

**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

TO: Planning Commission

FROM: Marisa Lundstedt, Director of Community Development

THROUGH: Laurie B. Jester, Planning Manager

BY: Ted Fatuross, Assistant Planner

DATE: June 22, 2016

SUBJECT: Variance to Allow a Remodel/Addition to a Nonconforming Home on a Triangle-Shaped Property at 2615 N. Valley Drive (Sai-Tran)

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT THE PUBLIC HEARING, APPROVE** the request, and **ADOPT** the attached Resolution. (Exhibit A)

APPLICANT/OWNER

Kwong Sai and Duyen Tran
2615 N. Valley Drive
Manhattan Beach, CA 90266

BACKGROUND

The subject site is a triangular shaped lot located on a non-rectangular block on the north side of N. Valley Drive (see attached Location map- Exhibit B). The project proposes a remodel and addition to an existing nonconforming home. The home's existing nonconformities include the rear and side yard setback. The proposed project will maintain these nonconformities and match the previously approved reduced front yard setback while creating a new second nonconforming side yard setback. The proposed resulting structure will conform to all other code requirements.

LOCATION

<u>Location</u>	2615 N. Valley Drive (See Location Map – Exhibit B)
<u>Legal Description</u>	Portion of Lot 6, Block 23, Tract No. 1638
<u>Area District</u>	II

LAND USE

General Plan Low Density Residential
Zoning RS, Residential Low Density

PROJECT DETAILS

	<u>Proposed</u>	<u>Code Requirement</u>
Parcel Size:	4,692 sq ft	4,600 sq ft min
Buildable Floor Area:	2,774 sq ft	3,284 sq ft max
Height	26 ft	26 ft max
Parking:	2 enclosed spaces	2 enclosed spaces
<u>Setbacks</u>		
Front	15.1 ft (existing- previously approved)	20 ft. min.
Rear	9 ft (existing)	12 ft min.
Side	5 ft (existing on west side yard)	6.7 ft. min.
Supplemental Second Story	359 sq ft	281.5 sq ft
Stories	2	2

DISCUSSION

The existing site consists of a 1,945 square foot home with a 441 sq ft two car garage located on a triangle-shaped lot. The lot has 117.15 feet of frontage on N. Valley Drive. There is also a large unpermitted shed on the eastern side of the property which will be demolished in order to make room for the proposed new addition.

The existing structure has several nonconformities. The existing rear yard setback is approximately 9 feet while the minimum required rear yard setback is 12 feet. The existing western side yard setback is 5 feet while the minimum required side yard setback is 6.7 feet.

The property was granted a minimum 15 foot front yard setback instead of the minimum 20 foot front setback when the existing lot was created via subdivision by the Board of Zoning Adjustment in 1965 (Resolution No. 65-18 -Exhibit C). The Board of Zoning Adjustment, a predecessor to today’s Planning Commission, recognized the “unusual front width” of the resulting subdivided lots created a significant challenge when applying the Zoning Code’s development standards; and the Board “felt that a fifteen foot front yard setback, in lieu of twenty feet, would permit a better design and allow a larger rear yard”. Furthermore, the Board of Zoning Adjustment recognized that a “fifteen foot front yard setback would not effect [sic] the adjacent properties inasmuch as they face the side streets”. Code standards have changed since 1965, with increased setbacks as well as other additional regulations, including the supplemental second story setback. The relief granted by Resolution No. 65-18 for the front yard setback requirement does not adequately address the substantial limitations of the current development standards when applied to the property. A variance is requested to allow for deviation from the current development standards in order to add onto the existing dwelling.

The submitted plans propose to keep the majority of the existing first floor and the entire existing second floor, and will thus maintain the existing nonconforming rear yard and nonconforming

western side yard. The addition to the home on the first and second stories will create a new nonconforming side yard on the northern side of the property, whereby the new addition will maintain a minimum of 5 feet in distance to the northern property line instead of the required 6.7 feet. The northern side yard where this new nonconformity will be created is technically a side yard but functions as the property's rear yard due to the triangular shape of the lot.

The property owners have previously received approval for a Tree Removal Permit (TR16-0031) to remove the numerous ficus trees in their front yard after demonstrating multiple plumbing problems stemming from the aggressive ficus roots. The size and number of replacement trees will be addressed during the plan check process.

Variance Findings

Section 10.84.010 of the MBMC indicates that variances are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or physical conditions on the site or in the immediate vicinity. The City's Zoning Code, Section 10.84.060 B is based upon State Law and requires that each of the following three findings must be met in order for a Variance to be approved.

These required findings are detailed below:

1. Because of special circumstances or conditions applicable to the subject property—including narrowness and hollowness or shape, exceptional topography, or the extraordinary or exceptional situations or conditions—strict application of the requirements of this title would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardships upon, the owner of the property;
2. The relief may be granted without substantial detriment to the public good; without substantial impairment of affected natural resources; and not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare; and
3. Granting the application is consistent with the purposes of this title and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district and area district.

Staff suggests the following findings in support of the Variance for the project:

1. The lot is a triangle shape with 117.15 feet of frontage on N. Valley Drive. Applying the strict application of the Code's development standards to this irregular lot would result in a burdensome buildable envelope and an undue hardship in creating a fluid and functional floor plan for a home on the property. A typical lot in this part of Area District II is 40 feet wide by 116 feet long, and the normal 20 foot setback would take up approximately 17.24% of the lot. A normal 20 foot setback applied to 2615 N. Valley Drive, with the lot's long 117.15 feet of frontage along N. Valley Drive, would create a situation where the area of the required front setback would take up approximately 44.7%

of the lot. Furthermore, the Planning Commission's predecessor, the Board of Zoning Adjustment, granted the 15 foot front yard setback in 1965 and identified the lot's shape and long frontage as special conditions that warranted deviation from the prescribed development standards. The lot's extremely long street frontage hasn't changed since 1965 and there is no reason not to continue to maintain the 15 front yard setback requirement.

The lot's shape also creates impracticalities when applying the required side yard setback to the lot, particularly on the northeastern side of the property where relief has been requested. The lot's odd shape and dimensions create an unusual wide property width, as defined by MBMC 10.04.030. The side yard setback, which is derived from the property width, pinches the possible living area within the buildable envelope in the northeastern part of the property as the property tapers off to the east. Allowing some setback relief in this part of the property allows the applicant to have a more coherent floor plan and practical living area.

2. The relief may be granted without substantial detriment to the public good as the home is retaining most of its existing footprint and setbacks. The proposed plans are also compatible with neighboring property (2607 N. Valley Drive), as the existing front yard setback matches with the neighbor's front yard setback. The area in what is technically the side yard setback of the northeastern part of the property where the new nonconformity is proposed abuts the neighbor's rear yards, thus leaving substantial space between the new addition and the neighbor's structure in order to insure adequate privacy for both the applicant and the neighbors. Furthermore, the designer has made significant efforts to provide modulation to the structure's front despite the 15 foot front setback, using different depths and textures to give the home architectural character that benefits the neighborhood. The proposed home is also compatible in terms of scale and mass with other neighboring properties, which range from smaller single story homes to larger two-story homes.
3. Granting the application is consistent with the purposes of the Zoning Code, in particular Section 10.12.010 B and E, and will not constitute the granting of a special privilege because the setback standards are oriented toward more standard shape, size and depth properties. The proposed project will provide relative setback and bulk consistency with neighboring properties, will ensure adequate light, air, privacy and open space, protect neighboring residents from adverse impacts, and achieve design compatibility.

The proposed project is consistent with the following General Plan goals and policies:

Land Use Element:

Policy LU-1.2- Require the design of all new construction to utilize notches, balconies, rooflines, open space, setbacks, landscaping, or other architectural details to reduce the bulk of buildings and to add visual interest to the streetscape.

The designer has made a substantial effort to create articulation in the building's façade by creating different depths and using contrasting wall textures and design features including notches and other architectural details.

Policy LU-2.2- Preserve and encourage private open space on residential lots citywide.

The proposed project maintains a proportionally large landscaped front yard, due to the width of the front property line which is almost triple the minimum lot width in the zone, in addition to a practical rear yard that provides ample private open space.

LU-3.1- Continue to encourage quality design in all new construction.

The proposed project is an aesthetically interesting design that also provides a practical floor plan for the home's current and future inhabitants.

Housing Element:

Policy 1. Preserve the scale of development in existing residential neighborhoods.

The proposed project's size does not exceed the maximum buildable floor area or maximum height, and exceeds minimum standards for the additional second story setback (M.B.M.C 10.12.030 T).

Policy 2. Preserve existing dwellings.

The proposed project preserves the vast majority of the existing structure and allows minor relief from the current development standards in order to create a larger home with a more functional floor plan.

Program 2a. Allow non-conforming dwellings to remain and improve.

The proposed project maintains and improves the existing nonconforming dwelling while meeting the majority of the required development standards.

Department comments

Other department's had no comments on the project. Standard code requirements and other regulations will be applied during plan check.

Neighbor Response

Staff has received no comments in response to the project notice which was published in the paper on June 2, 2016 and mailed to surrounding property owners on June 8, 2016.

ENVIRONMENTAL REVIEW

The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303 based on staff's determination that the project consists of the new construction of a small structure consisting of one-single family residence that will not have a significant impact on the environment.

CONCLUSION

Staff supports the Variance request, subject to the recommended conditions, based on the Variance findings stated above, and that the project otherwise: (1) conforms to applicable zoning objectives and development standards, (2) is not expected to have a detrimental impact on nearby properties, and, (3) is consistent with the goals and policies of the General Plan.

Attachments:

- A. Draft Resolution No. PC 16-XX
 - B. Location Map
 - C. Board of Zoning Adjustment Resolution No. 65-18
 - D. Applicant Material
 - E. Proposed Plans, cover sheet dated October 18, 2015 (not available electronically)
- c: Kwong Sai and Duyen Tran, Applicants

RESOLUTION NO PC 16-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MANHATTAN BEACH APPROVING A VARIANCE TO ALLOW A
REMODEL/ADDITION TO A NONCONFORMING HOME AT 2615 N. VALLEY
DRIVE
(Sai-Tran)**

**THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY RESOLVE
AS FOLLOWS:**

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law on June 22, 2016 to consider an application for a Variance for the property legally described as Portion of Lot 6, Block 23, Tract No. 1638, located at 2615 N Valley Drive in the City of Manhattan Beach.
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The applicants and property owners for the Variance are Kwong Sai and Duyen Tran.
- D. The property is located within Area District II and is zoned RS Single-Family Residential. The surrounding Zoning and land uses consist of single-family residences and open space (Veteran's Parkway across Valley Drive).
- E. The General Plan designation for the property and surrounding area is Low Density Residential and Parks/Open Space. The General Plan encourages the preservation, rehabilitation and upgrade of residential development, such as this. The project is specifically consistent with General Plan Policies as follows:

Land Use Element:

Policy LU-1.2- Require the design of all new construction to utilize notches, balconies, rooflines, open space, setbacks, landscaping, or other architectural details to reduce the bulk of buildings and to add visual interest to the streetscape.

Policy LU-2.2- Preserve and encourage private open space on residential lots citywide.

LU-3.1- Continue to encourage quality design in all new construction.

Housing Element:

Policy 1. Preserve the scale of development in existing residential neighborhoods.

Policy 2. Preserve existing dwellings.

**ATTACHMENT A
PC MTG 6-22-16**

Program 2a. Allow non-conforming dwellings to remain and improve.

- F. The applicant requests to remodel the existing nonconforming structure and add square footage on the first and second stories.
- G. The front yard setback will continue to be a minimum of 15 feet, as approved by the Board of Zoning Administration in 1965 (Res. No. 65 -18) instead of the required minimum 20 foot front yard setback. The side yard setbacks will be a minimum of 5 feet instead of the required minimum of 6.7 feet. The rear yard setback will be a minimum of 9 feet instead of the required minimum of 12 feet.
- H. The proposed construction complies with other applicable standards including maximum building height, maximum buildable floor area, additional front setback on the second story, and parking requirements.
- I. The project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303 based on staff's determination that the project consists of the new construction of a small structure consisting of one single family residence that will not have a significant impact on the environment.
- J. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- K. The Planning Commission made the following findings with respect to the Variance application:

1. **Because of special circumstances or conditions applicable to the subject property—including narrowness and hollowness or shape, exceptional topography, or the extraordinary or exceptional situations or conditions—strict application of the requirements of this title would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardships upon, the owner of the property.**

The lot is a triangle shape with 117.15 feet of frontage on N. Valley Drive. Applying the strict application of the Code's development standards to this irregular lot would result in a burdensome buildable envelope and an undue hardship in creating a fluid and functional floor plan for a home on the property. A typical lot in this part of Area District II is 40 feet wide by 116 feet long, and the normal 20 foot setback would take up approximately 17.24% of the lot. A normal 20 foot setback applied to 2615 N. Valley Drive, with the lot's long 117.15 feet of frontage along N. Valley Drive, would create a situation where the area of the required front setback would take up approximately 44.7% of the lot. Furthermore, the Planning Commission's predecessor, the Board of Zoning Adjustment, granted the 15 foot front yard setback in 1965 and identified the lot's shape and long frontage as special conditions that warranted deviation from the prescribed development standards. The lot's extremely long street frontage hasn't changed since 1965 and there is no reason not to continue to maintain the 15 front yard setback requirement.

The lot's shape also creates impracticalities when applying the required side yard setback to the lot, particularly on the northeastern side of the property where relief has been requested. The lot's odd shape and dimensions create an unusual wide property width, as defined by MBMC 10.04.030. The side yard setback, which is derived from the property width, pinches the possible living area within the buildable envelope in the northeastern part of the property as the property tapers off to the east.

Allowing some setback relief in this part of the property allows the applicant to have a more coherent floor plan and practical living area.

- 2. The relief may be granted without substantial detriment to the public good; without substantial impairment of affected natural resources; and not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.**

The relief may be granted without substantial detriment to the public good as the home is retaining most of its existing footprint and setbacks. The proposed plans are also compatible with neighboring property (2607 N. Valley Drive), as the existing front yard setback matches with the neighbor's front yard setback. The area in what is technically the side yard setback of the northeastern part of the property where the new nonconformity is proposed abuts the neighbor's rear yards, thus leaving substantial space between the new addition and the neighbor's structure in order to insure adequate privacy for both the applicant and the neighbors. Furthermore, the designer has made significant efforts to provide modulation to the structure's front despite the 15 foot front setback, using different depths and textures to give the home architectural character that benefits the neighborhood. The proposed home is also compatible in terms of scale and mass with other neighboring properties, which range from smaller single story homes to larger two-story homes.

- 3. Granting the application is consistent with the purposes of this title and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district and area district.**

Granting the application is consistent with the purposes of the Zoning Code, in particular Section 10.12.010 B and E, and will not constitute the granting of a special privilege because the setback standards are oriented toward more standard shape, size and depth properties. The proposed project will provide relative setback and bulk consistency with neighboring properties, will ensure adequate light, air, privacy and open space, protect neighboring residents from adverse impacts, and achieve design compatibility.

M. This Resolution upon its effectiveness constitutes the Variance for the subject project.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Variance subject to the following conditions:

1. The project shall be in substantial conformance with the plans submitted to, and approved by the Planning Commission on June 22, 2016. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
2. If determined to be necessary by the City Traffic Engineer, a Construction Management and Parking Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Community Development Department prior to issuance of building permits. The plan shall provide for the management of all construction related traffic and operation during all phases of construction, including delivery and storage of materials and parking of construction related vehicles.
3. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted. Erosion control devices shall be provided as required by the Public Works Director.

4. A site landscaping plan utilizing drought tolerant plants shall be submitted for review and approval concurrent with the building permit application. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area.
5. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.
6. All defective or damaged curb, gutter, street paving, and sidewalk improvements shall be removed and replaced with standard improvements, subject to the approval of the Public Works Department.
7. The applicant shall remove the portion of the existing front yard wall in the public right of way along N. Valley Drive.

Procedural

8. This Resolution shall become effective when all time limits for appeals have been exhausted as provided in MBMC Section 10.100.010.
9. The Variance shall be approved for a period of two years after the date of approval, with the option for future extensions, in accordance with the MBMC Section 10.84.090 (A).
11. Pursuant to Public Resources Code Section 21089(b) and Fish and Game Code Section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.
12. The applicant must submit in writing to the City of Manhattan Beach acceptance of all conditions within 30 days of approval of the Variance.
13. *Indemnity, Duty to Defend and Obligation to Pay Judgments and Defense Costs, Including Attorneys' Fees, Incurred by the City.* The applicant shall defend, indemnify, and hold harmless the City, its elected officials, officers, employees, volunteers, agents, and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees") from and against any claims, damages, actions, causes of actions, lawsuits, suits, proceedings, losses, judgments, costs, and expenses (including, without limitation, attorneys' fees or court costs) in any manner arising out of or incident to this approval, related entitlements, or the City's environmental review thereof. The applicant shall pay and satisfy any judgment, award or decree that may be rendered against City or the other Indemnitees in any such suit, action, or other legal proceeding. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City or the Indemnitees. The City shall have the right to select counsel of its choice. The applicant shall reimburse the City, and the other Indemnitees, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Nothing in this Section shall be construed to require the applicant to indemnify Indemnitees for any Claim arising from the sole negligence or willful misconduct of

the Indemnitees. In the event such a legal action is filed challenging the City's determinations herein or the issuance of the approval, the City shall estimate its expenses for the litigation. The applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **June 22, 2016** and that said Resolution was adopted by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

Marisa Lundstedt,
Secretary to the Planning Commission

Rosemary Lackow,
Recording Secretary

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RESOLUTION NO. 65-18

WHEREAS, the Board of Zoning Adjustment received an application from Pedro and Anita Collado to divide Lot 6, Block 23, Tract No. 1638 in the City of Manhattan Beach, County of Los Angeles, State of California, as per map thereof recorded in Book 22, Pages 142-43 of Maps on file in the office of the Recorder of Los Angeles County, California, into two parcels as follows:

Parcel A, to consist of that portion of Lot 6, Block 23, Tract No. 1638 described as follows: Beginning at the most southerly corner of Lot 6 thence N. 0° 00' 30" W 127.72' thence S 55° 56' 30" E 20.76' thence along a curve of radius 865.37' concave to the northwest distant 72.72' more or less to the point of beginning

Parcel B, to consist of said Lot 6 EXCEPT that portion described in Parcel A.

(said property located at 2607 Valley Drive); and

WHEREAS, pursuant to the requirements of Section 10-4, 502 of the Manhattan Beach Municipal Code, a public hearing was held on said matter; and

WHEREAS, the property is located in Area District II-A where the minimum land area requirement is 4600 sq. ft. and the minimum width of lot is 40 feet; and

WHEREAS, the division as proposed would create one triangular parcel containing 4600 sq. ft. with a frontage of 105.54' and the second parcel would be a trapezoidal site having a frontage of 72.72'; and

WHEREAS, because of the unusual front width of these parcels, it was felt that a fifteen foot front yard setback, in lieu of twenty feet, would permit a better design and allow a larger rear yard; and

WHEREAS, permitting said fifteen foot front yard setback would not effect the adjacent properties inasmuch as they face the side streets; and

WHEREAS, this large triangular shaped parcel has been vacant since its original subdivision; and

WHEREAS, the Public Works Department has advised that an easement will be required for installation of a sanitary sewer line to serve Parcel B, together with a clean-out or a manhole plus a 6" wye for a house connection, the installation to be at the expense of the property owner; and

WHEREAS, the applicant has agreed to said stipulation;

NOW, THEREFORE BE IT RESOLVED, that the Board of Zoning Adjustment does hereby recommend to the City Council that the request of Pedro and Anita Collado to divide Lot 6, Block 23, Tract No. 1638 into two parcels be granted subject to the following conditions:

ATTACHMENT C
PC MTG 6-22-16

1. To secure sanitary sewer service an extension of the existing installation will be required. The sewer line, now terminating in a manhole near the northwest corner of Lot 6, must be extended through a 5' easement provided for the purpose, easterly for a distance of 50' along the northerly line of Lot 6. In addition it must terminate in a 10'x10' easement in the northwest corner of Parcel B of Lot 6, which shall contain a clean-out or a manhole plus a 6" wye for a house connection. The installation will be at the expense of the property owner.
2. A 15 foot front yard setback in lieu of the required 20 foot front yard setback will be allowed for the construction of each of the two proposed dwellings.

I hereby certify that the foregoing is a full, true and correct copy of the resolution adopted by the Board of Zoning Adjustment at its regular meeting December 28, 1965 and that said resolution was adopted by the following vote:

AYES:

Mrs. Dontanville, Messrs. Edwards, Peters and Terrano

NOES:

None

NOT VOTING:

None

ABSENT:

Mr. Hollingsworth

Jane King

Jane King, Recording Secretary
Board of Zoning Adjustment

When my husband and I moved to Los Angeles from New York City nearly 9 years ago we wanted to find a place that felt like a community and where we could raise a family. That was why we chose to make Manhattan Beach our home. It has everything we could want from the wonderful community to the great school district and so much more.

Over the years, we were blessed to have two beautiful girls join our family; Anabella and Elizabeth. However, our latest addition to the family has made us realize that we need more space for our girls to flourish and thrive. It has become increasingly more difficult to live in our current space simply because there is not enough space especially with a newborn.

We love living in the Tree Section and our preference is to stay here in the home where our oldest girl, Anabella, has grown to love. We are looking to add on the additional space that our family needs and are looking for some relief from the existing code because of the unique shape of our lot (pie shape). We are respectfully requesting for a variance to be granted so that we will be able to build a house that can accommodate the needs of our family.

We thank you for your time in reviewing our request and hope that you will see fit to grant it.

Sincerely yours,

Duyen Tran & Kwong Sai

Handwritten signatures of Duyen Tran and Kwong Sai.

ATTACHMENT D
PC MTG 6-22-16

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