

*City of Goleta v. Superior Court of Santa Barbara County (S129125)*

In this case a real estate developer, Oly Chadmar Sandpiper General Partnership (Sandpiper), challenges the City of Goleta's disapproval of a housing project that Sandpiper wants to build there. The City of Goleta was created out of land that had been in an unincorporated part of Santa Barbara County.

When Sandpiper originally started planning for the project, Goleta wasn't a city yet, so Sandpiper asked for approval from the County. After the County initially approved the project, Goleta became a city through an incorporation election. After Goleta was incorporated, it took the position that it had the authority to deny final approval of Sandpiper's project.

The Subdivision Map Act is a law that gives local agencies like cities and counties the power to control development within their boundaries. They exercise their power by reviewing *maps* of proposed subdivisions. First, an agency considers a *tentative* map. Later it usually has to approve a *final* map that substantially complies with the tentative map it has already approved and that meets the legal requirements that existed when the tentative map was approved.

The reason that agencies are usually required to approve these final maps is that builders have to spend large amounts of money at the beginning of a project for things like environmental studies and architect's plans. Potential investors want some assurance that projects will be allowed to go forward if they meet the conditions the agency sets when it gives the original tentative approval.

This case is complicated by the fact that after the County gave the tentative approval, the City of Goleta was incorporated and is now the agency that is being asked for final approval. The question here is whether Goleta is required to approve Sandpiper's final map even though Goleta didn't give the tentative approval in the first place.

Sandpiper contends Goleta must approve its final map because, when Goleta became a city, it enacted local ordinances (laws) that give it no choice but to approve the map. Goleta argues that Sandpiper is wrong and that the ordinances Goleta passed require only that Goleta approve final maps when Goleta itself had approved the tentative map.

Sandpiper has another argument. It asserts that Goleta should be "estopped" or *barred* from refusing to approve the final map. Sandpiper claims this is a question of *equity* or *fairness*. It argues that Goleta did certain things

during the process that led Sandpiper reasonably to believe that it would be given the final approval. Based on that belief, caused by Goleta's conduct, Sandpiper invested a significant amount of money in the project. Sandpiper argues that it would not have spent that money if it had believed that the project would not be approved. And so, Sandpiper argues, it would now be unfair for Goleta to refuse to approve the final map.

Goleta replies that its conduct did not mislead Sandpiper, and instead let Sandpiper know that Goleta had legitimate concerns about the project and might disapprove it.