from surrounding properties and the street.  
  
Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
  5. **Reciprocal Easements.** Prior to scheduling the project for Final Approval, submit a draft, legally binding, reciprocal easement agreement, or equivalent, that addresses treatment of storm water from adjacent project parcels. The draft agreement shall be submitted to the City for approval as to form by the City Attorney and as to content by the Community Development Department and Creeks Division.
- F. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, or for public improvement permits pulled prior to recordation of the Final

Map. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Public Improvement Plans.** Public Improvement Plans as identified in condition C.5 “Granada Garage to State Street Paseo Public Improvements” shall be submitted to the Public Works Department for review and approval. Upon acceptance of the approved public improvement plans, submittal of securities and a Land Development Agreement, a Public Works Permit shall be issued.
- b. **Construction Management Plan.** Submit a Construction Management Plan for approval by the Public Works Department to address use of City property, pedestrian access, and timing of activities during construction.

2. **Community Development Department.**

- a. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation of the map and all agreements to the Community Development Department prior to issuance of building permits for the proposed improvements.
- b. **Off-Site Trash Location Easement Agreement Recordation.** An Off Site Trash Location Easement Agreement, approved as to form by the City Attorney and Community Development Department, shall be signed and notarized by the Owner(s) and submitted to the City for recordation. The agreement shall include provisions addressing the responsibility of parties to maintain the refuse hauling path in a clean fashion (i.e., removing spilled refuse or cleaning up spilled liquid). A separate Agreement shall be required for each lot participating in the shared trash enclosure. Said Agreements shall be recorded by the City prior to issuance of the Building Permit for the shared trash enclosure.
- c. **Evidence of Reciprocal Easement Agreement Recordation.** Evidence shall be provided to the Community Development Director that the Reciprocal Easement Agreement, or equivalent, required in Section E.3 for compliance with the City’s Storm Water Management Program, has been recorded.
- d. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section E “Design Review,” and all elements/specifications shall be implemented on-site.
- e. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and

customary responsibility to perform, and which are within their authority to perform.

Signed:

_____		_____
Property Owner		Date
_____		
Contractor	Date	License No.
_____		
Architect	Date	License No.
_____		
Engineer	Date	License No.

- G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.
1. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, and construction conditions, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Community Development Department Building and Planning Divisions, the Property Owner (or representative), Contractor and each Subcontractor.
  2. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said

sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. The sign shall not exceed 24 square feet.

3. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m., excluding the following holidays:

New Year's Day	January 1st*
Martin Luther King, Jr. Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

\*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the City to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

4. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted in the Granada Garage, or within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit. Construction storage and staging will not be allowed on State Street, Anapamu Street or Victoria Street.
5. **Construction Notifications.** Not less than 10 days prior to commencement of construction, Contractor shall notify all of the businesses on the block of the construction and anticipated scheduling/phasing, describe the activities, and impacts to deliveries, parking, and trash service.
6. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Public Works Director.
7. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
  - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required



whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.

- b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
  - c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
  - d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
  - e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
  - f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
  - g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
  - h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).
  - i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
8. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which

may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

- H. **Prior to Certificate of Occupancy.** Prior to issuance of a Certificate of Occupancy for either of the proposed private garages or the shared trash enclosure, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
  2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.
- I. **Prior to City Acceptance of Paseo.** Prior to the City's acceptance of the paseo property (identified as Lot 3 on the approved Tentative Map) via a certificate of dedication/resolution of acceptance pursuant to Subdivision Map Act Section 66477.5, the Owner of the Real Property shall complete the following:
1. Complete shared trash enclosure.
  2. Complete all Storm Water Management Plan requirements in Plaza Granada.
  3. Install all public improvements, including lighting, landscaping and paving, to City standards, within paseo area.
- J. **General Conditions.**
1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species

Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.

2. **Approval Limitations.**

- a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
- b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
- c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

3. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors (“City’s Agents”) from any third party legal challenge to the City Council’s denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively “Claims”). Applicant/Owner further agrees to indemnify and hold harmless the City and the City’s Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City’s sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City’s Agents from independently defending any Claim. If the City or the City’s Agents decide to independently defend a Claim, the City and the City’s Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

III. **NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:**

The Planning Commission action approving the Tentative Map shall expire three (3) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §30.205.120.

This motion was passed and adopted on the 13 day of September, 2018 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.

\_\_\_\_\_  
Krystal M. Vaughn, Senior Commission Secretary

\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

**THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.**

DRAFT