

Elena Sasin

From: Margot Seitz <mseitz@fwwlaw.com>
Sent: Wednesday, November 30, 2016 8:52 AM
To: 'Andrew Stamp'; Elena Sasin
Cc: 'Rick King'
Subject: RE: Applicant's response dated Nov 23, 2016 Re

Dear Elena –

In addition to incorporating Mr. Stamps arguments below herein, I submit the following objection. The applicant's November 23, 2016 submission substantially amended its original application. The plans that were available for public view and comment are considerably different from now what is being proposed. Among other things, the applicant redesigned the land division boundaries, redefined and changed the yard areas, changed the size and location of Tract "B", and withdrew its application for a flexible lot setback. The applicant's new drawings also create a seventh stand alone tract of land. Specifically, the southernmost portion of the property now forms a small triangle of land that is excluding it from "Tract B," without explanation.

The City deemed the application complete on August 10, 2016 and already issued a Notice of Decision on that specific application. Since substantial amendments have been made more than 14 days after the application was deemed complete (and after the Notice of Decision was issued), the director should treat the application as being refilled to afford all interested parties due process. *See*, BDS 50.25 E. 10. The applicant has asked for a substantial continuance to April 7, 2017 which provides sufficient time for that process without any prejudice to the applicant.

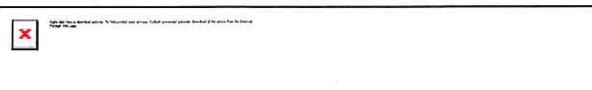
I request that this objection and refilling request be included in the record. Please let me know if you need a hand delivered copy of this email in order to include it in the record.

Lastly, the applicant's submission omits page 2 of the updated CWS Service Provider Letter. Can we please have a complete copy of that letter?

Thank you,

Margot

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