



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 022-18 104 JORGENSEN LANE TENTATIVE SUBDIVISION MAP, STREET FRONTAGE MODIFICATIONS, AND PUBLIC STREET WAIVER OCTOBER 4, 2018

APPLICATION OF MARK LLOYD, APPLICANT FOR JASON L. RICK, PROPERTY OWNER, 104 JORGENSEN LANE, APN 021-110-038, RS-1A ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL 1 DWELLING UNIT/ACRE (MST2017-00713)

The project consists of a two-lot subdivision of an existing 4.37 acre lot resulting in Lot 1 at 2.28 acres and Lot 2 at 2.09 acres (1.66 acres net), and construction of a new two-story single residential unit and attached three-car garage on Lot 2. The proposed house and garage on proposed Lot 2 total approximately 5,114 square feet and is 95% of the guideline maximum floor-to-lot area ratio (FAR). Proposed grading consists of 625 cubic yards of cut and 300 cubic yards of fill. The project would be served by an existing 20 foot private street. A development envelope on Lot 1 exists for the existing house, and a development envelope is proposed for the new Lot 2.

The discretionary applications required for this project are:

1. A Tentative Subdivision Map to allow the division of one lot into two lots (SBMC Chapter 27.07);
2. Two Street Frontage Modifications to allow the proposed lots to have less than the required street frontage on a public street because Jorgensen Lane is a private street (SBMC §30.250.020.B); and
3. Two Public Street Waivers to create two new lots that are not served by a public street because Jorgensen Lane is a private street (SBMC §22.60.300.B).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303, New Construction and Section 15183, Projects Consistent with a Community Plan or Zoning.

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

WHEREAS, no one appeared to speak in favor of the application, and seven people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 27, 2018
2. Site Plans
3. Correspondence received in support of the project:
 - a. Dr. Daniel Purdy, Santa Barbara, CA
 - b. L. John Murphy, Santa Barbara, CA
 - c. George Hagerman, Santa Barbara, CA

- d. Rich Goodstein, Santa Barbara, CA
- e. Joy Leach, Santa Barbara, CA
- 4. Correspondence received in opposition to, or with concerns of, the project:
 - a. Cody Cammbell, Santa Barbara, CA
 - b. Carl Gutierrez-Jones, Santa Barbara, CA
 - c. Leslie S. Gutierrez-Jones, Santa Barbara, CA
 - d. John Warnock, Santa Barbara, CA
 - e. David Unger, Santa Barbara, CA

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

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

A. ENVIRONMENTAL REVIEW

The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA Certificate of Determination on file for this project.

B. THE TENTATIVE MAP (SBMC §27.07.100)

As described in Section VI.C of the Staff Report, the proposed Tentative Subdivision Map is in compliance with the requirements of the Subdivision Map Act, and with the Requirements for Approval in SBMC §27.07.100. The proposed map is consistent with the General Plan, including policies of the Safety Element, specifically with regard to the policies concerning fire hazard programs and evacuation routes. The site is physically suited for the proposed single-unit residential use, and consistent with the vision for the Cielito neighborhood at one dwelling unit per acre. This takes slope density into account with the proposed Lot 1 having more than two acres, and Lot 2 having more than 1.5 acres (see the table in Section VI.A above). The design of the project will not cause substantial environmental damage because the development is proposed to be placed outside of any sensitive areas, preserves existing trees to the extent feasible and provides replacements for removed trees. The development envelope sets aside more than 50% of the lot area as development-restricted open space, and includes riparian landscaping appropriate for the area of the seasonal drainage channel. The proposed improvements will not cause serious public health problems. The design of the development and type of improvements does not conflict with easements. The site does not front on any public natural resources requiring public access. The project will meet water quality requirements and comply with City standards for sewer, and the project will comply with the Conditions of Approval.

C. STREET FRONTAGE MODIFICATIONS

As described in Section VI.A of the Staff Report, the requested modifications are necessary to secure an appropriate improvement because the existing and proposed lots are landlocked and do not have frontage on a public street, are consistent with the purpose of the Zoning Ordinance, and result in development that is generally consistent with existing patterns of development for the neighborhood. The proposed lots have more than 100 feet of frontage on the private Jorgensen

Lane that was constructed to City street standards for the roadway. There is a private road maintenance agreement and owners' association to maintain Jorgensen Lane. The owner of the new lot shall automatically become a member of this association, and share the maintenance responsibility.

D. PUBLIC STREET WAIVER

As described in Section VII. of the Staff Report, the existing lot and proposed lots are landlocked and do not have frontage on a public street and therefore not served by a public street. The City Public Works Director recommends that the Planning Commission waive the requirement that the lots created by the proposed subdivision front upon a public street because the existing private street provides adequate access to the proposed lots, provides adequate fire suppression access, the recorded private street maintenance agreement has adequate provisions for owner maintenance, and the waiver is in the best interests of the City.

II. Said approval is subject to the following conditions:

In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

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 application.
3. Submit an application for and obtain Building Permit(s) for, and complete, the construction of all private common area improvements required prior to approval of the Map to ensure the lot is ready for subdivision.
4. Submit an application for and obtain City Council approval of the Parcel Map and Agreement(s) and record said documents.
5. Following recordation of Parcel Map, submit an application for and obtain a Building Permit (BLD) for construction of approved development.

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, 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, recorded in the Office of the County Recorder concurrent with the Parcel Map, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on October 4, 2018 is limited to a Tentative Subdivision Map for a two-lot subdivision of an existing 4.37 acre parcel resulting in Lot 1 at 2.28 acres and Lot 2 at 2.09

acres, two Zoning Modifications for lot frontage, two Public Street Waivers, and construction of a new house on Lot 2 to be reviewed by the Single Family Design Board, and the improvements shown on the Tentative Subdivision Map signed by the chair of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Development Rights Restrictions.** The Owner shall not make any use of the restricted portion of the Real Property as designated on the approved Tentative Subdivision Map (those areas outside the Development Envelope) in order that those portions of the Real Property remain in their natural state. All areas of the project site not designated as "Development Envelope" or shown hereon as an access or utility service corridor are to remain in an undeveloped condition subject to the passive use by the property owner. The parcel owners shall perform clearance for flammable vegetation adjacent to structures and improvements for fire protection purposes. The Owners shall not make use of the restricted area including, but not limited to, grading, irrigation, structures, ornamental landscaping, or utility service lines. The restricted areas shall be shown on the Parcel Map. The Owner shall continue to be responsible for maintenance of the restricted area, and compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
3. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the parcels.
4. **Garages Available for Parking.** A requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
5. **Landscape Maintenance.** The landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan. Such Plan shall not be modified unless prior written approval is obtained from the appropriate design review board. If said landscaping is removed for any reason without approval by the appropriate design review board, the owner is responsible for its immediate replacement.
6. **Covenant Enforcement.** Each owner is permitted to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
7. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
8. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
9. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.

10. **Pesticide or Fertilizer Usage Near Creeks/Drainages.** The use of pesticides or fertilizer shall be prohibited within the areas outside of the development envelopes as identified on the approved Tentative Map, which drain directly into adjacent drainages.
 11. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owners 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 Owners 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 Owners 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.** The Owner/Agent 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 Parcel Map and prior to the issuance of any permits/Work Orders for the project :
1. **Public Street Waivers.** Two (2) Public Street Waivers are required to create two (2) new lots that do not front on a public street (SBMC §22.60.300.B).
 2. **Parcel Map per Santa Barbara Municipal Code (SBMC §27.09).** A Parcel Map application is required for a two-lot subdivision of an existing parcel resulting in Lot 1 and Lot 2 for review and approval. The Parcel Map shall be prepared by a licensed land surveyor or registered Civil Engineer eligible to practice land surveying. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
 3. **Address letter per Santa Barbara Municipal Code (SBMC) §22.32.** An address letter will be required for the new proposed building on Lot 2.
 4. **Dedication.** An easement, as described below, subject to approval of the easement scope and location by the Public Works Department:
 - A 10-foot wide easement with a minimum height clearance of 11 feet for sanitary sewer access/maintenance purposes. The existing informal access road shall remain unimproved, and shall be maintained by the Owner, including repair of the existing culvert.
- D. Design Review.** The project is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant project design approval until the plans demonstrate consistency with the following Planning Commission conditions:
1. **Oak Tree Removal and Replacement.** Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be replaced at a three to one (3:1) ratio, at a minimum 24-inch box size, from South Coastal Santa Barbara County Stock.

2. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
 - a. Project Arborist shall be notified prior to any activities within the critical root zone of protected trees.
 - b. Project Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree.
 - c. Grading under any oak tree dripline shall be minimized. Grading within the dripline during construction shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.
 - d. Fencing. During construction, fencing or protective barriers, such as a 6-foot tall chain link fence or orange construction fence with metal stakes, shall be provided around all trees proposed to remain, at the critical root zone or where practical.
 - e. No activities or storage of construction materials shall be allowed within the fenced areas unless approved by the project arborist.
 - f. No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
 - g. Compaction of the root zone shall be avoided by spreading 3 to 4 inches of mulch. If necessary, plywood or equivalent shall be placed on top.
 - h. Any root disturbance to any of the protected trees shall be done by hand and the project arborist alerted.
 - i. All roots encountered shall be cut cleanly with a sharp saw to allow for new root regeneration, backfilled immediately or kept moist to prevent drying out and dying.
 - j. Any tree affected by the construction process shall be deep-root fertilized to promote better health and vigor.
 - k. During hot, dry periods, the foliage may need to be washed with high pressure water to remove construction dust.
 - l. Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the Single Family Design Board (SFDB). No irrigation system shall be installed under the dripline of any oak tree.
 - m. Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.
2. **Seasonal Creek.** Provide a creek restoration and maintenance plan for the creek setback area to the City for approval prior to SFDB Project Design Approval. The plan should include measures for removing existing non-native vegetation and preparing the site for revegetation. Only native riparian trees and plants from local genetic stock should be

installed in the creek setback area. Indicate the source of the plants on the plans. A five-year post-occupancy monitoring program for the creek restoration shall be included in the plan.

3. **Needlegrass Transplantation.** The landscape plan shall incorporate the following information and/or notes: Needlegrass clumps in areas proposed for disturbance shall be excavated and transplanted to undisturbed portions of the lot or parcel, and this species (*Nasella pulchra* or *Nassella lepida*) shall be incorporated into the landscaping plan for several, if not all, lots.
4. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
5. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the SFDB.
6. **Screened Parking.** Uncovered parking is required to be screened from the street pursuant to SBMC §30.15.120. The second driveway, parking, and screening are subject to approval by the SFDB.
7. **Permeable Paving.** A permeable paving system shall be incorporated, to the extent feasible, for the project driveways, walkways and parking areas that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Transportation Manager.

E. 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, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Work Order.** A Public Works permit/Work Order will be required for a new water meter.

2. **Community Development Department.**

- a. **Contractor and Subcontractor Notifications.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions and Conditions of Approval. Submit a copy of the notice to the Planning Division.
- b. **Requirement for Archaeological Resources.** The following information shall be printed on the grading plans and site plan:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and

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 Planning Division 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 Planning Division grants authorization.

- c. **Biologist and Arborist Monitoring Contracts.** Submit to the Planning Division contracts with a qualified biologist and a qualified arborist for monitoring during all ground disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance, as outlined in the Biological Assessment, prepared by Lawrence Hunt, dated June 14, 2006, and the Arborist Report, prepared by Westree, dated December 10, 2004, with an Addendum dated March 21, 2006. The contract shall be subject to the review and approval of the Planning Division.
- d. **Private Road Maintenance Agreement.** The Owner shall amend the Declaration of Covenants, Conditions and Restrictions for Maintenance of Private Road and Formation of Private Road Owners' Association (Jorgensen Lane) to include the newly created fourth property in the subdivision as a party in the agreement and the association. Said Agreement is subject to the review and approval of the Community Development Director and City Attorney.
- e. **Boulders.** The owner shall remove and properly dispose of all boulders or, if boulders are to remain on site, an anchoring system must be in place that the City has deemed safe.
- f. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the SFDB and as outlined in Section D "Design Review," and all elements/specifications shall be implemented on-site.
- g. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the grading (if separate permit) and 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., Parcel 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.

F. 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. **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(s) telephone number(s), 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. It shall not exceed six square feet in size in this single-unit residential zone.
2. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit. No parking, storage or staging shall be permitted within the private right-of-way.
3. **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.

G. Prior to Certificate of Occupancy. Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall:

1. 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. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
3. **Vegetation Monitoring.** A vegetation monitoring period of 5 years, annually, shall be implemented for the replacement oaks and creek restoration vegetation. Submit a contract with a qualified biologist acceptable to the City for monitoring of replacement oaks and creek restoration for a period of five years post-occupancy.
- 2.

H. 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 §27.07.110.

NOTICE OF MODIFICATION APPROVAL TIME LIMITS:

The Planning Commission action approving the Modifications shall terminate three (3) years from the date of the approval, per Santa Barbara Municipal Code §30.205.120.A.1.ii, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A valid City Building permit has been issued for work related to the approval and construction work has begun and been carried on diligently without substantial suspension or abandonment of work.

NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (SBMC §30.205.120):

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest

discretionary land use approval related to the application, unless otherwise specified by state or federal law.

This motion was passed and adopted on the 4th day of October, 2018 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 1 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.