

**CITY OF ONTARIO PLANNING COMMISSION/
HISTORIC PRESERVATION MEETING**

MINUTES

January 27, 2015

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**CITY OF ONTARIO PLANNING COMMISSION/
HISTORIC PRESERVATION MEETING**

MINUTES

January 27, 2015

REGULAR MEETING: City Hall, 303 East B Street
Called to order by Chairman Gage at 6:30 p.m.

COMMISSIONERS

Present: Chairman Gage, Vice-Chairman Willoughby, Delman, Downs, Gregorek, Mautz, and Ricci

Absent: None.

OTHERS PRESENT: Planning Director Murphy, City Attorney Rice, Principal Planner Zeledon, Senior Planner Mercier, Senior Planner Noh, Assistant City Engineer Lee, Sr. Management Analyst Melendrez, Officer Sturgis, Sergeant Munoz, Sergeant Langford, and Planning Secretary Romero

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Gregorek.

ANNOUNCEMENTS

Mr. Murphy stated the revised conditions of approval for items F and G have been handed to the Commissioners.

PUBLIC COMMENTS

No one responded from the audience.

CONSENT CALENDAR ITEMS

Item A-03 was pulled for separate discussion.

A-01. MINUTES APPROVAL

Planning Commission Minutes of December 15, 2014, approved as written.

A-02. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN FOR FILE NO. PDEV14-039: A Development Plan to construct a 45,000 square-foot industrial building on approximately 2.11-acres of vacant land, located at the southeast corner of Spruce Street and Business Parkway at 2121 South Business Parkway, within the Industrial land use

district of the California Commerce Center South Specific Plan. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). The project is categorically exempt from environmental review pursuant to State CEQA Guidelines Section 15332 (In-Fill Development Projects). (APNs: 0211-275-21 & 0211-275-22); **submitted by Fullmer Construction.**

- A-03. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN FOR FILE NO. PDEV14-050:** A Development Plan to construct three industrial buildings, totaling approximately 134,500 square-feet of floor area, on 6.14-acres of vacant land, generally located at the northwest and northeast corners of Guasti Road and Ponderosa Avenue, within the M1 (Limited Industrial) zone. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). Staff is recommending the adoption of a Mitigated Negative Declaration of environmental effects for the project. (APNs: 0210-212-35 to 38, 43 and 44); **submitted by Orbis Real Estate Partners.**

Associate Planner, John Hildebrand, presented the staff reports. He stated that staff is recommending the Planning Commission approve File No. PDEV14-050, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

No one responded.

PUBLIC TESTIMONY

Tom Money, Orbis Real Estate Partners, appeared and spoke in favor of the item, stating he inadvertently filled out a green speaker card and did not intend for item A-03 to be pulled for separate discussion.

As there was no one else wishing to speak, Chairman Gage closed the public testimony

No one responded.

PLANNING COMMISSION ACTION

It was moved by Mautz, seconded by Downs, to approve the Planning Commission Minutes of December 15, 2014, as written. The motion was carried 6 to 0 with Downs abstaining from the Minutes and 7 to 0 for File No. PDEV14-039.

It was moved by Willoughby, seconded by Downs, to approve File No. PDEV14-050. The motion was carried 7 to 0.

PUBLIC HEARING ITEMS

- B. ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT RECONDITIONING FOR FILE NO. PCUP14-025:** A City initiated Conditional Use Permit to modify conditions of approval for a previously approved Conditional Use Permit (File No. PCUP00-009), approved by the Zoning Administrator on May 10, 2000 (Decision No. 2000-16), and amended by the Planning Commission on March 25, 2003 (Resolution No. 2003-025), which established alcoholic beverage sales and live entertainment, in conjunction with the Jazz Café Ontario Restaurant, located at 1133 west Sixth Street, within the Main Street District land use designation of the Mountain Village Specific Plan. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. The project is categorically exempt from environmental review pursuant to State CEQA Guidelines Section 15321 (Enforcement Actions by Regulatory Agencies). (APN: 1008-431-23); **submitted by City of Ontario.**

Thomas Rice, City Attorney gave an explanation of his role in the proceeding.

PUBLIC TESTIMONY

Dave Barela, Business Manager, The Jazz Cafe, appeared and spoke in opposition of staff's recommendation. He requested a continuance of the item.

Dana Vessey, BB&K, appeared and spoke in opposition of the continuance.

Mr. Gregorek inquired about the time limit of hearing this item if it is continued.

Mr. Rice stated the next meeting in February would be appropriate to hear the item if continued tonight with the owner and applicant's consent.

Mr. Willoughby requested clarification regarding the notice that went out on December 23, 2014.

Mr. Murphy referred to Appendix A, page 31 of the packet the Commissioners have in front of them showing proof of the letter in question that was mailed to Mr. Granato on December 23, 2014. He stated the letter identifies the natures and dates of the calls for service to The Jazz Café which were of concern to staff.

Mr. Willoughby asked if the letter was delivered via certified mail.

Mr. Murphy answered yes.

Mr. Willoughby stated Ms. Vessey indicated that an email was sent to Mr. Granato last week as well as yesterday. He asked if this is correct.

Mr. Murphy stated the he believes what was meant was that the staff report was mailed to Mr. Granato (owner) on Friday, January 23, 2015 but Mr. Granato received it on Monday,

January 26, 2015. Mr. Hildebrand emailed Mr. Granato a copy of the staff report yesterday so it seems that Mr. Granato has had the staff report for one day.

Mr. Delman asked if due process will be served if the item is heard at tonight's meeting without the owner's attorney present.

Mr. Rice stated it appears the City has met the notification requirements.

Mr. Gregorek inquired as to why the owner's attorney is not present at the meeting tonight.

Mr. Barela clarified his comment regarding the timing of the notice and receipt of the staff report stating he was in receipt of the letter dated December 23, 2014. He stated the recommendations from staff were in the staff report which he received yesterday. It was his thought that he and the owner could defend the allegations without an attorney until they read the staff report contents.

Robert Granato, Owner, appeared and spoke concurring with Mr. Barela.

Mr. Barela stated their attorney is out of town and will not return until next Monday.

Ms. Vessey urged the matter to proceed at tonight's meeting.

Mr. Ricci asked if there are any requirements by law that state the conditions that were to be discussed at this meeting were to be provided to them before the meeting date.

Mr. Rice stated the notice was clear regarding the consequences of non-compliance.

Mr. Gregorek stated it sounds appropriate to conduct the hearing; however he wants to be sure to give the applicant ample time for defense purposes. He motioned to continue this item to the next meeting.

Mr. Gage seconded the motion.

Ms. Mautz stated based upon the facts given, she cannot support a continuance of this item.

Mr. Willoughby echoed Commissioner Mautz's statement.

PLANNING COMMISSION ACTION

It was moved by Gregorek, seconded by Gage, to continue the modification of the Conditional Use Permit, subject to conditions of approval. Roll call vote: AYES, Downs, Gregorek, and Gage; NOES, Delman, Mautz, Ricci, Willoughby; RECUSE, none; ABSENT, none. The motion was denied 4 to 3.

Associate Planner, John Hildebrand, presented the staff report. He stated that staff is recommending the Planning Commission approve File No. PCUP14-025, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Barela inquired about the type of penal code violations that were made at The Jazz Club.

Officer Sturgis, City of Ontario Police Department, was questioned by Ms. Vessey.

Mr. Barela addressed Officer Sturgis in an attempt to clarify the answers Officer Sturgis gave to Ms. Vessey.

Ms. Vessey cross-examined Officer Sturgis.

Mr. Willoughby asked additional questions of Officer Sturgis regarding the number and types of service calls made to The Jazz Club.

Ms. Mautz asked for Officer Sturgis' professional opinion regarding the disc jockey's association to the problems at the establishment.

Mr. Gage asked Officer Sturgis questions regarding the cover charge.

Mr. Gregorek inquired about the times of service calls made throughout the day and night.

Mr. Granato cross-examined Officer Sturgis.

Ms. Vessey cross-examined Officer Sturgis.

Mr. Granato called his security officer, Sean Brady, to the stand as a witness in his case and questioned him.

Ms. Vessey cross-examined Mr. Brady.

Mr. Granato approached the stand.

Ms. Mautz questioned Mr. Brady about the location of the disc jockeys.

Mr. Brady explained the location of the disc jockeys within the building.

Mr. Barela called Mr. Granato to the stand as his witness and questioned him.

Ms. Vessey cross-examined Mr. Granato.

Nothing further from Mr. Barela.

Mr. Downs asked for the seating capacity.

Mr. Granato stated it is approximately 500-550 capacity.

Mr. Downs asked about the cover charge protocol.

Mr. Granato gave an explanation.

Mr. Willoughby asked what constitutes a private party.

Mr. Granato stated gave an example of a private party.

Mr. Willoughby asked about the cover charge policy and disc jockeys he has hired to play at The Jazz Cafe.

Mr. Granato discussed his rental policies.

No further evidence from Mr. Barela.

Ms. Vessey gave her closing statement in favor of staff's recommendation to modify the conditional use permit.

Mr. Barela gave his closing statement opposing staff's recommendation.

As there was no one else wishing to speak, Chairman Gage closed the public testimony

Ms. Mautz stated her concerns about the business.

Mr. Gregorek asked for clarification on the cover charge.

Mr. Rice stated the public testimony is closed.

Mr. Gregorek stated this is not the first time that restaurants in the City have had problems where the Commission had to modify the conditions.

Mr. Downs stated he believes the City is on the right track.

Mr. Willoughby stated he wants to see every business in the City of Ontario succeed, however, he wants it to also be a safe community.

Mr. Delman spoke about the service calls. He stated it is not conducive to a dinner-house atmosphere.

PLANNING COMMISSION ACTION

It was moved by Downs, seconded by Delman, to adopt a resolution to approve the modifications to the Conditional Use Permit, subject to conditions of approval including the review at the April 2015 Planning Commission meeting with a report from the Police Department and staff. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

Chairman Gage called for a 5-minute recess.

- C. **ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, AND VARIANCES FOR FILE NOS. PDEV14-037, PVAR14-011, AND PVAR14-012: A Development Plan (File No. PDEV14-037) to construct a 130,000 square-foot industrial building, a**

Variance (**File No. PVAR14-011**) to exceed the maximum allowable structure height from 35-feet to 40-feet tall, and a Variance (**File No. PVAR14-012**) to reduce the front building setback from 35-feet to 20-feet, on approximately 6.7 acres of land, located at the northeast corner of Belmont Street and Cucamonga Avenue, at 1105 East Belmont Street, within the M2 (Industrial Park) zoning district. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). Staff is recommending the adoption of a Mitigated Negative Declaration of environmental effects for the project. (APN: 1049-392-16); **submitted by Consolidated Consulting.**

Associate Planner, John Hildebrand, presented the staff report. He stated that staff is recommending the Planning Commission approve File Nos. PDEV14-037, PVAR14-011, and PVAR14-012, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Downs asked about the activity on the east side of Grove Avenue.

Mr. Murphy stated the issue is "signal timing."

Mr. Willoughby asked if Belmont Avenue will be four lanes westbound after completion of this project.

Mr. Hildebrand answered yes.

Mr. Willoughby asked about the north-bound turn lane on the west-bound side of Belmont Avenue.

Raymond Lee, Assistant City Engineer, stated traffic will be improved.

Mr. Willoughby asked if there is a raised median.

Mr. Murphy stated there is not a raised median south of Belmont Avenue.

PUBLIC TESTIMONY

Charlie Buquet, attorney, appeared and spoke in favor of the item.

As there was no one else wishing to speak, Chairman Gage closed the public testimony

No one responded.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Mautz, to adopt the CEQA Determination and Mitigated Negative Declaration, Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

It was moved by Mautz, seconded by Downs, to adopt the resolutions to approve the Development Plan and Variances, subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

- D. **ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT REVIEW FOR FILE NOS. PDEV14-044 & PCUP14-022:** A Development Plan (File No. PDEV14-044) and Conditional Use Permit (File No. PCUP14-022) to construct a 3-story dormitory and classroom building totaling 16,332 square feet, in conjunction with an existing place of worship on 8.77 acres of land, located at the southwest corner of Riverside Drive and Cucamonga Avenue, at 1030 East Riverside Drive, within the SP(AG) (Specific Plan (Agricultural Overlay)) zoning district. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). Staff is recommending the adoption of a Mitigated Negative Declaration of environmental effects for the project. (APN: 1052-141-03); **submitted by Jim Robertson for Banal Napag-Aaral Church.**

Senior Planner, Chuck Mercier, presented the staff report. He stated that staff is recommending the Planning Commission approve File Nos. PDEV14-044 and PCUP14-022, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

No one responded.

PUBLIC TESTIMONY

Jim Robertson, Architect and Pastor, appeared and spoke in favor of the item.

As there was no one else wishing to speak, Chairman Gage closed the public testimony

No one responded.

PLANNING COMMISSION ACTION

It was moved by Mautz, seconded by Gregorek, to adopt the CEQA Determination and Mitigated Negative Declaration, Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

It was moved by Delman, seconded by Willoughby, to adopt the resolutions to approve the Development Plan and Conditional Use Permit, subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

- E. **ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN AND TENTATIVE TRACT MAP REVIEW FOR FILE NOS. PDEV14-031 AND PMTT14-023:** A Development Plan (File No. PDEV14-031) to construct a 98-unit townhome project consisting of 7 two-story complexes, in conjunction with a Tentative Tract Map (TT

18995) for Condominium Purposes to subdivide 4.35 gross acres of land into three (3) numbered lots within the Medium Density Residential (MDR) district of Planning Area 10A of The Avenue Specific Plan, generally located at the northwest corner of Edison Avenue and Haven Avenue. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plans (ALUCP) for ONT Airport. The environmental impacts of this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on June 17, 2014. All adopted mitigation measures of the addendum shall be a condition of approval for the project and are incorporated herein by reference. (APN No's.: 0218-201-30, 39, 42 and 43); **submitted by Brookfield Residential.**

Senior Planner, Henry Noh, presented the staff report. He stated that staff is recommending the Planning Commission approve File Nos. PDEV14-031 and PMTT14-023, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Gage questioned the parking arrangement.

Mr. Noh explained the parking plan.

PUBLIC TESTIMONY

Justin Henderson, Brookfield Residential, appeared and spoke in favor of the item.

As there was no one else wishing to speak, Chairman Gage closed the public testimony

No one responded.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Downs, to adopt a resolution to approve the Development Plan and Tentative Tract Map, subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

- F. **ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT11-002:** A modification to a previously approved Tentative Tract Map (TT 18027) to subdivide 29 acres of land into 94 numbered lots and 5 lettered lots within Planning Area 8 of the West Haven Specific Plan, located at the northwest corner of Haven Avenue and Schaefer Avenue. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. The environmental impacts of this project were previously analyzed in the EIR (SCH#2004071095) prepared for the West Haven Specific Plan (File No. PSP03-006) and adopted by the City Council on January 16, 2007. All adopted mitigation measures of the certified EIR shall be a condition of approval for the project and are incorporated herein by reference. (APN: 0218-151-38); **submitted by Stratham West Haven Inc.**

G. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT11-003: A modification to a previously approved Tentative Tract Map (TT 18026) to subdivide 19.73 acres of land into 102 numbered lots and 10 lettered lots within Planning Area 4 of the West Haven Specific Plan, located at the northwest corner of Haven and Chino Avenues. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. The environmental impacts of this project were previously analyzed in the EIR (SCH#2004071095) prepared for the West Haven Specific Plan (File No. PSP03-006) and adopted by the City Council on January 16, 2007. All adopted mitigation measures of the certified EIR shall be a condition of approval for the project and are incorporated herein by reference. (APN: 0218-151-11); **submitted by Stratham West Haven Inc.**

H. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA07-005: A Development Agreement between the City of Ontario and Stratham Properties, Inc., for the development of up to 196 residential units on 48.73 acres of land within Planning Areas 4 and 8 of the West Haven Specific Plan, located on the northwest corner of Haven Avenue and Chino Avenue and the northwest corner of Haven Avenue and Schafer Avenue. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. The environmental impacts of this project were previously analyzed in the EIR (SCH#2004071095) prepared for the West Haven Specific Plan (File No. PSP03-006) and adopted by the City Council on January 16, 2007. All adopted mitigation measures of the certified EIR shall be a condition of approval for the project and are incorporated herein by reference. (APN: 0218-151-38); **submitted by Stratham Properties Inc. City Council action is required.**

Principal Planner, Rudy Zeledon, presented the staff reports. He stated that staff is recommending the Planning Commission approve File Nos. PMTT11-003, PMTT11-002, and recommend approval of PDA07-005, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Willoughby asked if the new tract maps are due to the Edison right-of-way.

Mr. Zeledon stated that is correct.

Mr. Murphy stated the southerly project was impacted by Edison by an additional one-hundred and six foot right-of-way, and the northerly project, even though there was not an additional easement required, the circulation was impacted by the easement being required to the south, which resulted in a reconfiguration of the lots within that subdivision.

PUBLIC TESTIMONY

Jeff Evans, Stratham Homes, appeared and spoke in favor of the item.

David Hubbard, attorney, appeared and spoke. His primary concern is the environmental documents that were approved "eight years ago."

Mr. Murphy stated that from staff's perspective, the addition of the Southern California Edison corridor did not change but reduced potential impacts. He feels comfortable moving forward with the previous Environmental Impact Report.

As there was no one else wishing to speak, Chairman Gage closed the public testimony

No one responded.

PLANNING COMMISSION ACTION

It was moved by Mautz, seconded by Gregorek, to adopt a resolution to approve the Tentative Tract Map, File No. PMTT11-002, subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

It was moved by Gregorek, seconded by Downs, to adopt a resolution to approve the Tentative Tract Map, File No. PMTT11-003, subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

It was moved by Willoughby, seconded by Downs, to recommend adoption of a resolution to approve the Development Agreement, subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

Historic Preservation (Standing): This subcommittee did not meet.

Development Code Review (Ad-hoc): This subcommittee did not meet.

Zoning General Plan Consistency (Ad-hoc): This subcommittee did not meet.

New Business

Mr. Gregorek spoke about the Vineyard shopping center.

Mr. Murphy stated the Code Enforcement department has turned the case over to the City Attorney, Charisse Smith.

Mr. Gregorek spoke about the current fire in South Ontario.

Mr. Murphy stated he has been in contact with our Fire Marshall.

NOMINATIONS FOR SPECIAL RECOGNITION

None at this time.


DIRECTOR'S REPORT

Mr. Murphy stated it is in the packet.

ADJOURNMENT

The meeting was adjourned at 10:25 p.m. Mautz motioned to adjourn, seconded by Ricci.


Secretary Pro Tempore


Chairman, Planning Commission