

## MOTION

Moved by Planning Commissioner \_\_\_\_\_, seconded by Planning Commissioner \_\_\_\_\_, that upon consideration of **Vesting Parcel Map No. GLN 1635 /Case No. PVPM 1425257**, to to subdivide an undeveloped 203,623 square-foot (SF) lot (4.7 acres) into three parcels for the development of three new single-family dwellings in the R1R-III zone. The parcel areas will be 26,407 SF for Parcel A, 93,445 SF for Parcel B and 79,488 SF for Parcel C. The parcels will be accessible from a proposed 4,293 SF cul-de-sac, and after reviewing the records, files, reports, and all documentary evidence submitted with regard to said application for the existing vacant lot located at 1313 Swarthmore Drive in the R1R (Restricted Residential) Zone, Floor Area Ratio District III, the Planning Commission hereby finds that the project is exempt from CEQA review under Section 15303 "New Construction or Conversion of Small Structures" exemption because the project will involve the development of three new single-family residences in an urbanized area, would not result in cumulative impacts, is not included on any list compiled pursuant to Section 65962.5 of the Government Code, does not include any historic resources, is not adjacent to a State Scenic Highway, nor is there a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances, and hereby approves the Vesting Parcel Map, subject to compliance with the conditions listed below, based on the following findings of fact:

1. The Vesting Parcel Map is consistent with applicable General Plan elements, including the Land Use Element that designates the project site as Low Density Residential. The recommended density for the Land Use designation of Low Density is one to eight units per acre. The applicant is requesting to subdivide the existing 4.7 acre site into three separate lots. The proposed lot areas are 26,407 SF for Parcel A, 79,488 SF for Parcel B, and 93,445 SF for Parcel C, with an average area of 66,447 SF. The average lot area for R1R-zoned properties within 500 feet of the site is 15,656 SF and in accordance with GMC Section 30.11.060, the average size for a parcel map in the R1R zone is 30,000 SF. All of the proposed lots exceed the average lot size within 500 feet, the average lot size for parcel maps in this zone, and all three lots meet the required minimum lot size for new R1R-zoned lots (12,000 SF). The project includes the future development of a single-family residence on each lot, consistent with the surrounding neighborhood pattern. The intended use of the properties is consistent with the Land Use Element designation of the site. The development contributes to the provision of a wide range of housing types to meet the needs of current and future residents (Goal 1), provides well designed residential neighborhoods (Goal 2), preserves oak trees and natural terrain and will be subject to the design review process to ensure the new buildings are of high quality, and provides increased opportunities for home ownership (Goal 3).

Swarthmore Drive is classified as a local street in the Circulation Element and is adequate to serve the residential needs of the immediate community. A cul-de-sac has been provided at the terminus of Swarthmore drive and will provide access to the three lots along with emergency access to both the police and fire departments. The City's Public Works Engineering staff reviewed the proposal and a dedication for

street use purposes will be required for the proposed cul-de-sac, in addition to a four-foot-wide sidewalk dedication.

The project site is located in an area where the ambient noise contour is 65 - 70 CNEL, as shown on the map of the 2030 Noise Contours, Exhibit 2 of the City's Noise Element. Table 1 of the Noise Element indicates that low density residential projects are "Conditionally Acceptable" in areas where the noise levels are 65-70 CNEL or over. Noise insulation features will be included in the design for interior living areas to comply with building and safety standards at permit issuance. The project is surrounded by other single-family uses, with a high school and community college nearby. It is not anticipated to generate noise in excess of limits contained in the Noise Element. A temporary periodic increase and ambient noise would occur during construction activities associated with the proposed project, however construction associated with the project will be required to comply with the city of Glendale noise ordinance (GMC Chapter 8.36), to ensure that no significant impacts would occur. Therefore, this subdivision is consistent with the noise element.

The physical development of the lots is existing and will not change. The request contributes to the provision of a wide range of housing types to meet the needs of current and future residents (Goal 1), provides increased opportunities for home ownership (Goal 3), provides equal housing opportunities for all persons (Goal 5), and provides housing that is sensitive to environmental and social needs (Goal 6).

No historical significance is associated with the project site. The project site is not located within a mapped liquefaction hazard zone. No known active faults cross the project site, and the project site is not located within an Alquist-Priolo Earthquake Fault Zone. The project site is located within a mapped landslide prone area. The Preliminary Geotechnical Engineering and Engineering Geology Investigation report, dated July 14, 2014 and updated reports dated March 6, 2017 and December 13, 2021 concluded that the site is suitable for the proposed construction and includes recommendations related to grading, foundations and construction that will be required to be incorporated into the construction plans. The project site is located in a High Fire Hazard Area, as identified in the City of Glendale General Plan Safety Element. The Glendale Fire Department rates almost two-thirds of the city as highly susceptible to wildland fires, as the City's High Fire Hazard Area includes all areas with a medium, high, or extreme brush fire. California State law requires that fire hazard areas be disclosed in real estate transactions to ensure homeowners are informed of landscaping and structural requirements for fire safety. In order to minimize damage due to fire, the project would comply with applicable fire prevention, vegetation management, and construction requirements. No significant impacts related to safety have been identified and this request is consistent with the Safety Element.

The property is located in the northerly portion Recreation Planning Area 10. The Recreation Element describes Recreation Planning Area 10 as including downtown east of Brand Boulevard and the Civic Center and notes the area is lacking in neighborhood parks. The area is served by two mini-parks totaling 0.75 acres:

Wilson Mini Park and Piedmont Park. The project site is also in close proximity to the Glendale Sports Complex approximately 2.6 miles for the site. The project will be subject to the Parks Development Impact Fee which is used to fund parks and recreational facilities in the City.

No scenic vistas, as identified in the Open Space and Conservation Element (January 1993), exist within, or within view of the Project site. A portion of the site does contain a protected secondary ridgeline; however, the locations for future dwellings or proposed grading or landscaping on the newly created parcels will not be located on or near any designated ridgeline areas. The San Rafael Hills, where the site is located, are not identified as a Significant Ecological Area in the Open Space and Conservation Element. San Rafael parcels have a high degree of fragmentation resulting from urban expansion. Although deer, bobcat, and coyotes are presently found in the San Rafael Hills, as fragmentation continues, populations occupying these parcels will be reduced or eliminated. However as mentioned above, more than 80 percent of the site will remain in its natural state and development will be focused on the western portion of the site closest to the existing development on Swarthmore Road leaving the open area that may be used by existing fauna intact. Open Space and Conservation Element Map 4-10 indicates that the existing chaparral located on the eastern portions of the site where development is not proposed.

2. The design or improvement of the proposed subdivision, which includes three new lots and the future development of single-family houses on each lot with related grading and retaining walls, is consistent with the General Plan. The lot sizes and shapes are acceptable under Glendale's Zoning Ordinance. The proposed homes on each of the lots will require the approval of the Design Review Board in order to ensure compatibility with the surrounding neighborhood, prior to the issuance of any building permits. The project plans have demonstrated general compliance with the Zoning Code development standards for the R1R zone, including setbacks, lot coverage, height, landscaping, and parking. The City's Hillside Development Review Policy establishes certain criteria that are to be considered in reviewing a proposal and supports the Comprehensive Design Guidelines requirements for hillside development. The criteria focuses on conformity to the design objectives in the Zoning Code, hillside design guidelines, preservation of native vegetation and open space, minimizing land form alteration and architectural compatibility with the surrounding neighborhood. The project site is located in a residential zone and the proposal to subdivide the lot into three parcels and the construction of three new single-family residences is permitted under the Zoning Code. The grading proposed is necessary to facilitate the development of the sites, including the required cul-de-sac at the end of road Swarthmore Road that will provide access to the three new lots as well as added public safety for fire and police services. The applicant has included conceptual plans with the vesting parcel map proposal to illustrate the possibility to develop each of the new lots, but approval of the parcel map will not constitute approval of the design. The final design of the future single-family residences will require approval by the Design Review Board for conformance with the hillside design guidelines, including neighborhood compatibility.

3. The site is physically suitable for this residential subdivision because the resulting three lots will each be developed with a single-family residence that is compatible with the surrounding uses. There is a secondary ridgeline located on-site but the new houses are proposed to be constructed well outside of the ridgeline area. The project site is located within a mapped landslide prone area and the geotechnical studies concluded that the site is suitable for the proposed construction and includes recommendations related to grading, foundations and construction that will be required to be incorporated into the construction plans.
4. The site is physically suitable for the proposed density included in the proposed subdivision because the applicant is requesting to subdivide the existing 4.7 acre site into three separate lots, where the Land Use designation allows for up to 8 units per acre. The subdivision has shown the site can accommodate three parcels with single-family houses while complying with the zoning requirements and maintaining a significant portion of the site, over 80 percent as ungraded open space. The applicant has included conceptual plans with the vesting parcel map proposal. Future single-family residential development of the lots will require approval by the Design Review Board.
5. The design of the subdivision is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. The proposed Project would limit the development areas to less than one acre of the westerly portion of the 4.7 acre site, adjacent to the Swarthmore Drive access. The rest of the site will not be altered and the existing native vegetation will remain. The secondary ridgeline areas are located on the easterly portions of the site where no development is proposed. The San Rafael Hills, where the site is located, are not identified as a Significant Ecological Area in the Open Space and Conservation Element. San Rafael parcels have a high degree of fragmentation resulting from urban expansion. Although deer, bobcat, and coyotes are presently found in the San Rafael Hills, as fragmentation continues, populations occupying these parcels will be reduced or eliminated. However as mentioned above, more than 80 percent of the site will remain in its natural state and development will be focused on the western portion of the site closest to the existing development on Swarthmore Road leaving the open area that may be used by existing fauna intact. Open Space and Conservation Element Map 4-10 indicates that the existing chaparral located on the eastern portions of the site where development is not proposed.
6. The design of the subdivision will not cause serious public health problems associated with the development of three new single-family houses which does not involve the use, routine transport, or disposal of hazardous materials. College View School is directly located on the abutting property to the north of the project site, although none of the development associate with the parcel map is located adjacent to the existing school buildings. This property extends easterly beyond the common boundary with the subject site and the school facility is located on this easterly extension and not immediately across from the subject site and separated by a mountain ridge. Glendale Community College is located to the north of the project

site within one-quarter mile. This property sits at a lower elevation and is separated by East Mountain Street which is a 6-lane roadway.

7. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. There is an existing easement that bisects the site for the public service facilities and future street purposes. Development of the project will require this easement to be relinquished. A cul-de-sac has been provided at the terminus of Swarthmore drive and will provide access to the three lots. The City's Public Works Engineering staff reviewed the proposal and a dedication for street use purposes will be required for the proposed cul-de-sac, in addition to a four-foot-wide sidewalk dedication.

## **CONDITIONS OF APPROVAL**

### **Community Development Department – Planning Requirements**

1. That the subject property shall be subdivided in full compliance with the conditions of this grant, the City of Glendale General Plan, the State Subdivision Map Act, and Title 16 and Title 30 of the Glendale Municipal Code, and any other regulation applicable to the subdivision of the subject property. Any modification to these plans must be approved by the Community Development Department. Changes considered substantial must be reviewed by the Planning Commission. The determination of whether or not a change is substantial shall be made by the Director of Community Development.
2. That all necessary permits (e.g., fire, building, engineering, etc.) shall be obtained from the Building and Safety Division in compliance with the Glendale Building Code and all other applicable regulations.
3. That the project shall be designed to accommodate a maximum of three (3) dwelling units in substantial conformance with the vesting parcel map and preliminary development plans submitted therewith.
4. That Design Review approval be obtained for the proposed dwelling units.

### **Community Development Department – Building and Safety Requirements**

5. A grading/drainage plan shall be submitted for the Building & Safety Division's review and approval and shall be made a part of the building plans submitted with the shoring permit application, or if no shoring permit is required, with the building permit application. Grading Permit requirements and application can be obtained from the City's Building & Safety Division.
6. A recorded Covenant & Agreement to reserve ingress/egress, drainage, and utility easement for the common private driveway is required. The Covenant and Agreement shall be recorded against all the properties involved and shall be binding upon all owners, future owners, encumbrances, successors, heirs and assigns, and shall continue in effect until released by the Director of Public

Works at the request of the owners, and based on the evidence that the easement is no longer necessary.

7. A recorded Covenant & Agreement to reserve private drainage easements and allow cross-lot drainage between the lots. The C&A shall state that all property owners shall be responsible for all costs associated with the maintenance of all drainage devices. The Covenant and Agreement shall be recorded against all the properties involved and shall be binding upon all owners, future owners, encumbrances, successors, heirs and assigns.
8. All roof and on-site drainage shall be conveyed to the street via sheet flow through the driveway apron or cast-iron pipes/parkway drains from the property line and exiting through the curb per Standard Plans for Public Works Construction (SPPWC), and under separate permit.
9. The project shall comply with all National Pollutants Discharge Elimination System (NPDES) requirements, including filing of a Notice of Intent with the Los Angeles Regional Water Quality Control Board, and the submittal and certification of plans and details showing preconstruction, during construction, and post-construction Best Management Practices (BMPs) that are integrated into the design of the project. In addition, the applicant shall obtain an approved Low Impact Development (LID) to be integrated into the design of the project.
10. The Geotechnical and Geological reports shall contain the Geotechnical Engineer's and Geologist's findings and recommendations on all matters pertaining to the stability of the site and adequacy of all structures, retaining walls, drainage etc.
11. The applicant shall contact the City's Arborist Technician at (818) 550-3402, to obtain a permit to remove any indigenous trees on site, perform grading, and other construction related work within the drip lines of the existing indigenous trees.
12. All existing easements shall be quitclaimed, or written permissions shall be obtained from easement owners to develop over the easement prior to tentative map approval.
13. All proposed top and bottom of slopes shall maintain a minimum of 2-foot setback from adjacent property lines.
14. The proposed driveway slopes shall be in conformance with Glendale Municipal Code Chapter 30.32.130 and 30.32.180 Chart IV.
15. Additional requirements may apply after the initial submittal of the final engineering plans for building plan checking.

**Public Works Department - Urban Forestry Requirements**

16. Revise plans to clarify discrepancy re: oaks #3 and #8 and ensure all oaks are correctly sited on every relevant plan.
17. Landscape plans should be prepared that utilize plants and watering components compatible with native trees. Replacement scrub oaks at 15-gallon size should be planted on site and indicated on the plans. Contact Forestry if substitutions are required for nursery pot size or species, based on availability.

18. A tree protection plan should be submitted once the above items are corrected and included with the final plan set. Applicant should contact Forestry for specific requirements based on the arborist report and standard City requirements.
19. Plans provide contradictory information regarding two scrub oaks – Trees #3 and #8. Tree #3 is proposed for removal, yet the grading plan indicates the potential for preservation. Tree #8 is proposed for preservation but is shown to be within the area to be graded. The applicant should clarify. Forestry would prefer both trees be preserved.
20. Additionally, as relevant, each lot plan should include all indigenous trees on said lot.
21. Forestry agrees with the findings in the arborist report regarding Trees #1 and #2. Tree protection zones should be overlain on the site maps for all trees intended to remain on site. Any *Quercus berberidifolia* trees requiring removal should be replaced at a 1:1 ratio, on site. These should be depicted on plans. Trees should be 15-gallon size. Applicant should contact Forestry if unable to locate trees of this size or species for possible alternatives.

**Public Works Department - Engineering Requirements**

22. A Parcel Map shall be required. The subdivision shall comply with all provisions of applicable State laws, the Subdivision Ordinances, and the Glendale Municipal Code. All fees pertaining to subdivisions required by the Glendale Municipal Code and City Ordinances shall be paid in connection with the filing of the final map or prior to recording of the final map, shall be based on the fees which are in effect at such respective times. In addition, survey monuments shall be set in accordance with the standards of the Director of Public Works office and to the satisfaction of the Director of Public Works. All monumentation work shall be performed by or under the supervision of a Licensed Surveyor, licensed in the State of California.
23. The subject property and this development must be connected to the City's sanitary sewer system. All costs involved in extending the sewer main line to serve the proposed development shall be borne solely by the applicant at no cost to the City.
24. The project shall comply with all National Pollutants Discharge Elimination System (NPDES) requirements, including filing of a Notice of Intent with the Los Angeles Regional Water Quality Control Board, and the submittal and certification of plans and details showing preconstruction, during construction, and post-construction Best Management Practices (BMPs) that are integrated into the design of the project. In addition, the applicant shall submit a Low Impact Development (LID) drainage system to the Building and Safety Division for review and approval.
25. The applicant shall enter into a Covenant & Agreement with the City for the replacement, installation, and continued maintenance of all NPDES-related drainage devices on the property and granting inspection rights to the City.

26. All roof and on-site drainage shall be conveyed to the street via sheet flow through the driveway apron or cast-iron pipes/parkway drains from the property line and exiting through the curb. No drainage shall be allowed directly into the sidewalk.
27. The applicant shall dedicate for street use purposes, a portion of the site, to construct the proposed cul-de-sac. In addition, a 4-foot-wide sidewalk dedication fronting the proposed driveway aprons shall be required.
28. Street and sewer improvement plans prepared by a Registered Civil Engineer licensed in the State of California shall be submitted to the Public Works Engineering Division for review and approval.
29. All radii for the proposed cul-de-sac shall conform to Glendale Municipal Code Section 16.08.090, Exhibit 16.09.090C.
30. Construct the proposed driveway aprons, curb, gutter, and sidewalks per the SPPWC Manual.
31. The relinquishment of the existing street easement on the property shall be completed and recorded prior to the approval of the building plans or final map approval whichever comes first to the satisfaction of the Director of Public Works.
32. Separate permits are required for all work within the public right-of-way. The applicant shall bear all fees for the necessary permits and inspections for all work in the public right-of-way.
33. The entire asphalt concrete roadway pavement within the vicinity of the property shall be inspected after the completion of the project. In the event of damage, because of construction-related activities, the applicant may be required to perform additional street improvement repairs, up to the reconstruction of the asphalt concrete pavement.
34. The applicant shall bear all costs involved in the relocation/reconstruction and/or adjustment to new finished grade of all utilities (underground and overhead) within the public right-of-way and easement that may be affected by the project and shall coordinate all such work with the respective utility companies.
35. All existing street appurtenances including traffic striping, street signs, curb paintings, tree wells, utilities, and all other improvements within the public right-of-way and easement that were damaged, removed, or relocated during construction shall be restored to the satisfaction of the Director of Public Works.
36. Applicant shall coordinate with Glendale Fire Department to determine if on-street parking can be accommodated along cul-de-sac. Applicant shall install red curb along proposed cul-de-sac based on Fire Department requirements, if necessary.
37. The contractor shall not store trash bins, construction equipment, construction materials, or construction vehicles (concrete truck, dump truck, etc.) on City's Right-Of-Way (sidewalk, parkway, or street) without first obtaining a "Street-Use" permit from the Public Works - Engineering Division. Permit must be displayed at job site.



38. Additional requirements may apply after the initial submittal of the final engineering plans for building plan checking.

**Fire Department Requirements**

39. The cul-de-sac turnaround shall meet the design parameters of the California Fire Code (CFC) to the satisfaction of the Fire Marshal. If portions of the driveways are proposed as part of the turnaround, they shall meet all requirements of fire apparatus access roads as per the CFC and to the satisfaction of the Fire Marshal. The substrate and the durable vehicular finish surface shall be designed to American Association of State Highway and Transportation Officials (AASHTO) standards for heavy roadway design.
40. Applicant shall submit a site plan to the Fire Department for approval of Fire Department access during construction. A roadway suitable for use by Fire Department apparatus (80,000 pounds) shall be clearly identified on the plans. A minimum 20-foot clear width shall remain free of obstruction during all construction phases and activities.
41. An emergency access walkway leading from the fire apparatus access road to all exterior openings per the CFC shall be required. Landings shall be provided beneath bedroom rescue windows or doors to provide fire department access around the home. All architectural and landscape plans shall be designed to avoid any present or future obstructions that may hinder access and placement of fire department ladders.
42. An emergency access walkway leading from the fire apparatus access road around the entire exterior perimeter of each of the three houses shall be required. The access walkway must be able to accommodate a 20-foot-long ladder, be at least 36 inches wide and be a permanent all-weather surface.
43. Obtain the necessary Fire Department approval and permits (Fire Sprinkler, Landscaping/Fuel Modification, etc.). Submit plans and applications to the Glendale Fire Department.
44. Applicant shall prepare a master fuel modification/landscape plan for the entire subdivision to the satisfaction of the Fire Marshal. All landscaping/fuel modification shall comply with the hillside development landscape guidelines. Provide a minimum 100-foot fuel modification zone for all proposed and existing structures. Submit plans and application to obtain a fire permit.
45. Projects located in the High Fire Hazard Area must comply with all related regulations (see the Fire Prevention Vegetation Management section of the Glendale fire department website [www.glendalefire.org](http://www.glendalefire.org) for a map and related requirements).
46. All hazardous vegetation shall be abated per city requirements for a distance of 100 feet prior to construction of any new structure (and from any existing structures) and shall be maintained at all times.

47. All building material and material assemblies (walls, roofs, eaves, decks, windows, etc.) for projects within the High Fire Hazard Area shall comply with the adopted regulations in effect at the time of the building permit submittal.
48. The applicant shall provide an approved method of providing adequate water supply for firefighting at the house subject to the satisfaction of the Fire Code Official.
49. All fuel modification / landscaping / vegetation management shall be completed and approved to the satisfaction of the Fire Code Official prior to bringing any combustible construction materials to the job site.

**Glendale Water & Power Department Requirements**

50. Developer is responsible for the current cost of a water service or fire line installation in accordance with the current water fee schedule.
51. Individual water meters are required for each residential unit per Glendale Municipal Code (Chapter 13.12). The water meters are to be installed per GWP specifications. Meters will be installed on ground level only and accessible to GWP personnel.
52. Fire Department approval/exemption shall be obtained when determining if existing fire flow is adequate. The applicant shall pay the cost of any necessary fire or domestic water services and recycled water service to the property, as well as offsite water facility improvements necessary to provide fire flow as required by the Glendale Fire Department.
53. All water facilities shall be protected in place during construction of the subject project. All water valves, water meter boxes, water vaults and fire hydrants must be relocated and set to finished grade, when necessary, at project's expense.
54. Please add the following to the General Notes: All water facilities shall be protected in place during construction of the subject project. All water valves, water meter boxes, water vaults and fire hydrants must be relocated and set to finished grade, when necessary, at project's expense. Please contact GWP Water Engineering at (818)548-2062 prior to construction.
55. Cover all valve covers in plastic prior to slurry seal. After slurry seal, remove plastic cover, clean and paint valve cover.
56. A complete set of plans shall be submitted for review to GWP Water Engineering.
57. All proposed utilities parallel with water mains shall have a minimum 4-feet of lateral clearance if the proposed utilities are installed at the same depth as the existing water main. If the proposed utilities have a minimum 1-foot vertical clearance from the existing water main, then the lateral clearance between the proposed utilities and the existing water main shall be 2-feet.
58. All proposed utilities crossing water mains shall maintain a minimum 1-foot vertical clearance from the watermain. Please plan accordingly in order to maintain the clearance between the proposed utilities and the existing water mains.

59. Subject to provide additional water utility easement and survey site plan (Bench Mark (BM) points not found onsite, new marking required).
60. GWP Water Service Requirements do not allow any new structures or additions to existing structures to be built over water mains or to encroach into its existing or future water utility easements. Also, existing permitted structures which exist over water mains and/or encroach into GWP easements shall obtain a Permit to Encroach from GWP Water. Property owner shall provide a new water utility easement along the north side of the property by the alignment of the existing water main by a land surveyor paid for by the property owner.
61. After the survey of the existing water main has been completed, the Property owner shall submit the revised tentative parcel map showing the alignment of the water mains along with the survey data to GWP for review. Submit the required documents by email to GWP Water Engineering at [WaterEngineeringInfo@GlendaleCA.gov](mailto:WaterEngineeringInfo@GlendaleCA.gov) and GWP Easements at [GWPEasements@GlendaleCA.gov](mailto:GWPEasements@GlendaleCA.gov). GWP will prepare the documents for the easement which will need to be signed, notarized, and submitted. If you have any questions regarding the easement, please contact GWP Water Engineering and/or GWP Easements at 818.548.3922 or email address, noted above.
62. Based on the future street proposed for Public Works, GWP Water Engineering will require a water main extension to be obtained for the services for each parcel. A water main extension is required to provide water service, extensions shall be across the frontage of served property per Glendale Municipal Code Chapter 13.20.060.

### **Miscellaneous**

63. Should litigation be commenced by any third party against the City concerning any procedural or substantive aspect of this subdivision, including without limitation, any litigation concerning the application of the California Environmental Quality Act, the City shall inform applicant of the estimated cost of defense. Applicant shall, within five (5) days of said notification, provide the City with a check, in same day available funds, for the estimated cost of City's defense. City shall deposit said funds into an interest bearing account. City may update said estimate at any time during any such litigation, in which case applicant shall, within five (5) days of notification of said updated estimates, provide the City with a check in same day available funds, for the additional estimated cost of defense. Should any applicant provided monies or interest on such monies remain unspent at the conclusion of litigation; City shall refund same to applicant. City retains the right to hire outside special legal counsel to represent City.
64. This approval shall expire in 36 months, on August 7, 2027 unless the applicant files for an extension prior to that date or the applicant demonstrates that all conditions have been met and has filed a final parcel map prior to the expiration date.

Adopted this \_\_\_th day of August, 2024.

VOTE as follows:

Ayes:

Noes:

Absent:

Abstain: