

**PLANNING COMMISSION – October 25, 2023**  
**DRAFT CONDITIONS OF APPROVAL**

**17200 Los Robles Way**

**Lot Line Adjustment Application M-23-001**

**Consider an Appeal of a Development Review Committee Decision to Approve a Lot Line Adjustment Application in Accordance with California Government Code Section 66412(d) for Three Adjoining Lots on Property Zoned R-1:20. Located at 17200 Los Robles Way. APNs 532-36-075, -076, and -077. Lot Line Adjustment Application M-23-001. Statutorily Exempt from CEQA as a Ministerial Approval in Accordance with Public Resources Code Section 21080(b)(1) (CEQA Statute) and CEQA Guidelines Section 15268. Application is Only for Ministerial Approval of a Lot Line Adjustment Pursuant to Section 66412(d) of the Subdivision Map Act. Property Owners: Daran Goodell, Trustee and Mark Von Kaenel. Applicant: Tony Jeans. Appellant: Alison Steer. Project Planner: Ryan Safty.**

***Planning Division and Engineering Division***

**TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT AND/OR THE DIRECTOR OF PARKS AND PUBLIC WORKS, AS RELEVANT:**

1. **APPROVAL:** The New Lot Line Adjustment Application (M-23-001) has been approved (“Approval”) on this August 15<sup>th</sup>, 2023, date (“Approval Date”), subject to and including these “Conditions of Approval” (listed herein). Any reference to the Approval shall mean and include these Conditions of Approval, and all related application materials, environmental determinations, and other Town determinations and findings relating to New Lot Line Adjustment Application (M-23-001). Any proposed revisions or modifications to the Approval shall be applied to the Community Development Department by the relevant property owners and reviewed by the Town pursuant to Section 29.20.305 of the Town Code. Any and all time periods for applicant action under these Conditions of Approval shall be tolled during the pendency of any appeal of the Approval.
2. **CUL-DE-SAC DEDICATIONS:** To ensure the consistency of the Approval of the New Lot Line Adjustment Application (M-23-001) with the Zoning Ordinance of the Town Code, within ninety (90) days of the Approval Date, the property owners (individually, “Property Owner,” collectively, “Property Owners”) of Adjusted Parcels 2 and 3 shall make irrevocable offers of dedication of easement to the Town of the “Cul-De-Sac Area” for right-of-way purposes (as that Cul-De-Sac Area is specifically delineated in the New Lot Line Adjustment Application (M-23-001) materials), and to the satisfaction of the Town Engineer, to ensure compliance with the minimum Town street frontage standards for cul-de-sacs. Within thirty (30) days of such Property Owners dedication, the Town Engineer shall accept such dedication(s) on behalf of the Town. ~~Should the Approval be placed before the Town Council for consideration and action on appeal, the Town Council shall determine whether or not to confirm such acceptance of such dedication in addition to considering the merits of the appeal. Failure of the Town Council to confirm acceptance of such Cul De Sac Area dedications, and/or approval of such appeal by the Town Council, shall void the Approval.~~

3. PROOF OF RECORDATION: Assuming Condition #2 herein has been satisfied, proof of the recordation of grant deeds reflecting the configuration of parcels permitted by the Approval shall be provided to the Town within six (6) months of the Approval Date.
4. ENGINEERING FEES: Engineering fees associated with this New Lot Line Adjustment Application (M-23-001) Approval (see item 270 in the Town's [Comprehensive Fee Schedule](#)) shall be deposited with the Engineering Division of the Parks and Public Works Department prior to any recordation required by these Conditions of Approval.
5. NOTICE OF ARCHITECTURE & SITE APPROVAL: Notice is hereby given to the Property Owners that any proposed disruption, development, or other related construction on, adjacent to, or related to the Adjusted Parcels shall require environmental review to determine appropriate CEQA compliance, review for General Plan, Specific Plan, Zoning, and Building Ordinance compliance, and an Architectural & Site Application approval with the Community Development Department of the Town, with related findings, considerations, and conditions of approval in compliance with applicable Town Code.
6. TOWN INDEMNITY: Pursuant to Town Code Section 1.10.115, and the police power of the Town to craft appropriate Conditions of Approval, the property owners securing the Original Lot Line Adjustment Application (M-20-012) and this New Lot Line Adjustment Application (M-23-001) Approval and their successors (collectively, "Property Owners") shall indemnify and hold harmless the Town for any challenge to the Approval and/or to the Original Lot Line Adjustment Application (M-20-012), whether administrative appeal, judicial review, and/or otherwise (collectively, "Challenge"), including without limitation and subject to the following:
  - a. Generally: Regarding any such Challenge, Property Owners shall defend, indemnify, and hold harmless the Town (any reference to "Town" shall mean and include without limitation Town's elected officials, appointed officials, legal counsel, agents, officers, employees, contractors, and special legal counsel) (with legal counsel approved by Town), from and against any Challenge.
  - b. Property Owners (any reference to Property Owners shall mean and include without limitation Property Owners' successors, legal counsel, consultants, and contractors) shall bear any and all losses, damages, injuries, liabilities, costs and expenses (including, without limitation, staff time and in-house attorney's fees on a fully-loaded basis, attorney's fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge ("Costs"), whether incurred by the Property Owners, Town, or awarded to any third party, and shall pay to the Town upon demand any Costs incurred by the Town.
  - c. The total of all obligations owing by the Property Owners under this Condition of Approval #6 is collectively referred to as the "Challenge Indemnity." No modification of the Approval and/or the Original Lot Line Adjustment Application (M-20-012), nor any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the Property Owners obligations pursuant to this Condition of Approval # 6. The Town shall promptly notify the Property Owners of any such Challenge, and the Town shall cooperate with the Property Owners as Property Owners fulfil their obligations pursuant to this Condition of Approval # 6.