

DRAFT

City of Santa Barbara

Planning Division

PLANNING COMMISSION MINUTES

November 3, 2016

CALL TO ORDER:

Chair Campanella called the meeting to order at 1:00 P.M.

I. ROLL CALL

Chair John P. Campanella, Vice-Chair June Pujo, Commissioners Jay D. Higgins, Mike Jordan, Sheila Lodge, Deborah L. Schwartz, and Addison Thompson.

STAFF PRESENT:

Beatriz Gularte, Senior Planner
 Danny Kato, Senior Planner
 Susan Reardon, Senior Planner
 N. Scott Vincent, Assistant City Attorney
 Jessica W. Grant, Project Planner
 George Thomson, Parks Capital Project Supervisor
 Cameron Benson, Creeks, Restoration/Clean Water Manager
 Andrew Perez, Planning Technician
 Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.
None.
- B. Announcements and appeals.
None.
- C. Review, consideration and action on the following draft Planning Commission Minutes and Resolutions:
 1. October 6, 2016
 2. PC Resolution No. 027-16
6100 Hollister Avenue

MOTION: Schwartz/Pujo

Approve the minutes and resolutions as presented.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 2 (Jordan, Lodge) Absent: 0

3. October 13, 2016

4. PC Resolution No. 028-16
245 San Clemente Avenue

MOTION: Lodge/Pujo

Approve the minutes and resolutions as presented.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

5. October 14, 2016 Special Meeting

MOTION: Schwartz/Jordan

Approve the minutes as presented.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 1 (Pujo) Absent: 0

D. Comments from members of the public pertaining to items not on this agenda.

Chair Campanella opened the public hearing at 1:03 P.M. and, with no one wishing to speak, closed the hearing.

III. CONSENT ITEM:

ACTUAL TIME: 1:03 P.M.

APPLICATION OF CITY OF SANTA BARBARA PARKS AND RECREATION DEPARTMENT FOR ANDREE CLARK BIRD REFUGE VEGETATION MAINTENANCE AND HABITAT RESTORATION PROJECT, 1400-1700 BLOCKS EAST CABRILLO BLVD (ANDREE CLARK BIRD REFUGE) AND 1414 PARK PLACE (CULVERT), APN 017-382-001; 017-381-001, PR/SD3 ZONES, GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND USE PLAN DESIGNATION: OPEN SPACE (MST2016-00344/CDP2011-00014)

The Andree Clark Bird Refuge is a 42 acre open space park and wildlife refuge that includes a 29 acre lake, with three islands, that is an artificially modified estuary containing brackish wetlands. The Refuge supports a varied resident and transient bird population including cormorants, coots, various migrating ducks, egrets, geese, gulls and herons. The Bird Refuge provides passive recreation opportunities to bird watchers, hikers, and bikers through onsite trails, viewing platforms, and 15 parking spaces.

The project involves an amendment to an existing Coastal Development Permit (MST2011-00315/CDP2011-00014) to include an additional five years of routine maintenance to remove marsh vegetation and maintain a culvert in the Andree Clark Bird Refuge, located at the 1400 to 1700 blocks of East Cabrillo Blvd; and maintain in perpetuity a culvert along Old Coast Highway, located at 1414 Park Place that has a hydrological connection to the Bird Refuge.

The original Andree Clark Bird Refuge Vegetation Maintenance Project included 0.93 acres of vegetation removal and 0.89 acres of restoration planting as mitigation for impacts to native wetland marsh habitat. During 2011 and 2012, four thousand native plants were installed in eight habitats on the northern shore of the Bird Refuge. The City's Parks and Recreation Department has been monitoring and providing reports to the appropriate agencies regarding the restoration. Monitoring will be completed in 2017, pending approval from the various permitting agencies.

For the next five year maintenance period, it is anticipated that 0.18 acres of wetland vegetation including rhizomes and roots in the lake (0.04 acres; rooted), floating vegetation at the beach (0.10 acres) and vegetation in two man-made culverts (up to 0.04 acres plus sediment removal at 1414 Park Place in perpetuity) would be removed. The purpose of the project is to restore water flow and conveyance in the culverts and lake for the purpose of reducing mosquito production and flooding in the vicinity. The discretionary applications required for this project are:

1. An amendment to the existing Coastal Development Permit (MST2011-00315/CDP2011-00014) to include indefinite vegetation and sediment removal within a grouted sandstone culvert located at the City of Santa Barbara Municipal Tennis Center, 1414 Park Place, paralleling Old Coast Highway, which is in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060); and
2. Planning Commission recommendation to the California Coastal Commission to amend the existing Coastal Development Permit Recommendation (MST2011-00315/CDP2011-00014) and continue another five year routine maintenance period to remove marsh vegetation in the lake and maintain a culvert in the Andree Clark Bird Refuge. The locations of the work are located in the Permanent Jurisdiction of the Coastal Zone (SBMC §28.44.060) which requires approval by the California Coastal Commission.

The original project included the adoption of a Final Mitigated Negative Declaration (MND) on November 10, 2011. An addendum to the MND has been prepared to reflect the next five year maintenance period for the areas located in the Permit Jurisdiction of the Coastal Zone, and for indefinite vegetation and sediment maintenance to the culvert located in the Non-Appealable Jurisdiction of the Coastal Zone at 1414 Park Place.

Contact: Jessica W. Grant, Project Planner
Email: JGrant@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4550

MOTION: Thompson/Jordan

Waive the Staff Report.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Jessica W. Grant, Project Planner, answered any of the Planning Commission's questions.

George Thomson, Parks Capital Project Supervisor, and Cameron Benson, Creeks, Restoration/Clean Water Manager were available to answer any of the Commission's questions.

Chair Campanella opened public comment at 1:04 P.M., and with no one wishing to speak, public comment was closed.

Public comment was reopened at 1:19 P.M.

Cameron Goodman, Price, Postel & Parma, submitted a letter to the Commission wanting to see the City initiate a Memorandum of Understanding (MOU) with Caltrans and UPRR on coordinated maintenance of the culvert. He was also available to answer any questions.

With no one else wishing to speak, public comment was closed.

MOTION: Thompson/Higgins

Assigned Resolution No. 029-16

Approved the project as outlined in the Staff Report, dated October 27, 2016,, making the findings for an amendment to the existing Coastal Development Permit (MST2011-00315/CDP2011-00014) to include indefinite vegetation and sediment removal within a grouted sandstone culvert located at the City of Santa Barbara Municipal Tennis Center, 1414 Park Place, paralleling Old Coast Highway, which is in the Non-Appealable Jurisdiction of the City's Coastal Zone; and a Planning Commission recommendation to the California Coastal Commission to amend the existing Coastal Development Permit Recommendation and continue another five year routine maintenance period to remove marsh vegetation in the lake and maintain a culvert in the Andree Clark Bird Refuge that is located in the original permit jurisdiction of the Coastal Zone.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Campanella announced the ten calendar day appeal period.

IV. **STAFF HEARING OFFICER APPEAL:**

ACTUAL TIME: 1:28 P.M.

**APPLICATION OF MARK MORANDO, DESIGNER FOR BRUCE BIVENS AND
LESLIE BRUECKNER, 1127 BATH STREET, APN 039-212-010, R-4 (HOTEL-
MOTEL-MULTIPLE RESIDENCE) ZONE, GENERAL PLAN
DESIGNATION:HIGH DENSITY RESIDENTIAL (28-36 DU/ACRE)
(MST2016-00070)**

On August 31, 2016, the Staff Hearing Officer approved an Interior Setback Modification located two feet from the interior setback on the site. The decision of the Staff Hearing Officer has been appealed by the applicant and this hearing is for the Planning Commission to consider the appeal. The 6,026 square foot site is currently developed with a 1,100 square foot, single family dwelling, a detached 298 square foot, two-car garage, and a rear dwelling of 560 square feet. The proposed project involves the demolition of the existing garage and constructing a new, 480 square foot, two-car garage, as well as alterations to the existing rear deck, the infill of an exterior door out of the utility room, and to permit the as-built full bathroom in the utility room.

The discretionary application required for this project is an Interior Setback Modification to allow the proposed garage to encroach into the required 6-foot interior setback (SBMC §28.21.060 and SBMC §28.92.110)

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations).

Contact: Andrew Perez, Planning Technician

Email: ACPerez@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4559

Andrew Perez, Planning Technician, gave the Staff presentation. Danny Kato, Zoning Supervisor, was available to answer any of the Commission's questions.

Susie Reardon, Staff Hearing Officer was present to provide justification to her decision.

Mark Morando, Designer, gave the appellant presentation. Bruce Bivens and Leslie Brueckner, Owners, were also present to answer any of the Commission's questions.

Chair Campanella opened public comment at 2:35 P.M. and with no one wishing to speak, closed public comment.

MOTION: Pujo/Thompson

Assigned Resolution No. 030-16

Uphold the appeal, making the findings for the Interior Setback Modification and amend Staff Hearing Officer Resolution No. 053-16 to include the following conditions:

1. Revise Condition II.A to read “the rear garage door shall be subject to approval of the Public Works Department”.
2. Eliminate Condition II.C.
3. Add a new Condition II.C to read “Any runoff, including roof runoff, shall be retained onsite and the garage shall be setback at least the minimum distance required to accommodate the method of stormwater retention chosen by the applicant.”
4. Add a new Condition II.D. to read “The Applicant shall submit proof of access for construction prior to the start of construction.”

Regarding the access issue, Scott Vincent, Assistant City Attorney, recommended to the makers of the motion that they consider the following language: “Demonstrate that they have access to use the adjacent parcel or that they demonstrate to the building official’s satisfaction that they have a construction methodology that does not require that access.”

The Motion maker’s agreed to include Mr. Vincent’s comment and replace No. 4:

4. Add a new Condition II.D. to read “The Applicant shall demonstrate that they have access to use the adjacent parcel or that they demonstrate to the building official’s satisfaction that they have a construction methodology that does not require that access”.

This motion carried by the following vote:

Ayes: 6 Noes: 1 (Jordan) Abstain: 0 Absent: 0

Commissioner Jordan supports the Staff Hearing Officer’s decision on the setback and cannot support the appeal.

Chair Campanella announced the ten calendar day appeal period.

V. ADMINISTRATIVE AGENDA

ACTUAL TIME: 2:44 P.M.

A. Committee and Liaison Reports

1. Staff Hearing Officer Liaison Report

- a. Commissioner Jordan reported on the Staff Hearing Officer meeting of October 26, 2016.

2. Other Committee and Liaison Reports
 - a. Commissioner Jordan reported on the Water Commission meeting of October 20, 2016.
 - b. Commissioner Lodge reported on the Historic Landmarks Commission meeting of November 2, 2016.
 - c. Commissioner Campanella reported that he and Commissioner Lodge recently attended the South Coast Affordable Housing meeting.
 - d. Planning Commission Secretary Rodriguez acknowledged the passing of former Planning Commissioner Dan Secord who served on the Commission from 1992-1997.
 - e. Commissioner Campanella announced that it was First Thursday and encouraged everyone to attend activities.

VI. ADJOURNMENT

Chair Campanella adjourned the meeting at 3:01 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 029-16

1400-1700 BLOCKS OF CABRILLO BOULEVARD AND 1414 PARK PLACE

AMENDMENT TO COASTAL DEVELOPMENT PERMIT

NOVEMBER 3, 2016

APPLICATION OF CITY OF SANTA BARBARA PARKS AND RECREATION DEPARTMENT FOR ANDREE CLARK BIRD REFUGE VEGETATION MAINTENANCE AND HABITAT RESTORATION PROJECT, 1400-1700 BLOCKS EAST CABRILLO BLVD (ANDREE CLARK BIRD REFUGE) AND 1414 PARK PLACE (CULVERT), APN 017-382-001; 017-381-001, PR/SD3 ZONES, GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND USE PLAN DESIGNATION: OPEN SPACE (MST2016-00344/CDP2011-00014)

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2. Planning Commission recommendation to the California Coastal Commission to amend the existing Coastal Development Permit Recommendation (MST2011-00315/CDP2011-00014) and continue another five year routine maintenance period to remove marsh vegetation in the lake and maintain a culvert in the

Andree Clark Bird Refuge. The locations of the work are located in the Permanent Jurisdiction of the Coastal Zone (SBMC §28.44.060) which requires approval by the California Coastal Commission.

The original project included the adoption of a Final Mitigated Negative Declaration (MND) on November 10, 2011. An addendum to the MND has been prepared to reflect the next five year maintenance period for the areas located in the Permit Jurisdiction of the Coastal Zone, and for indefinite vegetation and sediment maintenance to the culvert located in the Non-Appealable Jurisdiction of the Coastal Zone at 1414 Park Place.

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

WHEREAS, one appeared to speak in favor of the amendment, and no one appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 27, 2016
2. Site Plans
3. Correspondence received in opposition to the project, or with concerns:
 - a. Chip Wulbrandt, Price, Postel & Parma, for Montecito Country Club,

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

- I. Approved the subject application making the following findings and determinations for an amendment to the existing Coastal Development Permit (MST2011-00315/CDP2011-00014) to include indefinite vegetation and sediment removal within a grouted sandstone culvert located at the City of Santa Barbara Municipal Tennis Center, 1414 Park Place, paralleling Old Coast Highway, which is in the Non-Appealable Jurisdiction of the City's Coastal Zone; and a Planning Commission recommendation to the California Coastal Commission to amend the existing Coastal Development Permit Recommendation and continue another five year routine maintenance period to remove marsh vegetation in the lake and maintain a culvert in the Andree Clark Bird Refuge that is located in the original permit jurisdiction of the Coastal Zone:

A. PARK AND RECREATION ZONE FINDINGS (SBMC §28.37.025)

1. That the proposed park and recreation improvements are appropriate or necessary for the benefit of the community and visitors;
2. That the proposed park and recreation facilities including lighting, play areas, parking facilities and associated landscaping, will be compatible with the character of the neighborhood;
3. That the total area of the site and the setbacks of all facilities from the property lines and street are sufficient, in view of the physical character of the land, proposed development and neighborhood, to avoid significant negative effects on surrounding properties;
4. That the intensity of park use is appropriate and compatible with the character of the neighborhood;
5. That the proposed park and recreation facilities are compatible with the scenic character of the City; and
6. That any proposed structures or buildings are compatible with the neighborhood in terms of size, bulk and scale or location.

B. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act because:
 - a. The project protects and enhances the natural qualities of Santa Barbara's environment and preserves the ecological balance of the Bird Refuge.
 - b. The project does not aggravate existing or expose people to geological hazards and protects people and the environment from the effects of flooding.
 - c. The project is designed to avoid and minimize effects on cultural and sensitive biological resources and will help maintain a productive biotic community. Visual resources will be protected from erosion.
 - d. The project is designed to avoid and minimize effects on circulation.
 - e. The project is designed to avoid and minimize effects on noise to that it is compatible with the variety of human activities and recreational uses in and around the Bird Refuge.
 - f. The proposed project will not affect public access to the coast.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, because it preserves, protects and enhances the existing Bird Refuge, as described in Section V of the staff report.

- II. Said approval for an amendment to an existing Coastal Development Permit (MST2011-00315/CDP2011-00014) is subject to the original conditions in Planning Commission Resolution 023-11.

This motion was passed and adopted on the 3rd day of November, 2016 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.

Julie Rodriguez, Planning 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.



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 030-16
1127 BATH STREET
INTERIOR SETBACK MODIFICATION
NOVEMBER 3, 2016

APPLICATION OF MARK MORANDO, DESIGNER FOR BRUCE BIVENS AND LESLIE BRUECKNER, 1127 BATH STREET, APN 039-212-010, R-4 (HOTEL-MOTEL-MULTIPLE RESIDENCE) ZONE, GENERAL PLAN DESIGNATION:HIGH DENSITY RESIDENTIAL (28-36 DU/ACRE) (MST2016-00070)

On August 31, 2016, the Staff Hearing Officer approved an Interior Setback Modification located two feet from the interior setback on the site. The decision of the Staff Hearing Officer has been appealed by the applicant and this hearing is for the Planning Commission to consider the appeal. The 6,026 square foot site is currently developed with a 1,100 square foot, single family dwelling, a detached 298 square foot, two-car garage, and a rear dwelling of 560 square feet. The proposed project involves the demolition of the existing garage and constructing a new, 480 square foot, two-car garage, as well as alterations to the existing rear deck, the infill of an exterior door out of the utility room, and to permit the as-built full bathroom in the utility room.

The discretionary application required for this project is an Interior Setback Modification to allow the proposed garage to encroach into the required 6-foot interior setback (SBMC §28.21.060 and SBMC §28.92.110)

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations)

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 or in opposition to the appeal, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 27, 2016.
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission upheld appeal and denied the SHO's decision to approve an alternate design located two feet from the property line subject to the conditions of approval specified in Staff Hearing Office Resolution 053-16.

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

The Planning Commission finds that the Modification to allow the garage to encroach 5 feet, 11 inches into the required six foot interior setback is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot, as the requested garage increases the amount of floor area in the interior setback adversely impacting the adjacent property.

II. Said approval is subject to the following revised conditions in Staff Hearing Officer Resolution 053-16:

- A. The rear garage door shall be either a single, standard one-piece or roll-up door subject to approval by the Public Works Department.

- B. The interior dimensions of the proposed garage shall be 20 feet by 20 feet.
- ~~C. The site plan shall be revised to provide a minimum of a 2 foot setback from the interior property line.~~
- C. Any runoff, including roof runoff, shall be retained onsite and the garage shall be setback at least the minimum distance required to accommodate the method of stormwater retention chosen by the applicant.
- D. The Applicant shall demonstrate that they have access to use the adjacent parcel or that they demonstrate to the building official's satisfaction that they have a construction methodology that does not require that access.

~~D.F.~~ 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.

This motion was passed and adopted on the 3rd day of November, 2016 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 1 (Jordan) 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.

PLANNING COMMISSION RESOLUTION No. 030-16
1127 BATH STREET
NOVEMBER 3, 2016
PAGE 3

Julie Rodriguez, Planning 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.**