



P: (626) 381-9248
F: (626) 389-5414
E: mitch@mitchtsailaw.com

Mitchell M. Tsai
Attorney At Law

1055 E. Colorado Boulevard
Suite 500
Pasadena, California 91106

VIA HAND DELIVERY, ELECTRONIC & U.S. MAIL

December 14, 2015

*Hand Delivered to December 14, 2015 Pasadena City
Council Meeting*

Mayor Tornek & City Council
Pasadena City Hall, Council Chamber
100 North Garfield Avenue, Room S249
Pasadena, CA 91109
Em: ttornek@cityofpasadena.net

Mark Jomsky, City Clerk
Office of the City Clerk
100 N. Garfield Avenue, Room S22d
Pasadena, CA 91109
E-MAIL: mjomsky@cityofpasadena.net

Charles Peretz, Public Works Administrator
100 N. Garfield Ave. N306,
Pasadena, CA 91101
Em: cperetz@cityofpasadena.net

RE: Stewards of Public Land Comment Letter Regarding City of Pasadena City Council December 14, 2015 Agenda Item No. 2, Contract Award To Recon Environmental, Inc., For Lower Arroyo Habitat Restoration For An Amount Not To Exceed \$110,000.

Dear Mayor Tornek, Mr. Peretz, City Clerk Jomsky, and Honorable Commissioners

On behalf of the Stewards of Public Land and its members (“Stewards”), my Office is providing comments concerning Agenda Item No. 2, Contract Award To Recon Environmental, Inc., For Lower Arroyo Habitat Restoration For An Amount Not To Exceed \$110,000 (“Item”) set to be heard at the December 14, 2015 City of Pasadena (“City” or “Pasadena”) City Council (“City Council”) Meeting (collectively “Item”).

Stewards requests that the City Council continue the Item until the resolution of the ongoing litigation concerning the Lower Arroyo Seco Archery Range *Stewards of Public Land v. City of Pasadena* (LASC Case No. BS154299) (“Archery Range Litigation”). The outcome of this CEQA litigation could substantially change the design and overall concept of this Project and review at this time is premature and will in all likelihood be mooted by resolution of the Archery Range Litigation.

Moreover, Stewards requests that the City Council remand this item to the City of Pasadena Design Commission (“Commission”) as Stewards believes that the Commission should review The Proposal for Lower Arroyo Archery Range and Deal Points for New Agreement with Pasadena Roving Archers (“Project”) to the Commission *in its entirety*. At this point, the City is only presenting a small portion of the changes called for in the Lower Arroyo Seco Park approved by the City

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Item 2**

Council on February 2 – 3, 2015 and is omitting many critical details necessary to conduct an adequate advisory review.

Finally, Stewards requests that the Council request that the City prepare a full environmental impact report for the Project as required by the California Environmental Quality Act, Cal. Pub. Res. Code §§ 21100 *et seq* (“CEQA”).

The City fails to provide information on the Project requested by the Commission *more than 2 years ago*. In particular, on June 24, 2015, the Commission requested a master signage program, field survey, color palette, landscape plan (indicating the full dimensions of barriers, including the height), and an analysis as to whether the barriers would limit wheelchair accessibility. The City has yet to provide most of this information, precluding the Commission from effectively reviewing the Project.

The City has even admitted that the Item fails to include the potential entirety of the barriers that may be installed pursuant to this Item. Project Manager for Parks and Landscape, Loren Pluth, at the December 8, 2015 Design Commission noted that the City could implement barriers far beyond what was presented to the Design Commission on December 8, 2015 as “[t]he intent is to stretch them as far as we can go. So we created the base bid package. Should we have the funding and time to add additional treatment that is the intent of how it will be implemented.”

Moreover, the Item piecemeals the Project, precluding effective review. The Project not only calls for relocation and removal of hiking trails, installation of additional targets, as well as flush mounted shooting location markers, and bow hangers. The *entirety* of the Project should be brought before the Commission for an effective review.

Finally, in addition to the Design Commission, the City has bypassed a number of approvals required by the California Government Code and Pasadena Municipal Code, including the Historic Preservation Commission as well as Planning Commission.

The City’s approach displays a persistent pattern of concealing important information available to the public. The City unlawfully amended the Lower Arroyo Master Plan without public review. The City has also unlawfully withheld documents concerning grants and funding for this Project. The City misrepresented the status of the City’s operating agreement with the Pasadena Roving Archers at the September 21, 2015 City Council meeting. Now the City is attempting to disregard its public decisionmaking institutions by asking the City Council to sign off on this Item while omitting *crucial* details without providing any meaningful information on how the Project will be implemented.

City Council should not allow City Staff to disregard public process just so that the City can meet grant deadlines. Stewards urges City Council to remand this Item back to the Design Commission and continue the Item pending resolution of the Archery Range Litigation as the City does not provide adequate information concerning the Item, inappropriately piecemeals the Project, does not comply with applicable land use ordinances including the Arroyo Seco Design Guidelines (“**Design Guidelines**”), and attempts to bypass numerous City commissions.

I. THE CITY SHOULD REMAND THE ITEM BACK TO THE COMMISSION AS THE CITY DID NOT PROVIDE ADEQUATE INFORMATION TO THE COMMISSION FOR REVIEW.

Stewards requests that the City remand the Item back to the Design Commission as the City has not provided adequate information regarding the Item to the Commission to conduct an adequate review. As Commissioner Andrea Rawlings noted at the December 8, 2015 Design Commission hearing:

I believe that there is a lot more to this plan that is being swept along with this. I think that is unfortunate. I would have liked to be a part of it. I hopeful that the litigation will bring us more clarity. And allow us to see the whole thing.

Similarly, Commissioner John Byram noted at the December 8, 2015 Design Commission hearing:

At the Design Commission we are traditionally used to seeing a little more detail . . . The boulder and cobble placement can mean a lot of things. . . . There's some real latitude in how these things can be placed, and I frankly don't think there's a lot of information that we are used to receiving at the Design Commission.

The City's report to the Commission omitted many *crucial* details of the Project. As the City's Staff Report to the Design Commission noted, the location of the plants, as well as placement of boulders and cobbles are yet to be determined, and will be determined at the time of installation.

Memorandum from City of Pasadena Department of Public Works from Charles Peretz, Public Works Administrator to Design Commission RE: Advisory Review For Lower Arroyo Seco Trail Edge – Natural Barrier 2 (“Final plant locations will be determined in the field by Public Works staff. . . . Additional boulder and cobble placements will be implemented.”).

Project Manager for Parks and Landscape, Loren Pluth, even openly admitted at the December 8, 2015 Design Commission hearing that the City would not be bringing information regarding the additional boulder and cobble placements before the Commission, and when that assertion was met with numerous objections from the Design Commission, Deputy Director of Planning for the City David Reyes simply responded by stating that their objections were “noted.”

Moreover, the City has yet to provide information that was requested by the Commission in continuing the Item on June 24, 2013. At a public hearing on the Item on June 24, 2013, the Commission requested a master signage program, field survey, color palette, landscape plan (indicating the full dimensions of barriers, including the height), and an analysis as to whether the barriers would limit wheelchair accessibility. The City has yet to provide the vast majority of information requested by the Commission nearly *two years ago*, including a master signage program, field survey, and an analysis as to whether the barriers would limit wheelchair accessibility.

The City has subverted the public process by bringing a vague and unintelligible proposal to the Design Commission that prevented the Commission from providing any meaningful review. City Council should remand this Item back to the Commission.

II. THE CITY INAPPROPRIATELY ATTEMPTS TO PIECEMEAL THE PROJECT, PRESENTING SMALL PIECES OF THE PROJECT TO THE COMMISSION.

The Commission should be allowed to review the entirety of the Project, rather than reviewing mere piecemeal parts of the Project in order to allow the Commission to provide effective recommendations. The City fails to present the entirety of the Project to the Design Commission despite numerous parts of the Project requiring design review. The Project proposes to install natural barriers and permanent signage to separate archery from other park uses, remove a hiking path bisecting the interior of the Archery Range, relocate 150 linear feet of trail, reconfigure existing targets, remove storage containers, add additional targets to the existing Archery Range including targets 14, 15 as well as a temporary “sight in” target on Sundays, and designate an exclusive parking space for Pasadena Roving Archers. In order to implement the Project, the City had to amend the Municipal Code to authorize the City Manager to designate land exclusively for archery and amend the Lower Arroyo Master Plan to remove references to the number of targets in the southern archery range. With the exception of the natural barriers, none of the other portions of the Project were presented to the Commission on December 8, 2015. Moreover, a number of the Commissioners requested a more “holistic” review, requesting as Commissioner Meriel Stern noted at the December 8, 2015 Design Commission hearing:

I'm looking at the Lower Arroyo Master Plan and this is a piece of it. . . . We should not be reviewing this without the revision of the LAMP or under the review of the LAMP by itself, piecemeal. It is one ecosystem so all the pieces are connected I am at a loss as to how we can decide on the plans without deciding on the barriers, plans, wildlife, and how the arrows are going to fly. . . . I'd very much like to continue this until a more holistic approach is taken.

The City Council should request that the City provide the *entirety* of the Project to the Commission for review.

III. THE NEED FOR THOROUGH DESIGN REVIEW IS ILLUSTRATED BY THE ITEMS NONCOMPLIANCE WITH THE GENERAL PLAN, LOWER ARROYO SECO MASTER PLAN, ARROYO SECO DESIGN GUIDELINES, AND PROJECT APPROVAL.

Design review for this Project is badly needed given the Project's extensive proposed physical changes, non-compliance with the City land use ordinances and Municipal Code. In order to implement this Project, the City already has had to amend the Pasadena Municipal Code and the Lower Arroyo Master Plan. However, the Project remains inconsistent with a number of other City land use ordinances, including the General Plan, Lower Arroyo Seco Master Plan (“LAMP”), Arroyo Seco Design Guidelines, and even its underlying project approvals.

a. **The Project Is Inconsistent With the City's General Plan.**

The Project is inconsistent with the Land Use as well as Green Space Recreation and Parks Elements to the City's General Plan. All California counties and cities are required to adopt a comprehensive, long-term general plan for the physical development of the county or city. Cal. Government Code § 65300. All projects must be consistent with the City's General Plan. Governor's Office of Planning and Research (2001) A Citizen's Guide to Planning, http://ceres.ca.gov/planning/planning_guide/plan_index.html (last visited February 1, 2015).

The Project is inconsistent with the City's General Plan Land Use Element ("**Land Use Element**"). City of Pasadena (2004) General Plan Land Use Element. The Land Use Element states that the City shall "preserve . . . open space in . . . residential areas of the City . . ." and that "[o]pen spaces and streets should be as carefully designed and preserved as buildings." *Id.* at 9–11. The significant alterations to the Park, including permanent barriers, signage, and targets would undermine the priority to preserve open spaces.

The Project is also inconsistent with the City's General Plan Open Space & Conservation Element ("**Open Space and Conservation Element**"). City of Pasadena (2012) General Plan Open Space & Conservation Element. The Open Space and Conservation Element cites the Arroyo Seco as one of "Pasadena's most prominent examples of . . . open space, providing **spaces for active and passive recreation**, rich biodiversity and flood control infrastructure." *Id.* at 13. It provides that the City should "[p]reserve currently zoned open spaces, natural open spaces, hillsides, viewsheds, watersheds and recreational areas." *Id.* The City is required to "[p]reserve, restore and maintain the natural character of the . . . Arroyo Seco . . ." *Id.* at 14. Approving the Project would undermine the open space characteristics of the Park by dedicating it exclusively to archery rather than a mix of active and passive recreation, as well as install additional manmade infrastructure undermining its natural character

The Project is inconsistent with the City's General Plan Green Space, Recreation and Parks Element ("**Green Space Element**"). City of Pasadena (2007) Green Space, Recreation and Parks Element. The Green Space Element requires that the City **promote multi-faceted use of the Arroyo**, City of Pasadena - Lower Arroyo Archery Range and Deal Points for New Agreement with Pasadena Roving Archers, improve aesthetics, preserve historical elements, as well as balance natural habitat and recreational needs. *Id.* at 4–5. Moreover, the Green Space Element requires the City to "[p]romote the shared use of public . . . land and facilities for community recreational uses . . ." *Id.* at 12. Finally, the City is required to balance special events with local recreational needs, providing "adequate land resources to hold large special events while not unreasonably displacing recreational areas." *Id.* At 13. Dedicating the Archery Range exclusively for archery use would run counter to the mandate that the City preserve multi-faceted use of the Arroyo.

b. **The Project Is Inconsistent With the Lower Arroyo Master Plan.**

The Project is inconsistent with the LAMP, requiring additional amendments to the Master Plan and environmental review. City of Pasadena (2003) Lower Arroyo Master Plan. The Project allows for an unlimited number of targets within the Archery Range, when the LAMP limits the Southern Archery Range to 14 targets. *Id.* at 4-9. Moreover, the Master Plan requires development of a design standard and access to the targets, which have yet to be developed. *Id.* Finally, the Master Plan lays out a specific trail system, which will require amendment in order to accommodate the relocation of approximately 150 linear feet of trail necessary to relocate target 14 onto public property and maintain regulation shooting distances. *Id.* at 4-10; Staff Report at 7. City Council should opt not to approve this Project in order to conduct additional environmental analysis on this

c. **The Project Is Inconsistent With The Arroyo Seco Public Lands Ordinance.**

The Project is inconsistent with the Arroyo Seco Public Lands Ordinance, City of Pasadena Municipal Code (“**PMC**”) §§ 3.32.010 – 3.32.340 (“**Public Lands Ordinance**”). Approving the Project would require an amendment to the City of Pasadena Municipal Code. The Archery Range falls within the City of Pasadena Arroyo Seco Natural Preservation Area (“**Natural Preservation Area**”), which includes the Lower Arroyo from the south city limit to the Holly Street bridge” as well as the flood control channel area . . . south of Brookside park.” PMC § 3.32.100. The Project’s approval of new structures, approval of excavation activities, and expansion of archery within the Park is at odds with the intent for the area to be treated as a “natural preserve” and conflicts with the Public Lands Ordinance. Approving the Project would require an amendment to the Public Land Ordinance.

The Project’s installation of new structures, including barriers, irrigation systems, permanent targets, flush mounted shooting location markers, temporary targets, bow hangers, as well as the removal and replacement of PRA storage containers, are barred by the Public Lands Ordinance which limits new structures to those “required for utility operations, park maintenance and protection of plant and animal communities.” PMC § 3.32.110(B). Moreover, the Public Lands Ordinance requires new structures to be “conceal their visual presence.” The new barriers are expected to be conspicuous in order to keep non-archery uses out of the Archery Range.

The installation and establishment of the new barriers and realignment of trails within the Park is barred by the Public Lands Ordinance. Excavation and landfill activities are barred in the Natural Preservation Area except for “repairs . . . [and] undergrounding of utilities” PMC § 3.32.110(G). Fertilizer use is barred in the Natural Preservation Area in order to prevent “[w]astes, fertilizers or polluted waters . . . to enter the waters or sources for the waters of this area.” PMC § 3.32.120(C).

Installation of the new barriers would involve installing an irrigation system requiring using a “trenching unit [to] dig the irrigation line trenches, importing stones by truck, as well as movement and placement of stones utilizing tractors. Charles Peretz, Parks and Natural Resources Administrator, City of Pasadena (2015) Memorandum to John Bellas, Environmental Coordinator,

Planning & Community Development Department Regarding Exemption Status of the Proposed Lower Arroyo Archery Range 3 (“**Exemption Memorandum**”). Moreover, establishment and maintenance of the new barriers may require use of fertilizer, barred by the ban against use of fertilizers in the Natural Preservation Area under Section 3.32.120(C) of the Pasadena Municipal Code.

Moreover, removal and realignment of trails in order to accommodate the new Archery Range will require “clearing of ground level vegetation,” “grading,” and “scarifying the trail surface,” by hand and use of a “Bobcat or similar sized machine” All of these actions are barred by the Public Lands Ordinance.

Finally, the Project will expand archery in the Natural Preservation Area, as the Project will “construct at least one new target [in actuality two, reinstatement of Target 14 as well as installation a new “sight in” target] and may require the relocation of several others.” Exemption Memorandum at 2. The Public Lands ordinance provides that existing uses, such as archery, “**may be allowed to remain but not allowed to expand.**” The Project is at odds with the Public Lands Ordinance and adoption of the Project will require amending the Public Lands Ordinance, in of itself requiring additional environmental review.

d. The Project Is Inconsistent With the Arroyo Seco Design Guidelines.

The Project is inconsistent with the Arroyo Seco Design Guidelines, requiring additional amendments to the Design Guidelines and environmental review. City of Pasadena (2003) Arroyo Seco Design Guidelines. The Project does not conform with the design principles set forth in the Design Guidelines, which include limiting the creation of man-made objects and preserving the historical and cultural elements of the Park. *Id.* at I-3 – 4. Construction standards for targets have yet to be established as required by the Design Guidelines. *Id.* at 5 – 8. Signage for the Project cannot be implemented until completion of a comprehensive signage program as required by the Design Guidelines. *Id.* at 6-2.

The Item directly contradicts a number of provisions of the Design Guidelines. The Item fails to comply with the Arroyo Seco Public Lands Ordinance which the Guidelines integrate by incorporation. Design Guidelines at 2-3. The Item has failed to “have the benefit of specialty consultants” to ensure viable habitat restoration. Design Guidelines at 2-3.

Moreover, it is virtually impossible to determine whether certain parts of the Item conforms with the Design Guidelines. *Id.* at 2, 7-1 – 8-3. The Item does not specify placement of irrigation systems required for the Project, eventhough the Guidelines require that irrigation systems not be exposed. Design Guidelines at 2-7. The Item fails to identify if the plant palettes chosen for the Project are “indigenous to nearest open space areas” as required by the Design Guidelines. Design Guidelines at 2-6. The Item fails to specify the source of the plants that will be used to implement the barriers, eventhough the Design Guidelines require that “Seed and other planting material (e.g., cuttings and container stock) will be collected from the project vicinity to the extent feasible, and/or, if necessary,

will utilize plant stock material from reputable native plant nurseries.” Design Guidelines at 2-3. The Item fails to specify site preparation and planting techniques, even though the Design Guidelines require that the preparation and planting techniques comply with the Biological Technical Report for the Hahamongna Watershed Park and the Plant Palettes. Design Guidelines at 2-3.

IV. THE CITY INAPPROPRIATELY ATTEMPTS TO STRIP THE COMMISSION’S AUTHORITY AS THE ARROYO SECO DESIGN GUIDELINES REQUIRE THAT THE DESIGN COMMISSION CONDUCT A FULL DESIGN REVIEW OF CHANGES IN THE LOWER ARROYO, NOT MERELY REVIEW THE CHANGES.

The Item requires the Commission to conduct a full design review. Section 3.1 of the Design Guidelines states that “[a]ll projects shall be subject to the requirements for design review pursuant to the Pasadena Municipal Code.” (emphasis added). Moreover, Section 5.5.2 of the Design Guideline provides that “[p]ermanent physical barriers as well as a signage program will keep other recreational users of the range separated from targets and shooting lanes and shall be reviewed by the Recreation and Parks Commission and the Design Commission.” (emphasis added). Finally, Section 2.80.110 of the Pasadena Municipal Code (“PMC” or “Municipal Code”) notes that the Commission is required to “[c]onduct design review for “public projects” as defined and set forth in the zoning code.”

Deputy Director of Planning David Reyes at the December 8, 2015 Design Commission hearing argues that the Arroyo Seco Design Guidelines limited the Commission to merely providing “advisory review” with no action or recommendation to City Council required. However, noting in the Design Guidelines indicates that the Design Commissions is consigned to a merely “advisory” role when it comes to CIP projects. According to Section 3.1 of the Design Guidelines:

All projects shall be subject to the requirements for design review pursuant to the Pasadena Municipal Code. Park improvements shall be subject to the City’s Capital Improvements Projects (CIP) review process. As such, the Parks and Natural Resources Division Administrator (under the Department of Public Works) shall find that the major improvements and/or CIP project is in substantial conformance with the Arroyo Seco Design Guidelines and will initiate reviews by the City’s Design Commission, Recreation and Parks Commission, and the Historic Preservation Commission (if appropriate). Reference to commission review in specific sections of these guidelines does not imply that commission review is unnecessary with respect to other areas. (emphasis added).

It is clear that a full, binding design review process is required for all CIP projects, but that in addition to the full design review process, that a finding of substantial conformity with the Design Guidelines by the Parks and Natural Resources Division Administrator is required. The Design Guidelines clearly state that “[a]ll projects shall be subject to the requirements for design review . . . ,” not that all projects with the exception of park improvements subject to the CIP process. The City’s

interpretation of the Design Guidelines is a convenient interpretation at odds with the clear and undisputed language in the Design Guidelines.

Even Mr. Reyes was unclear on this interpretation of the Guidelines, stating that the review process for CIP projects were “almost a hybrid of advisory and review.” As Mr. Reyes described the review process for CIP projects:

I just wanted to talk a little bit about the Commission's purview . . . This is according to the implementation process for the Lower Arroyo Design Guidelines. . . . The Commission's role is to review and provide comments and feedback. It is not to provide even a recommendation according to the implementation process in the code. . . . In this case, from a Staff perspective, I would urge the Design Commission to act within their purview and provide comments regarding consistency with the Design Guidelines as they see fit.

The City's position at the December 8, 2015 Design Commission hearing directly contradicts the City's interpretation of the *exact same provisions* regarding this Item at the June 24, 2013 Design Commission hearing, where the City indicated that the Design Commission could and where the Design Commission did, in fact take an action on the Item, and continued it requesting additional details.

The Commission is required to conduct a full design review for the Project. The City's request that the Commission merely provide an “advisory review” of the Item blatantly contravenes the terms of the Design Guideline and Municipal Code.

V. THE ITEM IS REQUIRED TO BE REVIEWED BY THE HISTORIC PRESERVATION COMMISSION.

The Project cannot be approved by City Council at this time because it has not received a Certificate of Appropriateness (“**Certificate**”) from the Planning Director or the Historic Preservation Commission. The Park was designated a Cultural Heritage Landmark of the City of Pasadena on April 12, 1979. City of Pasadena (1979) Resolution No. 3762. *See also* PMC §§ 17.62.040 (“A landmark shall include all properties previously designated a landmark before adoption of this Chapter . . .”).

The Project requires that the City issue a Certificate before approving the Project. Section 17.62.080(E) of the Pasadena Municipal Code requires that all projects that may affect a designated historic resource receive a Certificate before going forward.

A Certificate may be issued by either the Planning Director or the Historic Preservation Committee depending on whether the City designates the Project as a “minor” or “major” project. PMC § 17.62.090. The Planning Director or Historic Preservation Commission will render a decision within 30 days of a complete application. *Id.* Upon issuing a Certificate, the Planning Director or Historic Preservation Committee must find that the Project complies with the applicable historical standards,

will not cause a significant adverse effect as defined under the CEQA Guidelines, and may impose conditions on the issuance of the Certificate. *Id.*

Since the Project is a major project affecting a city-owned historic resource, the Project is required to be reviewed by the Historical Preservation Commission. Section 2.75.045 of the Pasadena Municipal Code requires that the Historical Preservation Commission review “projects affecting city-owned historic resources” as well as “[r]eview and make recommendations on environmental reports, zone changes, master development plans, planned developments and other land use entitlements . . . as they are applicable to historic resources in the city.” *See also* PMC § 17.62.110 (requiring that “[t]he Historical Preservation Commission review major projects affecting City-owned, designated historic resources.”); Design Guidelines at 4-3 (“[t]he Lower Arroyo Seco (from Holly Street Bridge south to the South Pasadena boundary is designated as a Landmark (Chapter 2.75 of the PMC). As such, all improvement plans in this area shall comply with Chapter 2.75 of the PMC.”)

As the Design Guidelines have made clear, “[a]ll changes to existing structures within the Lower Arroyo are subject to the Historical Landmark review process. *Id.* at 4-3. Moreover, “[p]roposed improvements or modifications to existing cultural resources in the Arroyo Seco will require additional review by the Historic Preservation Commission.” *Id.* at 3-3.

The Project has not received a Certificate of Appropriateness and cannot be approved. The Project has only been reviewed by the Design Commission and the Recreation and Parks Commission.

VI. THE ITEM IS REQUIRED TO BE REVIEWED BY THE PLANNING COMMISSION.

The City unlawfully amended the Lower Arroyo Master Plan to remove references to the number of targets without the required public hearings. Specific Plan Amendments are subject to the same notice and hearing requirements that General plan amendments are subject to. Cal. Gov’t Code § 65452(a) (“A specific plan shall be prepared, adopted, and amended in the same manner as a general plan”); *Citizens for Planning Responsibly v. Co. of San Luis Obispo* (2009) 176 Cal. App. 4th 357, 367 – 68. Sections 65351 – 65356 of the California Government Code require that the amendments be referred to potentially affected government agencies, including neighboring counties and cities, affected federal agencies, and nearby schools, that a noticed public hearing of a City’s planning commission be held, that the planning commission issue a written recommendation on the plan or amendment, and that the City Council hold its own public hearing on the amendment.

None of the other procedural steps required by sections 65351 – 65356 of the California Government Code had been executed as of the September 21, 2015 City Council meeting

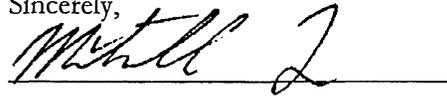
VII. A FULL ENVIRONMENTAL IMPACT REPORT IS REQUIRED.

The Project proposes extensive physical changes to the Lower Arroyo that will significantly alter the historical, biological, and recreational balance of the area. A full environmental impact report is required before the Project is allowed to proceed.

**VIII. THE COMMISSIONS SHOULD REJECT OR CONTINUE THE ITEM AND
ORDER A FULL ENVIRONMENTAL IMPACT REPORT.**

Stewards respectfully requests that the City Council reject or continue the Item, remand tis Item back to the Design Commission, Historic Preservation Commission, and Planning Commission, and order that the City conduct a full environmental impact report for the Project.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitchell M. Tsai", is written over a horizontal line.

Mitchell M. Tsai

Attorneys for Stewards of Public Land