

MEETING MINUTES

Monday, 02/27/2017 - 6:30PM NCSD Building - 148 South Wilson Street, Nipomo, California

MEETING CALLED TO ORDER AT 1830

PLEDGE OF ALLEGIANCE LED BY RICHARD WRIGHT

ROLL CALL CONDUCTED

Area 6 - Art Herbon, Chairman - P

Area 1 - Michael Pieper, Vice Chairman - P

Area 5 - Gary Spelbring, Treasurer - A

Area 1 - Vince McCarthy - P

Area 2 & NCSD - Dan Woodson - P

Area 2 - Harry Walls - P

Area 3 - Elaine Thomas - P

Area 4 - David Nilsen - P

Area 3 - Richard Malvarose, Recording Secretary - P Public Safety - Richard Wright, Correspondence Secretary - P

Area 6 - Kevin Beauchamp - P

Area 7 - Ron Smith - P

Agriculture - Pat Duron - P

LMUSD - Vern Dahl (Ex-Officio) - A

(vacancies in Area 4, 5 and 7)

QUOROM ESTABLISHED

CORRESPONDENCE AND COMMENTS FROM THE CHAIR – CHAIRMAN OF THE SCAC READS -

SCAC provides a forum for citizen involvement and information on issues affecting unincorporated areas in South SLO County. The objective of SCAC is to advise County Government entities on those issues. Mr. Herbon also stated the need to expedite the meeting considering the large number of issues being discussed.

^{*}Present = P, Absent = A

COMMUNITY PRESENTATIONS - The SCAC Council may ask questions after each presentation. The Chairman may invite questions from the public if time permits.

- SLO County Supervisor Lynn Compton
- CALFIRE Battalion Chief Eric Shalhoob
- SLO Sheriff Commander Jay Donovan
- CHP Lieutenant Mike Brown
- Public Safety (optional) Richard Wright
- Agriculture (optional) Pat Duron
- NCSD Dan Woodson
- Nipomo Chamber Rudy Stowell
- LM School District Vern Dahl
- SLO County Planning Stephanie Fuhs

LYNN COMPTON – PROVIDED AN OVERVIEW OF THE COUNTY ISSUE PERTAINING TO PUBLIC FACILITY FEES (PFF) AND QUIMBY FUNDS BY CITING THE HISTORICAL BACKGROUND OF THE PREVIOUS LAWSUIT BROUGHT BY ATTORNEY JESSIE HILL AGAINST THE COUNTY FOR MISUSE OF QUIMBY FEES AND NOW FOR THE USE OF PFF IN OTHER PORTIONS OF THE COUNTY OUTSIDE OF DISTRICT 4. SHE ALSO REITERATED THAT THERE WILL BE MEETINGS STARTING ON MARCH 13TH FOR PHILLIP 66 RAIL SPUR PROJECT THAT WILL LAST THROUGHOUT THE WEEK AND A MEETING ON MARCH 22ND DISCUSSING THE NATIVE OAK PROTECTION ORDINANCE.

CALFIRE – BATTALION CHIEF ERIC SHALHOOB PROVIDED RESPONSE STATISTICS FOR NIPOMO STATION 20 AND MESA STATION 22 (SEE ATTACHED)

SHERIFF - NO REPRESENTATIVE

CHP – SERGEANT JOHNSON STATED THAT THERE WOULD BE AN OPERATION CONDUCTED ON ORCHARD ROAD ON WEDNESDAY TO CATCH DRIVERS PASSING SCHOOL BUSSES DISPLAYING THE STOP SIGN FOR CHILDREN LOADING AND UNLOADING.

PUBLIC SAFETY - NO COMMENTS

AGRICULTURAL - NO COMMENTS

NCSD – DAN WOODSON PROVIDED AN OVERVIEW OF RAIN GAUGE TOTALS AND WATER GENERATED (SEE ATTACHED)

NIPOMO CHAMBER – RUDY STOWELL PROVIDED AN OVERVIEW OF UPCOMING CHAMBER EVENTS

LMUSD – NO REPRESENTATIVE

PLANNING DEPARTMENT – STEPHANIE FUHS PROVIDED AN OVERVIEW OF ONGOING / ACTIVE PROJECTS WITHIN THE COOUNTY (SEE APPENDIX A)

PUBLIC COMMENT: Public testimony on items not scheduled on today's old and new business. Speakers are allotted 3 minutes for comments (total time for public comment is 15 minutes).

ISTAR HOLLIDAY REQUESTED THAT THE MICROPHONES BE TURNED UP SO THAT THE BACK OF THE ROOM COULD HEAR BETTER. SHE REQUESTED THAT LETTERS OF SUPPORT FOR THE PFF ISSUE NOT BE ENDORSED IN ADVANCE, PARTICULARLY FOR THE SKATE PARK. SHE ALSO DISCUSSED THE ONGOING DISPUTE WITH VIVA FARMS AND HAD CONTINUED TO EMAIL HARLEY VOSS AND ART TRINIDAD. SHE REQUESTED THAT A STRONGLY WORDED LETTER BE SENT TO HARLEY VOSS, ART TRINIDAD AND JIM BERGMAN ASKING FOR ANSWERS RELATING TO THE FIVE PREVIOUSLY STATED ACTION ITEMS.

CONSENT AGENDA: These are items scheduled for consideration as a group, and for approval of the recommended motion (<u>Motions are underlined below</u>). Any Council Person may withdraw an item from the Consent Agenda, to permit discussion after the Consent vote:

- 1. January Treasurer's Treasurer's Report (Spelbring). Motion: Approve Treasurer's Report.
- 2. January Minutes (Thomas). Motion Approve Minutes.

VOTE TO APPROVE CONSENT AGENDA PASSED WITH THREE ABSTENTIONS DUE TO MISSING LAST MEETING (RICHARD WRIGHT, VINCE MCCARTHY, RICHARD MALVAROSE)

OLD BUSINESS

1. Viva Farms – Review a status report from Mike Berry, related to progress made on five action items that were promised by county representatives in a community meeting in August, 2015. (see 8/12/15 letter from delzeit@charter.net to leongton@co.slo.ca.us).

MR. MIKE BERRY PROVIDED A BRIEF OVERVIEW ON THE ISSUES STILL TAKING PLACE AT VIVA FARMS. AFTER HIS PRESENTATION, THE BOARD DISCUSSED THE STATUS OF THE FIVE ACTION ITEMS AS STATED BY THE COUNTY AND Its REPRESENTATIVES

THE FIVE ACTION ITEMS INCLUDED:

- UNANNOUNCED RANDOM INSPECTIONS AT VIVA FARMS.
- PUBLIC WORKS' RESEARCH AND FEEDBACK CONCERNING ROAD STANDARDS AND SAFETY ISSUES IN THE AFFECTED AREA.
- A REPORT WITHIN 30 DAYS OF THE MARCH 23, 2016 SCAC MEETING FROM PLANNING DIRECTOR JIM BERGMAN.
- COUNTY COUNSEL'S REVIEW OF THE DEFINITION OF NURSERY SPECIALTIES ADDRESSING

CONCERNS ABOUT THE REQUIREMENT IN THE FIRST SENTENCE OF THE DEFINITION THAT SPECIFIES THAT THE PERMITTED USE REQUIRES THE GROWING OF PLANTS ON SITE.

- A REMINDER TO THE OWNER OF VIVA FARMS CONCERNING THE GOOD NEIGHBOR POLICY, SPECIFICALLY REGARDING WORKING AND DELIVERY HOURS OF OPERATION.

DUE TO COUNCIL CONCERN THAT NEIGHBORHOOD PROBLEMS INVOLVING VIVA FARMS HAVE BEEN UNRESOLVED FOR SIX YEARS, A MOTION WAS MADE BY HARRY WALLS AND SECONDED BY KEVIN BEAUCHAMP TO EXPAND THE FIVE ACTION ITEMS TO INCLUDE THE STATUS OF NON-PERMITTED STRUCTURES AND UNAUTHORIZED RESIDENCES ON THE SUBJECT PROPERTY. THE MOTION RESPECTFULLY REQUESTS THAT SUPERVISOR COMPTON, MR. ART TRINIDAD AND MR. HARLEY VOSS RESPOND IN WRITING PRIOR TO THE NEXT LAND USE COMMITTEE MEETING ON MARCH 13, 2017 AT 10:00 A.M. TO PROVIDE UPDATES ON THESE ACTION ITEMS. THE MOTION PASSED WITH TEN (10) VOTING IN FAVOR AND TWO (2) VOTING AGAINST.

NEW BUSINESS

1. Monarch Dunes Assisted Living facility at 1555 Mesa Rd, Nipomo (LRP2016-00008 AND DRC2016-00069) – Request by Land Use Committee to place the item on the SCAC agenda to advise county on the project.

The proposed project will provide residences for 108 assisted living and 21 memory care residents, located near Monarch Dunes golf course, and within the Woodlands Trilogy development. The following issues were discussed by the committee:

- Lack of proximity of shopping or medical facilities for residents of the proposed facility;
- Existing dust pollution impact (related to Oceano Dunes) on the residents of facility.
- Permitting questions regarding disposal of medical waste;
- Additional water use with 134 new residents and 60 new employees.
- Adequacy of parking spaces;
- Lack of traffic studies;
- Proximity to proposed Phillips 66 Rail Spur impact on "Quality of life" for residents;
- · Lack of a full EIR.

BRAD BRECHWALD, DAN GARSON, JEREMY FREUN AND JAY BLADDER PROVIDED AN IN-DEPTH PRESENTATION OF THE PROJECT TO THE SCAC THAT LASTED APPROXIMATELY 30 MINUTES.

PUBLIC COMMENTS ON THE PROJECT THEN TOOK PLACE:

ISTAR HOLLIDAY STATED HER CONCERNS ABOUT POOR AIR QUALITY FOR A "COMPROMISED" POPULATION OF THE ELDERLY. SHE ALSO STATED HER CONCERN ABOUT THE PROXIMITY OF THE ASSISTED LIVING FACILITY TO THE PROPOSED PHILLIPS 66 RAIL SPUR PROJECT. SHE STATED HER BELIEF THAT A FULL ENVIRONMENTAL IMPACT REPORT (EIR) SHOULD BE PREPARED AS WELL AS STATING HER CONCERNS RELATING TO PARKING LOT SIZE VERSUS THE NUMBER OF RESIDENTS AND EMPLOYEES AS WELL AS THE NEED FOR A TRAFFIC STUDY AND ADDITIONAL WATER USAGE.

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JEANNE TAYLOR STATED HER CONCERNS ABOUT THE NUMBER OF EMPLOYEES (80) AND THE NUMBER OF SHIFTS AND THE SUBSEQUENT IMPACT ON PARKING. SHE FURTHER QUESTIONED WHETHER A TRAFFIC STUDY HAD BEEN OR WOULD NEED TO BE PERFORMED AND STATED HER CONCERNS ABOUT AMBULANCE RESPONSE TIMES TO THE PROPOSED LOCATION. SHE ALSO HAD CONCERNS ABOUT THE SECURITY OF ALZHEIMER'S PATIENTS.

MR. STOLPMAN VOICED HIS CONCERNS ABOUT THE AMBIENT AIR QUALITY AT TRILOGY BASED ON CRYSTALLINE SILICA ISSUES FROM THE MESA DUNES TO THE WEST. HE STATED THAT UP TO 60 DAYS PER YEAR THAT THE AIR QUALITY EXCEEDED OCCUPATIONAL HEALTH AND SAFETY ADMINISTRATION (OSHA) STANDARDS.

ROCHELLE TOTI VOICED HER CONCERNS ABOUT AIR QUALITY AND THE IMPACTS ON SENIOR RESIDENTS AND ASKED IF HEPA FILTRATION WOULD BE PART OF THE LIVING CONDITIONS

MIKE BERRY STATED THE LARGEST TURNOVER FOR WORK SHIFTS DURING PEAK HOURS AND STATED THAT HE HAD CONCERNS ABOUT INCREASED TRAFFIC DUE TO EXISTING ISSUES ON MESA ROAD AND STATED THAT HE BELIEVED THAT THIS PROJECT REQUIRED A SPECIFIC PLAN CHANGE INSTEAD OF A REZONING FROM COMMERCIAL RETAIL TO OFFICE PROFESSIONAL

AN SCAC BOARD MEMBER STATED A CONCERN ABOUT MEDICAL WASTE AND POSSIBLE IMPACTS TO THE GROUND WATER SUPPLY.

AN SCAC BOARD MEMBER VOICED CONCERNS ABOUT THE RESIDENTS OF THE EXTENDED CARE FACILTIY USING THE EXISTING FACILITES ON TRILOGY PROPER (GYM, RESTARUANTS, POOL, ETC)

IN SUMMARY, THE GROUP PROVIDING THE OVERVIEW OF THE PROJECT STATED THAT:

AIR QUALITY CONCERNS WOULD BE HANDLED BY ONSITE HEPA FILTRATION WITH THE POSSIBILITY OF ADDITIONAL PRECAUTIONS BEING TAKEN ON HEAVY PARTICULATE MATTER DAYS

THAT THE 100 SPACES ALLOCATED TO PARKING WOULD BE MORE THAN ADEQUATE BASED ON HISTORICAL DATA SUPPORTING EXTENDED CARE FACILITIES

THAT ALZHEIMER'S PATIENTS WERE AFFORDED SPECIAL SECURITY MEASURES TO ENSURE THAT THEY WERE NOT ABLE TO WANDER AROUND FREELY WITHOUT SUPERVISION

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THAT COUNTY PLANNING WOULD ULTIMATELY DECIDE WHETHER A FULL EIR WOULD BE REQUIRED FOR THIS PROJECT

THAT THE FACILITIES CURRENTLY IN USE BY TRILOGY RESIDENTS WOULD NOT BE MADE AVAILABLE TO THE RESIDENTS OF THE EXTENDED CARE FACILTIY

THAT THE EXTENDED CARE FACILITY DID NOT GENERATE ANY MEDICAL WASTE OR CONTAMINATION ABOVE AND BEYOND WHAT ALREADY EXISTS WITHIN EACH COMMUNITY. THEY FURTHER REITERATED THAT THIS WILL NOT BE A "NURSING HOME" AND WOULD NOT GENERATE HAZARDOUS MEDICAL WASTE

A MOTION WAS MADE TO RECOMMED APPROVAL OF BOTH THE REQUEST TO REZONE FROM COMMERCIAL RETAIL TO OFFICE PROFESSIONAL AND THE FOLLOW ON CONDITIONAL USE PERMIT. THIS MOTION PASSED WITH 10 IN FAVOR AND TWO OPPOSED.

SCAC COMMITTEE REPORTS

- 2. Land Use Committee Richard Malvarose NOTHING FURTHER TO REPORT
- 3. Traffic and Circulation Committee Dan Woodson SEE ATTACHED
- 4. SCAC Bylaws Ad Hoc Committee Dick Wright NOTHING FURTHER TO REPORT
- 5. Election Committee David Nilsen NOTHING FURTHER TO REPORT

ADJOURNMENT – AT 2125

- The Election Town Hall took place immediately following adjournment of the meeting
- SCAC elections will be held on March 20th, 5PM to 8 PM.
- The next SCAC meeting will be March 27^{th.}

HOUSING (active project requests)

- 1. LRP2014.0016 BLACKLAKE SPECIFIC PLAN Feb-2015 SCAC advised County to authorize processing of Specific Plan. 5/19 Town Hall Remove plans for 100 single family homes, and for rebuilding water treatment plant. Hotel: 65 suites and 65 condos. Senior living. No RV park. Board of Supervisors authorized processing on 1/12/16.
- 2. SUB2015-00009 CO15-0065 CASTANEDA- Proposed parcel map to divide two parcels of approximately 20.9 acres into four resulting parcels of 5.2,5.3,5.3, and 5.1 acres. Site location is 1650 Rocky Place, Arroyo Grande. Sept., 2015 SCAC recommended approval of application. Feb-2016 Planning Commission accepted for processing but no hearing scheduled yet.
- **3.** DRC2016-Fulton minor use permit for a detached 4,000 sf garage/workshop at 1455 Verano Way, Nipomo. SCAC recommended approval Nov-2016.
- **4.** DRC2016-Edwards minor use permit to allow modification of the building envelope and the road incline which needs to be 16%. SCAC recommended approval Nov-2016.

BUSINESS (active project requests)

- 1. DRC2011.0065 UNOCAL/Guadalupe Oil Field Cleanup (Willow truck route) Jun, 2014 SCAC advised against project. Mr. McKenzie will investigate accuracy of EIR regarding 100-200 homes not considered on the proposed route. Mar-2016 Planning Commission waiting for more information.
- **2.** DRC2012.0095 PHILLIPS 66 RAIL SPUR Feb-2014 SCAC tabled the issue pending completion of the final EIR. Oct-2014 SCAC sent letter to County. Jan-2016 SCAC advised county to reject application based on "intensified land use". Oct-2016 PC denied application.
- **3.** DRC2014.0018 Mesa Dunes Retail, 719 Tefft St, Nipomo. Feb-2016 County waiting for more info. 10/16 Enforcement case and information hold items pending.
- **4.** DRC2014-00131 MARINAI Conditional Use Permit for three story, 83 unit Hilton Hotel with a total of 38,500 sf. SCAC voted to recommend approval provided that the project adhere to I) Cal Fire guidelines, II) that a traffic study be completed and show no deterioration from the current level of service and III) that the project adhere to the West Tefft Commercial Corridor Aesthetic Plan. Oct-2016 Project will have to be re-noticed before going back to Planning Commission.
- **5.** Viva Nursery and Plant Source Aug-2014 Plant Source relocated to Oceano to reduce truck traffic on Camino Caballa. Feb-2016 Viva announced they will be closing operations. Oct-2016 Code Enforcement report to SCAC indicates that operations might not close.
- **6.** LRP20154-0025 Monarch Dunes Retail Change site zoning from commercial to retail. July, 2015 SCAC recommended approval. Sept-2016 Board of Supervisors authorized.
- 7. DRC2015-00044 Deactivate Phillips 66 Pipelines Minor use permit to deactivate pipelines between Phillips 66 and Chevron's Guadalupe Dunes cleanup site. Oct-2015 SCAC recommended approval.

- **8.** LRP2015-00007 Proposed Residential Vacation Rental Ordinance Neighborhood compatibility concerns and community character impacts associated with establishing vacation rentals in residential neighborhoods and rural/agricultural areas of the county. The proposed amendments would disallow temporary events (e.g. weddings, reunions, concerts, etc.) at sites with residential vacation rentals unless they obtain land use permit approval for the event. Oct-2016 waiting for direction for BOS.
- 9. DRC2016-0002 MONARCH DUNES 32,000 SQ. FT. Mini storage facility project location is off highway 1, in the woodlands area of Nipomo. SCAC recommended approval Sept-2016.

PUBLIC INFRASTRUCTURE (active project requests)

- 1. CAL2015 Caltrans two-way left tern channel at Hwy1 and Sheridan. Mar-2015 SCAC advised County to encourage minimal removal of trees on the project. May-2015 County waiting for more information regarding the number of trees to remove.
- 2. DRC2014-00152 PG&E- Proposed Minor Use Permit for a cell site consisting of one antenna to be installed on an existing utility pole at 125 S. Thompson Ave, Nipomo (Trisha Knight). Aug-2015 SCAC requested that the applicant review the placement and style of the cell site with the Olde Towne Nipomo Association prior to the SCAC making a recommendation. 10/20/15 Trisha requested moving the item to November's SCAC meeting to all design review with Olde Town Association.

HOUSING (projects that were approved, rejected, withdrawn)

- 1. SUB2006.0205 Vista Grande 18 unit planned development at 545 Grande Ave, Nipomo. Apr-2014 SCAC advised for approval of project. Approved.
- 2. DRC2013-0071 Dana Foothill Rd, Nipomo Distance waiver of 350' for a second home. Mar-2014 SCAC Advised County to approve the project. Approved.
- **3.** SUB2013.0058 1288 Hetrick Ave, AG. Subdivide 10.8 acres into 5.3 and 5.5 acre parcels. Apr-2014 SCAC advised against based on water issues. 8/14 withdrawn by applicant
- **4.** DRC2014.0014 Peachy 164 S Mallagh St. Six 2-bedroom homes on 1/2 acre (section-8). Nov-2015 SCAC advised for approval of project. Jan-2015 Approved.
- 5. LRP2014.0001 MONARCH DUNES PHASE 2 SPECIFIC PLAN Withdrawn by applicant.
- 6. DRC2014.0097 VAN PETTEN (916 Mesa View Dr.) Mar-2015 SCAC advised to allow 5' bluff setback. May 2015. Approved 1/15/16 with no appeal.
- 7. DRC2014-00148 JOHANNESSEN Convert an existing garage and office into a secondary dwelling, 804 Pomeroy Rd, Nipomo. Planning Commission approved 10/2/15.
- **8.** SUB2001.0001 LAETITIA AGRICULTURE CLUSTER 102 residential lots. 6/22/15 SCAC advised against project due to road access and water issues. Project denied by Planning Commission on 2/11/16. BOS denied the appeal at their 9/28/2016 meeting.
- 9. SUB2015-00004 HURDLE 975 Theodora St., Nipomo. Subdivide 0.9 acres into four residential parcels. June, 2015 SCAC recommended approval of application. Subdivision Review Board approved project 3/8/16.

BUSINESS (projects that were approved, rejected, withdrawn)

- 1. DRC2012.0101 Oil Pipeline From Price Canyon to P66 line @ Oak Park & Grande Ave. Oct-2014 reported to SCAC by Brian Pedrotti. May-2015 Approved
- 2. DRC2014.0076 Peoples Care, 150 Mary Ave, Nipomo. Day Care Center Feb-2015 SCAC advised allowing exemption to parking standards for day care center. May 2015 Withdrawn by applicant
- 3. DRC2014.0132 SHARMA Minor use permit for water tank storage yard and office on Hutton-Rd between Winding Way and Cuyama Ln, Nipomo May 2015 SCAC advised county to-approve application.. September, 2015 project approved.
- **4.** DRC2014-00153 96 bed assisted living center and 36 unit apartment for independent living. SCAC advised approval of modification to project from 36 unit to 40 unit, and other changes, providing the project meets criteria of West Tefft Corridor Plan. August, 2015 project approved
- **5.** DRC2013.0062 PORTER 10200 Alamo Creek Rd (Huasna) Porter Ranch Exploration Wells. Mar-2014 SCAC tabled request until more information is available. Project withdrawn 1/13/16.

- **6.** DRC2014-0065 Nichols Wine production tasting room (Peacock). 1543 Los Berros. Jan-2015 SCAC advised for approval of project. Approved by Planning Commission 10/26/15.
- 7. DRC2015-00017 15 Year extension for freeway billboard Conditional use permit to extend approval an additional 15 years. Nov,2015 Application rejected by Planning Commission.
- **8.** DRC2014.0024 RV Storage 245 Frontage Rd. Add 300 parking spots for swap meet. Nov-2015 SCAC tabled item until after Mary Avenue widening project is decided. Approved at PDH 6/17/2016.
- 9. DRC2014-0070 Ethnobotanica 2122 Hutton, Nipomo. Medical marijuana dispensary. Feb-2015 SCAC advised county to deny the application. July-2015 Planning Commission approved the project. Nov. 2015 BOS denied the project.
- **10.** DRC2015-00101 BAKER Proposed Conditional Use Permit / development plan for a self-storage facility at 2710 Willow Road, Arroyo Grande. SCAC recommended approval Apr, 2016.
- 11. DRC2016-00005, GHAZALY SOUTH COUNTY E-REFERRAL, 1020 DIVISION STREET, NIPOMO PROPOSED. MIX USE DEVELOPMENT: 8,200 SQ. FT. COMMERCIAL, 4,800-SQ. FT. STUDIO APARTMENTS. Changed the number of buildings from four to six and stated that they are in possession of an intent to serve from NCSD for sewage and a Will Serve from Golden State. This discussion was for reference only and is being moved to the Project Appendix.

PUBLIC INFRASTRUCTURE (projects that were approved, rejected, withdrawn)

- 1. DRC2013.0076 Land Conservancy, 1290 Mesa View Dr. New 12 acre public park. Apr-2014 SCAC advised county to support project. Approved July-2014
- 2. DRC2013.0084 Two Cell Towers 1070 Mesa View Dr, Arroyo Grande. May-2014 Approved May 2014
- 3. DRC-2014-00156 Proposed minor use permit for the Jim Miller Community Park in Olde Towne Nipomo. Site location: corner of West Tefft and Carillo Streets. Sept., 2015 SCAC recommended approval. March, 2016 Planning Commission approved.
- **4.** DRC2014.0010 Wise, Antennas at 2286 S. Halcyon. Mar-2015 SCAC advised use of faux Eucalyptus tree instead of pine tree. October 22, 2015 Planning Commission approved.