

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

MINUTES

June 27, 2017

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HISTORIC PRESERVATION MEETING**

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June 27, 2017

REGULAR MEETING: City Hall, 303 East B Street
Called to order by Chairman Delman at 6:30 PM

COMMISSIONERS

Present: Chairman Delman, Vice-Chairman Willoughby, DeDiemar, Gage, Gregorek, and Reyes

Absent: Downs

OTHERS PRESENT: Planning Director Murphy, City Attorney Rice, Principal Planner Zeledon, Senior Planner D. Ayala, Senior Planner Batres, Senior Planner Mercier, Senior Planner Mejia, Senior Planner Noh, Assistant Planner Antuna, Assistant City Engineer Do, and Planning Secretary Callejo

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Gregorek.

ANNOUNCEMENTS

Mr. Murphy stated item E had several applications including a Determination of Use, Development Plan and Conditional Use Permit (CUP). He said the applicant requested the application for the CUP including the helistop, be removed from the agenda at this time and should they decide to move forward with it at some future date, a new public hearing will be scheduled.

PUBLIC COMMENTS

Ryan Bachas, 8549 Wilshire Blvd, Beverly Hills, CA came forward to speak regarding medical and recreational cannabis. He stated he was the owner and director for Global Elite Advocacy and interim CEO of California Cannabis Coalition, working with numerous cities, counties, and councils to come up with frameworks and ordinances in allowing businesses in this matter. He gave background of what he felt was very insightful to what was going on upstate and new developments. He had handouts for the Commissioners which included tax break-downs and he hoped they would come back at a later Planning Commission meeting after they reviewed the information. He stated it was his hope they would recommend to the Council further review and workshops using his expertise on this subject. He thanked the Commission and stated he would answer any questions they might have.

CONSENT CALENDAR ITEMS

A-01. MINUTES APPROVAL

Planning/Historic Preservation Commission Minutes of May 23, 2017, approved as written.

It was moved by Willoughby, seconded by Gregorek, to approve the Planning Commission Minutes of May 23, 2017, as written, with Delman Abstaining since he was absent at the last meeting. The motion was carried 5 to 0.

PUBLIC HEARING ITEMS

- B. ENVIRONMENTAL ASSESSMENT AND SPECIFIC PLAN AMENDMENT FOR FILE NO. PSPA17-002:** An Amendment to the Grove Avenue Specific Plan to: [1] change the land use designation from Business Park to Commercial for approximately one-acre of land located at the northeast corner of Grove Avenue and Philadelphia Street; [2] amend the Commercial District permitted and conditionally permitted uses; and [3] update all applicable specific plan sections to reflect the proposed amendments. The Grove Avenue Specific Plan is generally located on the east and west sides of Grove Avenue and between Mission Boulevard to the north and the I-60 Freeway to the south. Staff has prepared an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) prepared in conjunction with File No. PGPA06-001, and adopted by City Council on January 27, 2010. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0113-641-13) **submitted by A&E Leasing, LLC. City Council Action is required.**

Senior Planner, Henry Noh, presented the staff report. Mr. Noh gave the location of the vacant project site and its surrounding areas. He shared that in 1993 the Grove Avenue Specific Plan was established and approved with standards, regulations and design guidelines for the development of the site to provide opportunities for the establishment of airport-serving, light industrial land uses, airport-related businesses and offices, and retail and support commercial development aimed at serving the needs within the airport corridor. He stated that it included the 60 FWY to the south and the Ontario International Airport to the north. He said the applicant is requesting the land use be changed from Business Park to Commercial to take advantage of the high traffic volumes at this intersection, as well as it being in keeping with the existing commercial development within the intersection which exists today. He explained that additionally, the Amendment would include: amending the Commercial District permitted and conditionally permitted uses to allow restaurants, conditionally permit restaurants with a drive-thru facility and conditionally permit car wash facilities (full and self-service) with the exception of the Commercial corners of Grove Avenue and Philadelphia Street and Grove Avenue and Francis Street where full and self-service car wash facilities will not be permitted; and update all applicable specific plan sections to reflect the proposed amendments. He stated that staff is recommending the Planning Commission recommend the City Council adopt the use of an Addendum to The Ontario Plan EIR and the approval of File No. PSPA17-002, 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

No one responded.

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

There was no Planning Commission deliberation.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Gage, to recommend adoption of the CEQA Determination and use of an Addendum to a previous EIR. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

It was moved by Gage, seconded by Reyes, to recommend adoption of a resolution to approve the Specific Plan Amendment, File No. PSPA17-002, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

- C. **ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT REVIEW FOR FILE NOS. PDEV16-006 & PCUP16-005**: A Development Plan (File No. PDEV16-006) to construct a 27,000-square foot industrial building in conjunction with a Conditional Use Permit (File No. PCUP16-005) to establish an architectural and structural metals manufacturing business on 1.96 acres of land located at 535 South Palmetto Avenue, within the IL (Light Industrial) zoning district. Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1011-161-01) **submitted by MYWI Fabricators, Inc.**

Senior Planner, Lorena Mejia, presented the staff report. Ms. Mejia gave background on the project site and surrounding site. She stated the project site currently slopes from northeast to southwest, creating a 7-foot differential in grade, and lacks any native flora and presently lacks right-of-way improvements along Palmetto Avenue. She explained there are two components of the project; a 27,000 square foot industrial building that consists of a 7,000 square foot, two-story office building and a 20,000 square foot pre-fabricated metal warehouse and manufacturing building. She stated the proposed industrial building is being constructed for Architectural and Structural Metals Manufacturing, the proposed use of the site. The roll-up doors along the west elevation are needed for the operation of the business. She said ceiling mounted cranes lift metal beams and/or other metal materials from the tractor-trailers into the warehouse. Finished

manufactured products are also placed onto tractor-trailers utilizing the ceiling mounted cranes within the warehouse and exit the building from the northwest roll-up door. Ms. Mejia explained that pursuant to the City of Ontario's Development Code, an "Architectural and Structural Metals Manufacturing" use requires a Conditional Use Permit (CUP) within the IL (Light Industrial) zoning district. She shared the applicant, MYWI Fabricators, has been operating an architectural and structural metals manufacturing business since 1993 within the City of South El Monte and is proposing to relocate to the City of Ontario. The proposed building has been designed to meet their business operational needs. She went over design and architecture features for the proposed building. She stated that staff is recommending the Planning Commission approve File Nos. PDEV16-006 and PCUP16-005, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Willoughby asked with vehicular traffic going through the building, who oversees air quality issues and are there certain specifications for how exhaust is handled from the diesel fuel trucks driving in the building.

Ms. Mejia stated the Building Department would regulate that and certain occupancy regulations which would regulate the number of trucks. She stated the roll-up doors are expected to remain open during operational hours.

Mr. Willoughby asked if all the doors would be open; not just the drive-in and drive-out doors.

Ms. Mejia said no, her understanding is just the back door and side door would be open due to the operational activity.

Mr. Willoughby stated the topography goes north to south, so there will likely be a lot of run off and rain. He asked if the south planter would catch the water or divert it out to the street.

Ms. Mejia stated it would catch some and then redirect it into the basins located along the street frontage where it heads out to the street.

Mr. Willoughby confirmed there is a catch basin located at the southwest corner.

Ms. Mejia stated yes.

Mr. Reyes asked what the perimeter fencing wall materials were being proposed for the project.

Ms. Mejia stated that currently there are chain link fences and the applicant is looking further into putting wrought iron materials along the interior sides. She said along the front, they are proposing wrought iron fencing similar to what exists and potentially pushing it back and having it continue along the sides. She stated they are working with their neighbors to find the best solution.

Mr. Reyes asked if the chain link would be replaced with either tubular fencing or some

other material.

Ms. Mejia said along the frontage.

Mr. Reyes asked if the sides would be potentially wrought iron or block.

Ms. Mejia stated yes, they would not allow any chain link fencing, not within the visible portions.

Mr. Reyes asked if there were gates being closed over the driveway area, he asked for confirmation.

Ms. Mejia stated yes, that would be to secure the site when the business was non-operational. She said the gates would be open during operating hours and closed when the business was closed.

Mr. Reyes stated that he noticed in the landscape section that there are 15 gallon trees. He had hoped there would be a variety of sizes, like 15, 24 or 36, etc.

Ms. Mejia stated they are still working with the applicant on some of the planter areas, so there still may be a mix on the sizes of trees.

Mr. Reyes asked if they are going to put an outdoor employee lounge area.

Ms. Mejia said she spoke with the applicant and they were open to looking for opportunities to place something which would be appropriate and not impede any ADA requirements.

Mr. Gage asked if there was street parking for this item.

Assistant City Engineer, Mr. Do stated there would be street parking allowed along Palmetto Avenue.

Mr. Gage asked if there would be employee parking on site.

Ms. Mejia stated there would be employee parking provided on the project site.

Mr. Murphy stated parking is meeting the requirement 100% per Development Code standards. He said the requirement is being met on-site and the street parking is considered additional should the need arise, but is not required.

Ms. Mejia stated there are 43 parking spaces provided and 20 employees. There isn't a high demand for additional spaces, so they should be fine.

PUBLIC TESTIMONY

Howard Parcel, the project representative from 4845 Main Street in Yorba Linda, CA appeared and spoke. He said he worked long and hard with Planning staff and have appreciated their input. He said he had read the conditions of approval and agreed with

them. He stated the question about ventilation was a good one and along with the doors being open in the day time, they will also have roof mounted exhaust systems so there will be no accumulation of diesel fumes in the building. He stated that's their goal. He said he would be happy to answer any questions the Commission might have.

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

Mr. Reyes stated that he thought the architecture was good for the location in the City and he was glad to hear he worked closely with staff. He thanked staff and the applicant for doing a good job.

Mr. Willoughby wanted to echo Mr. Reyes comments and was glad to see a new business come to Ontario and are always excited to work with them and for their future. With that, he made the motion to approve the project.

Mr. Gage seconded the motion.

Mr. Delman stated before the vote was taken he also really liked the looks of the building and that it was absolutely first class and thanked the applicant for bringing it to the Commission.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Gage, to adopt resolutions to approve the Conditional Use Permit, File No., PCUP16-005 and Development Plan, File No., PDEV16-006, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

D. ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, AND TENTATIVE TRACT MAP REVIEW FOR FILE NOS. PDEV16-023 & PMTT16-

014: A Development Plan (File No. PDEV16-023) to construct a 36-unit residential condominium development on 1.42 acres of land, and a Tentative Tract Map (File No. PMTT16-014/TM 20028) to subdivide the 1.42-acre project site into a single lot for condominium purposes, located at 1719 East Fourth Street, within the HDR-45 (High Density Residential - 25.1 to 45.0 DUs/Acre) zoning district. Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32 In-Fill Development Projects) of the CEQA guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0108-551-01, 0108-551-34, 0108-551-35) **submitted by Kevin K. Cheung.**

Senior Planner, Luis Batres, presented the staff report. Mr. Batres gave background on the project site and its surrounding area. He explained the project site is bounded on the north and south by multi-family residential apartments, on the east by Corona Elementary School, and on the west by single family homes and showed the proposed project site which consist of 10 buildings. Mr. Batres stated the applicant is requesting approval to

develop a 36-unit residential condominium development, in conjunction with a Tentative Tract Map to subdivide approximately 1.42 acres into a common lot for condominium purposes. He said the project is planned to have two points of access, one on Corona Avenue and the second on Fourth Street. He stated each unit is required to have two parking spaces which will be provided in a subterranean parking garage structure. Mr. Batres stated nine of the ten buildings each have four units and Building 10 will serve as the clubhouse and manager's office. He said each unit will have 3 bedrooms and 2½ baths with living space between 1,300-1,500 square feet. He shared there are four different floorplans prepared for this project and each unit has a private open space in the way of a courtyard or balcony area. He stated common open space and amenities for the project include a courtyard with swimming pool, BBQ, outdoor play area and clubhouse. Mr. Batres explained the contemporary architecture design with Spanish Colonial influences and stated it is to be stooped and elevated and presented images with renderings of the project. He stated the project is being conditioned to have no parking along Corona Avenue and along Fourth Street. He stated that staff is recommending the Planning Commission approve File Nos. PMTT16-014 and PDEV16-023, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Willoughby stated he had two questions; first he asked if the entrance into Fourth Street was a right turn in and right turn out or would people be able to go east on Fourth Street? He said he didn't believe Fourth Street was divided at that point.

Mr. Murphy stated it was not.

Mr. Batres stated he did not recall and apologized.

Mr. Murphy stated the current design is that there is a striped median. He said he believed the General Plan called for a median long term but when that would exactly go in, we don't know.

Mr. Willoughby confirmed they do have a striped lane to turn into though, rather than right into traffic.

Mr. Murphy stated that was correct.

Mr. Willoughby stated his second question was if the pool equipment was located on the pool level or down at the garage level.

Mr. Batres stated it would be located in the garage area.

Mr. Reyes asked for further explanation of the clubhouse and amenities. He stated he didn't see them clearly on the plan.

Mr. Batres stated Building 10 was being called the clubhouse to give it a definition. He shared it will provide outside showers, restrooms for the swimming pool and will have an office for the manager for the facility. He said that's what will encompass that building. He stated the rest of the amenities will be located outside, which includes the swimming pool, the barbeque area, decorative shade structures, and children play equipment.

Mr. Gage asked if there would be cross walks from to the elementary [Corona] school. Mr. Murphy stated there will be a cross walk at the signalized intersection of Fourth and Corona, but that would be the only one that will be provided.

PUBLIC TESTIMONY

Stanley Ty, from JWDA-MS Architects the architect appeared and spoke. He said they accepted all the conditions and would answer any questions the Commission might have.

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

Mr. Gage stated he really liked the project. He said he was really glad they did 360 degree architecture and the windows look really nice. He shared he liked the fact that the parking would be underneath which would allow for no parking on Corona and that's real important since we don't want more cars on Corona where children would go between the parked cars to get over to the school and j-walk. He stated also that the project is being raised up adds to the aesthetics and it really adds a lot. He shared he would be voting yes on this project.

Mr. Reyes said he really appreciated the extensive amenities placed within the open spaces of the units and the balance of adult pool and barbeque with the tot-lots. He said he thinks there will be many places for people to utilize within the project. He would encourage for there to be more benches within the corridors and other places where people can come outside and read a book or work on their laptop, that kind of thing. He said again, he really liked the extensive use of amenities within the project.

Mr. Gregorek said he appreciated the applicant putting thought into the architecture and he was sure staff put in thought as well. He said he looked forward to seeing the project being built and that it would be as good as the renderings. He stated he would be supporting the project.

Mr. Delman said he would like to echo everyone's sentiments and it's a great looking project and it will be great for that area.

Mr. Willoughby confirmed with Mr. Rice that the tract map and development plan could be taken as one action. He also said hats off to staff and the developer. He stated no doubt, this was a challenging piece of property and they did a great job with it. With that, he made the motion to approve the item.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Gregorek, to adopt resolutions to approve the Tentative Tract Map, File No., PMTT16-014 and Development Plan, File No., PDEV16-023, subject to conditions of approval. Roll call vote: AYES, DeDietmar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

Mr. Gregorek recused himself from item E since his firm had done some work on

the project.

- E. **ENVIRONMENTAL ASSESSMENT, DETERMINATION OF USE, DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO'S. PDET17-002, PDEV17-003 & PCUP17-005:** A Determination of Use (File No. PDET17-002) to allow a heliport use within the Centrelake Specific Plan, in conjunction with a Development Plan (File No. PDEV17-003) to construct a three-story commercial/office building totaling 79,455 square feet, and a Conditional Use Permit (File No. PCUP17-005) to establish a rooftop heliport on 5.05 acres of land located at the southwest corner of Haven Avenue and Guasti Road, within the Office land use district of the Centrelake Specific Plan. Staff is recommending the adoption of a Mitigated Negative Declaration of environmental effects for the project. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0210-551-07) **submitted by HMC Construction, Inc. City Council action is required.**

Senior Planner, Lorena Mejia, presented the staff report. Ms. Mejia explained the Determination of Use application for the heliport use in conjunction with a proposed Development Plan to address land uses typically not listed within the Centrelake Specific Plan. She explained the Development Code currently allows for the zoning of a heliport in high intensity office districts and gave more details as to what that entails. She also stated that staff is recommending the Planning Commission make a determination of the heliport use within the Centrelake Specific Plan subject to a Conditional Use Permit with final approval authority to be given by the City Council. Ms. Mejia shared information regarding the proposed Development Plan and gave background on the project site and its surrounding areas. She said the parking requirements have been exceeded by 72 spaces and the five most southern rows will be covered to accommodate solar panels. She also went over drive aisles, ingress and egress and infrastructure which are already in place for the Centrelake Business Park. Proposed landscape, architecture and elevations were also explained to the Commission. She stated that staff is recommending the Planning Commission adopt the Mitigated Negative Declaration and approve File Nos. PDET17-002 and PDEV17-003, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Murphy reiterated that the Conditional Use Permit (CUP) application for this item has been removed at the request of the applicant. Before them was a copy of the letter from the applicant stating that request and also proposed language to the resolution adopting the Mitigated Negative Declaration as the CUP is being removed. He stated the Commission's action is now final since this application will no longer be going forward to City Council and this language shows the changes in the resolution.

Mr. Rice also stated that one of the mitigation measures mentioned in the Mitigation Monitoring Program attached to the resolution for the Mitigated Negative Declaration, (Section 5b) is directly related to the CUP for the heliport and should be removed. He said if the applicant should come back at a later time for the CUP, than that condition would apply for the CUP and MND at that time.

Ms. DeDiemar stated she had a question regarding the parking lot from the presented

letter from the applicant. She said it was not clear to her why the association's approval was needed for the parking lot.

Ms. Mejia stated in the shared drive access, half of it lays on the existing project site and the other half on the westerly parcel. She said in order to accommodate their development, a portion of that is reconfiguring that drive entry throat with some of the parking stalls on the western adjacent parcel. She stated that is part of the approval which is being referred to in the letter which was received.

Ms. DeDiemar asked if approval has been received.

Mr. Murphy stated it was his understanding a verbal approval has been received and they [applicant] are waiting for the written approval and there's a condition which requires a letter of approval prior to building permit issuance.

Ms. DeDiemar confirmed that this issue will not impede and factor where they are presently.

Mr. Murphy stated that was correct.

Mr. Reyes asked about the covered parking. He asked if the covered parking was coming now and the panels later or if the covered parking and panels were both coming later.

Ms. Mejia stated it's her understanding that they're moving forward with them now as part of the application.

Mr. Reyes asked if the actual structure will be there and not the panels.

Ms. Mejia said she believed they were moving forward with the panels, they wanted to be solar ready essentially.

Mr. Reyes said he was trying to get at if they were solar ready or just the structure and that's why there was no landscaping. He stated it sounded like the structure was going up.

Ms. Mejia stated the structure was going up.

Mr. Murphy stated that from their point of view if the structure is not going up, they'd rather see the landscaping going in now and if they have to remove trees later, so be it. However, in this situation, I believe they're putting in the structure and panels at the same time as the development.

Mr. Reyes asked if this was when the project is approved.

Mr. Murphy stated yes.

Mr. Gage asked about the landscaping on Guasti [Road] to the north. He asked if that was existing.

Ms. Mejia said the portions within the right-of-way are.

Mr. Gage asked if they look like the portions to the west, which is all part of Centrelake Business Park.

Ms. Mejia showed a slide showing what was existing and stated that was what was to remain in place.

Mr. Gage stated that was already done.

Mr. Murphy stated on both street frontages.

Mr. Gage thanked staff.

Mr. Willoughby wanted to confirm there was no Conditional Use Permit action because that is tied to the heliport and they would only take action on the CEQA, Determination of Use and Development Plan. He also asked for confirmation that no vote would move forward to City Council.

Mr. Murphy stated that was correct and the reason City Council action was envisioned originally was because of the heliport and California Department of Aeronautics requirements. He said in this case since everything is being removed it will stop with the Planning Commission tonight.

PUBLIC TESTIMONY

Aaron Hodgson on behalf of the applicant, HMC Construction and Prime Healthcare appeared and spoke. He stated they didn't have anything more to add to the comments of staff and they've had a good working relationship. He said he would be happy to answer any questions the Commission may have.

Mr. Willoughby asked about the solar panels and if they were all going in at one time.

Mr. Hodgson said it all goes in as one project.

Nicole Ertel, with MarWest Commercial stated she was the Managing Agent for the Centrelake Owners Association and said she wanted to clarify one of the questions the Commission asked regarding the drive aisle. She said it affects a "sub-association" which neighbors the property and that sub-association has approved a modification to the drive aisle. She said it is now with the "Master Association" which she pointed out in the letter, is reviewing the set of plans and not just the parking lot. She stated there was no approval from the Architectural Review Committee but they expect to hear in the next 30 days and she doesn't anticipate any issues. She said she had one question: if the Commission approves the Development Plan, would it include the roof structure ready for the heliport for a later date. She asked for that to be clarified.

Mr. Delman asked Mr. Murphy to correct him if he was wrong, but it will be structurally built to support the heliport if it should come to pass.

Mr. Delman asked why the heliport was a problem for the association.

Ms. Ertel said they (the members) would like to meet with Aaron and find out if there are any concerns. She said whether its noise levels, how often will the helicopter be flying, also any truck issues it might cause being on the corner of Guasti and Haven.

Mr. Delman said as an Aviation Guy all his life, he thinks that's an ideal spot for a heliport if it's inclement weather and an IFR helicopter, he doesn't have to rely on the airport and he can fly under it and land on his heliport.

Ms. Ertel stated she doesn't work there every day and she represents the members and wants their feedback before a decision was made.

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

Mr. Gage stated it was a prime corner and Centrelake Business Park is a beautiful development. He said he would be for the project.

Mr. Reyes said he was glad the solar panels would be going in now. He said he liked how many electric vehicle stations were proposed. He thought it was ingenious, the re-entry of the driveway and the curbs.

PLANNING COMMISSION ACTION

It was moved by Gage, seconded by Reyes, to adopt a resolution of the CEQA Determination and Mitigated Negative Declaration with an amendment to remove the language regarding the Conditional Use Permit (section 5b). Roll call vote: AYES, DeDiemar, Delman, Gage, Reyes, and Willoughby; NOES, none; RECUSE, Gregorek; ABSENT, Downs. The motion was carried 5 to 0.

It was moved by Willoughby, seconded by Gage, to adopt resolutions to approve the Determination of Use, File No., PDET17-002 and the Development Plan, File No., File No. PDEV17-003, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Reyes, and Willoughby; NOES, none; RECUSE, Gregorek; ABSENT, Downs. The motion was carried 5 to 0.

- F. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CODE AMENDMENT REVIEW FOR FILE NO. PDCA17-002:** A Development Code Amendment adding Paragraph 7 to Subsection K of Ontario Development Code Section 8.01.020 (Sign Standards), which authorizes the establishment of an incentive not to place political signs. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(4) of the CEQA Guidelines, as the Development Code Amendment does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); **City Initiated. City Council action is required.**

Senior Planner, Charles Mercier, presented the staff report. Mr. Mercier stated there are often several complaints during campaign time due to the large number of political signs

which are posted to the prior date of installation time and remaining after the required removal date. He explained that complaints are received regarding signs which are illegally placed on public property, as well as within the public right-of-way. He said taking actions to abate these actions takes a substantial amount of staff time, as well as spent a significant amount of money and City resources. Mr. Mercier shared that upon consideration of this issue, the City Administration staff is recommending that the Political Signs regulations, contained in Subsection K of Development Code Section, be amended to allow for the establishment of incentives for candidates to not place political signs within the City. He explained that proposed ordinance would allow candidates to sign a written pledge to not place their political signs in the City. If the candidate complies with the pledge, and in fact refrains from posting signs, the candidate will be refunded the amount of the candidate statement publication fee. He said it is the hope that this incentive would result in a reduction of the number of political signs posted during the election season and reduce the expenditure of staff time and City resources in abating illegally placed political signs. He stated that staff is recommending the Planning Commission recommend the City Council approve File No. PDCA17-002, pursuant to the facts and reasons contained in the staff report and attached resolution.

Mr. Reyes questioned the amount of the fee.

Mr. Mercier stated it's about \$2,000.

Mr. Murphy said the \$2,000 is what the City charges a candidate when they file all their paperwork. He said if they follow-through with the pledge to not post any signs, they would affectively receive that \$2,000 back and it would cost them nothing to register to run as a candidate. Mr. Murphy clarified that if there was some question as if there was an additional fee of \$2,000 to run for election; there is not. It is you pay your money regardless and if you elect to follow-through and not post signs, you would receive that money back at the end of the campaign.

Mr. Reyes confirmed that this is a fee that the City currently charges for anybody that wants to run, separate from a county fee. He asked if there is a county fee.

City Attorney, Mr. Rice said he knows the county has fees, but it would cover the City fees which include cost of publication of candidate statements, the legal review of materials and it's a fairly standard fee that's charged and it will remain regardless of what happens tonight. He said it's a fee which is pre-existing and this is a way in which the City would waive that fee for candidates willing to not place signs.

Mr. Reyes stated that if he understood it correctly, it's a fee which is already in place and this is just a way to deter from over-posting signs or any signs. He asked is one sign triggers the fee.

Mr. Murphy stated there certainly will be some enforcement issues that will pop up. He said there have been discussions about if a particular candidate is not liked if signs are posted up with their name on it to "stick it to them". He also mentioned that in the discussions with Code Enforcement when a candidate registers to run for office, they are assigned a number and that is also given to their election committee. Often, that assigned number is placed on their signs and posters. He said they hoped those numbers could be

used to affiliate a certain candidate by their campaign rather than those being put up by others exercising their First Amendment right of free speech. He said typically those signs will not have any identification on them. He said they saw in the last election a group which was active in posting signs in the south [of the City] that did not have the identification number because they were not affiliated with a certain campaign group or political action committee or anything of that nature. He said it was just individuals expressing their desires and concerns. He explained this was the thought how they would go about trying to enforce the signs given the nature of what they are and give candidates the opportunity to sign the pledge.

Mr. Gage asked if the incentive was to stop signs from being in illegal places. He read aloud part of the staff report and proposed resolution. He said that the incentive is not stop illegal signs, but to not have signs period. He asked if that was correct, to not put up signs at all.

Mr. Murphy stated that was correct.

Mr. Gage asked why we, [the City], would not want signs up period. He asked if that wasn't part of our political process.

Mr. Murphy stated it's entirely up to the candidate at that point how they wish to pursue their campaign. He said they are not telling them they can't have signs. He said what they are being told is that if they want to have signs, have all the signs you want. If you decide you want no signs, we're willing to refund your \$2,000. He said that's all it says. He said it's either you have signs or you don't. He said, if you have signs, it's the same process we have in place today, you pay your \$2,000 to get on the ballot and you place all the signs you want and the city will deal with all the clutter that's out there. He said, but if there's a candidate out there who decides they don't want to put any money into [the process] and put any signs up, that's their choice and they get their \$2,000 refunded to them. He reiterated that they are not telling people they can't put their signs up, they the City is just providing an opportunity for somebody [candidate] to get their money back, should they do so.

Mr. Gage asked this was the "incentive" not to put up signs.

Mr. Murphy stated yes, an "incentive" not to put up signs.

Mr. Willoughby said there may need to be some flexibility for signs put up by without authorization by individuals on a case by case to case situation.

Mr. Murphy said that was correct.

Mr. Willoughby said his concern was that he could see some circumstances that are beyond the control of the candidate and he doesn't want to see them penalized because someone else did something, as you [Mr. Murphy] said "stick it to them". He said he wanted to be sure that was being thought of.

Mr. Murphy stated there have been a couple of conversations with Code Enforcement in anticipation this would pass and how to enforce and determine what signs are authorized

by the candidate versus those that were not. He said signs that were posted by someone in their front yard, the candidate would not be penalized. But clearly if they have posted several hundred signs throughout the community, that's pretty obvious.

Mr. Willoughby said he understood this would be an incentive not to post any signs, but he stated it does not seem likely to correct the problem of signs too early and signs staying late. He asked if there were penalties in place. If there were fines in place for that type of situation or is that another issue which needs to be addressed.

Mr. Rice said that as difficult a situation as it is to handle, the Municipal Code does provide that a candidate cannot put signs up more than 45 days before hand and they must be removed within 10 days following. He stated any violation of the Municipal Code is a nuisance by law and is subject to penalties under the City's Municipal Code including administrative citation and other sorts of fines and penalties. He said there are mechanisms to address that. He explained as Mr. Murphy pointed out, it can be tricky to assign responsibility in some cases although the City will continue to enforce those rules.

Ms. DeDiemar asked Mr. Murphy if he had discussed with Code Enforcement the level of effort the current Municipal Code states with what the proposed effort would be. She stated she was not clear that this would save any time or make it any easier.

Mr. Murphy stated he didn't know if it would or not. He said his sense was that you would not see a discernable difference in the number of signs that go up, even if a candidate chooses not to put signs up. He stated especially during a Presidential Election when there are state and national offices congress, senate, assembly, etc. He said the number of candidates is tremendous and the number of signs that get posted is ridiculous. He said when you drive down Holt Boulevard for example, there are very few open space of chain link fence which are left by the time an election rolls around.

Mr. Gregorek asked if the fee was only for a City Office or if individuals who run for water boards are also charged a City fee.

Mr. Murphy said he didn't believe the fees were paid to the City because those are elections which are handled by the county or state. He said it would only apply to local elections.

Mr. Gregorek said those candidates wouldn't benefit from this, only those running for City Office.

Mr. Murphy said yes and that quite frankly, \$2,000 for a State Senator or even an Assembly Member is very low.

Mr. Reyes asked if this was only for signs within the right-of-way or was it within the right-of-way and private property.

Mr. Murphy stated it's posting of signs...period.

Mr. Reyes said there's no distinction of land location.

Mr. Murphy stated that if he were a candidate and had 500 signs made and gave them to all his friends in the City and they posted them at their homes. He would not get his \$2,000 back. He said that if you, as an individual homeowner posted a sign on your property in favor of your favorite candidate that is not authorized by the candidate, no harm, no fowl.

Mr. Reyes said he believes that every time there's a sign put up by you, the candidate, there's an identification number of some sort on it. He said the problem becomes when people want to grant you or give you signs because they have a printing business. He thought it was just within the right-of-way and he said it's going to be tough for Code Enforcement to decide who made the sign. He stated he didn't think that Code Enforcement was the right body to be the "Sign Police". He stated they aren't trained to necessarily...he said today color copies make pretty good signs. He said it might be difficult to tell the difference between homemade versus not homemade. He said he doesn't know how easily it may be to police it, he said it will be tough. He thanked Mr. Murphy for sharing about the right-of-way versus private.

Mr. Murphy asked if he can summarize and wrap it up for the Commission. He said there are going to be issues that are going to come up. He said maybe Code Enforcement isn't the right entity to handle enforcement and maybe the City Manager has to come in and arbitrate some type of discussion, but let's not lose sight of what we're trying to do. He said it's simply a matter of offering somebody a way of getting their money back should they choose to do so. He said it's a matter of choice that we're giving them, rather than saying "you're paying the \$2,000 anyway". He said it's simply an option that they have.

PUBLIC TESTIMONY

No one responded.

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

Mr. Gregorek said that since he's lived in Ontario, he's only known of one candidate who has posted no signs and spent no money. He said he thought it would be a good gesture in as often as it might be used, which might be less than 5%. He said that was his own personal opinion. He stated with that, he wanted to make the motion to recommend approval of the Development Code Amendment based upon the staff report.

Mr. Delman thanked Mr. Gregorek and asked for a second to the motion.

Mr. Reyes asked if they could make comment before they voted.

Mr. Delman said he was going to.

Mr. Gage said there was a motion.

Mr. Delman said they have to second the motion. He said he just wants a second and then they can discuss.

Mr. Willoughby made a second to the motion.

Mr. Delman thanked Mr. Willoughby and said they were open for discussion.

Mr. Gage stated he was against this [Development Code Amendment]. He said he thinks the wording of it says there is an incentive for people not to advertise, you'll get your \$2,000 if you don't advertise. He said people with money will not have a problem getting the money back and some candidates will have a problem. He said it's worded that the incentive is to "please don't advertise and you'll get your \$2,000 back. So, please don't advertise." He stated it just seemed wrong to him that we would have an incentive for people to not to advertise their candidacy. He asked why have an incentive for that? He stated, let them put them signs up. He said that if it's for the beautification and safety of Ontario citizens, then let's address what that real problem is. He said the real problem is the people who put up, and have the \$2, 000 and who don't care about the City and put up the signs where they shouldn't and that's what we should be enforcing. He stated that's what makes Ontario less beautiful, not the small candidate who wants to run and have yard signs. He said it's the one that hires the outside agency that puts signs everywhere even where they're not supposed to, on fences, on public right-of ways and everywhere else. He said we should address that problem, not put an incentive for the candidate for less money not to advertise. He stated he thinks that just un-American and wrong. He stated again, he won't be for this.

Mr. Delman called on Mr. Reyes.

Mr. Reyes said these would be his own words. He said he doesn't think its fairness in a way for somebody that doesn't have money and is trying to get back. He said he doesn't get that part, it's not clear to him and it will not solve the sign issue. He said the whole premise of it that we're trying to beautify or make the City look cleaner during election. He stated that there are so many different signs out there that don't belong to only those running for City office; he said there's State Assembly signs, and signs from other areas that should not be in Ontario. He said they post them at the gate of the City, at the north, south, east and west for surrounding cities. He said he doesn't think it will make the City look any cleaner if that's what the whole issue is, since it can look cluttered and littered with a bunch of signs. He stated he doesn't think it's clear by creating this incentive that it gives a person the freedom and the right to post signs. He said it's not a clear distinction for him. He said the big one for him is how does this make it equal for past elections, so people who had past elections and people who have new elections. He asked how does that make it fair? He said the others didn't deal with us and new people [candidates] have to deal with this. He said it isn't fair and it should just be the way it is. He said again it's not fair and that's the problem he's having; the fairness part of past elections versus current elections. Why are we throwing this little glitch in there? He stated he doesn't see it as an incentive, sorry.

Mr. Willoughby said he doesn't believe this will solve the sign problem but he is willing to support it as an initiative that it may lead them down a road that could possibly get them closer to that. He said because he sees that it doesn't hinder a candidate from advertising his or her campaign, it's not an additional fee, they are already paying that fee, and so it really isn't going to change anything as they go forward. He said plus the fact that it only pertains to city offices, so the county offices, state offices, and national offices have no complaints. He stated, as Mr. Rice said, there are things in the Municipal Code to deal with early and late signs, however we can do that, if we can want to. He said

he still believes they need to make it as easy as possible for a local person that wants to run for a local office. He stated he understood what his two fellow Commissioners were saying, but he didn't see that this would put a hamstring to anyone or change anything from the past. He said therefore, he was willing to support it as a possible incentive and let's see what happens. He said they could always revisit the Development Code as they go down this road. He said he doesn't believe for a moment it will change anything that they've been experiencing.

Ms. DeDiemar stated she was opposed this [Development Code Amendment] for several reasons. She said one of them is she agreed with her fellow Commissioners in this will not solve the issue it was intended to solve because it is only a small subset of all the signs that go up during certain campaigns. She stated her main issue was that it would be an embarrassment for the City of Ontario to have something like this. She said if the Commission is divided on this, she could imagine how the citizens and residence of Ontario would feel. She said incentives can be positive or negative and this is an attempt to be a positive incentive and that's wonderful to do that. However, she said the problem is so ubiquitous that it's probably going to take a serious negative incentive to solve the problem and frankly, she said because Ontario only has control over those running for office in Ontario.

Mr. Gage stated that he thought the way this would be looked at is incumbents trying to stop new people from running. He said it's an incentive for them to get money not to advertise. He said it would be looked at if that were the intent or not, it would be looked at as a power-grab by the powers-to-be, incumbents to keep things as they are. He said that's his opinion on what it will look like.

Mr. Reyes said that having run for the water board before, he said the County charges a fee of approximately \$2,500-\$3,500. He said he understood there are County processing fees and someone has to do, what they have to do and the county has to charge to recoup those costs. He said personally, unfortunately, the City has a fee, and in his opinion, there shouldn't even have a fee and it shouldn't cost anybody in America a dollar to run for office. He said you could be the poorest person on the planet and you should have the right to run regardless if you have shoes on or not. So he said with that, he couldn't support it [the item].

Mr. Murphy asked if he could try one more time to explain the item. He said that if this item were not before them tonight, it would be status quo. A candidate would pay their \$2,000 and whether they paid their \$2,000 they could put their signs up regardless or not. He said they make a decision whether or not to put signs up, how many signs are put up, whether you plaster the City with them or you don't. He said the City would be left having to deal with that fall out. He stated with the proposal they are presented with, all that is stated is, if a candidate decides not to post signs, they get their money back. It does not say they can't put signs up. He said there is no language in the item anywhere that says they are limited to or eliminates their ability to put signs up or to advertise in any way. He said it is simply giving them an opportunity. He stated they are going to pay \$2,000 regardless, that fee is already existing and has been in place and will likely continue to be in place whether we like it or not. This will simply give them an opportunity to get that money back should they choose to do so. He stated he agreed with the comments it will likely not help the visual clutter out there, but he commented to

Commissioner Reyes point. Here's an opportunity for a candidate not to spend a dime. He said a person gets their \$2,000 back if they don't put any signs up. He stated he wanted to be sure the Commission was focused on what the true issues are. He said they are not regulating or forcing somebody's behavior. He said they were simply giving somebody an option and whether they choose to take that option is their choice. He stated right now, there is no choice; a candidate pays the \$2,000 regardless of how many signs they put up. He thanked Chairman Delman.

Ms. DeDiemar asked if she could respond to Mr. Murphy's comments.

Mr. Delman stated yes.

Ms. DeDiemar stated Mr. Murphy's point was well taken, but she didn't think it was truly a real choice. She said the choice is get your \$2,000 back and fail to advertise and if you're seriously running for office you can't fail to advertise. She stated yard signs are just part of the political process. She stated that she didn't think it was a true legitimate choice that you're [the item] giving someone. She said they do have a choice, but they don't have a choice.

Mr. Murphy stated this doesn't change that. He said the Development Code before them does not change that. He said he thinks that's the misconception. He stated that from what he's hearing, he thinks the Commissioners may think the Development Code is changing someone's ability to post signs or not. He said they're not changing their ability to do that.

Ms. DeDiemar said she understood that but practically speaking if you wish to be elected to an office that you're running for, you can't let go of an important part of the campaign like signs. She said, it's not really a true choice. There are consequences for not posting signs. She said she understood that it's a choice, but she's disagreeing that it's a true choice for a true candidate.

Mr. Murphy said that if you're a true candidate, you don't sign the pledge. You pay your money, you raise your money, you run your campaign, just like today.

Ms. DeDiemar stated that in turn this would not solve the problem of campaign signs cluttering the city.

Mr. Murphy stated it would not.

Ms. DeDiemar stated if it doesn't, than what's the point?

Mr. Murphy said it's not supposed to solve the problem. He said all it is doing is offering somebody the ability not to spend any money. He said, like Commissioner Gregorek mentioned, there has been a past candidate who didn't spend a dime on advertising, so he would get his \$2,000 back because he didn't spend a dime. He stated nobody else elected to go down that path, so they wouldn't get any money back.

Mr. Gage asked to speak.

Mr. Delman gave him the floor.

Mr. Gage stated that he listens to the comments and he's hearing people have "option". He said however, the wording [in the resolution] used is "incentive" and he finds it troubling. He said he reads that as an incentive not to advertise. He said it doesn't say they have the option to get their money back. He said it's an incentive not to advertise. He asked why would they give someone an incentive not to advertise? He stated he didn't think it was there place to make an incentive to not advertise. He stated that was there he had a problem.

Mr. Gregorek asked for the vote.

Mr. Delman reminded the Commission this was a recommendation to City Council and asked for a roll-call vote.

Ms. DeDiemar asked for the motion to be re-stated so she knew which way to vote.

Planning Secretary Callejo read aloud the motions previously made to recommend approval of the Development Code Amendment to City Council. It was explained to recommend a vote for approval or denial. A roll-call vote was taken beginning with Commissioner DeDiemar, Gage, Gregorek, Reyes, Willoughby and Delman.

PLANNING COMMISSION ACTION

It was moved by Gregorek, seconded by Willoughby, to recommend adoption of a resolution to approve the Development Code Amendment, File No., PDCA17-002. Roll call vote: AYES, Delman, Gregorek, and Willoughby; NOES, DeDiemar, Gage and Reyes; RECUSE, none; ABSENT, Downs. The motion tied 3 to 3.

City Attorney Rice stated the motion failed and can be called up to City Council if so moved by them.

HISTORIC PRESERVATION ITEMS

- G. ENVIRONMENTAL ASSESSMENT AND CERTIFICATE OF APPROPRIATENESS REVIEW FOR FILE NO. PHP17-003:** A request for a Certificate of Appropriateness to construct a 3,535 square foot, two-story, single-family residence within the Euclid Avenue Historic District, on 0.37 acres of land located at 1521 North Euclid Avenue, within the RE-4 (Residential Estate - 2.1 to 4.0 DU/Acre) and EA (Euclid Avenue) Overlay zoning districts. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures). The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1047-251-01) **Submitted by Anthony Lionel Mejia.**

Assistant Planner, Elly Antuna, presented the staff report. Ms. Antuna gave background on the project site which is located within the Euclid Avenue Historic District and explained that the property is a non-contributor to the district. She stated the site is currently vacant and proceeded to go over the proposed architecture and design for the two-story, single-family residence which will be setback 40 feet which is consistent with the other homes in the area. Ms. Antuna stated that on June 8, 2017 the HPSC recommended approval of this application and staff is recommending the Planning Commission approve File No. PHP17-003, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

PUBLIC TESTIMONY

No one responded.

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

Mr. Gage stated he became active in city government when a proposed home was being built on Euclid Avenue that looked like an Alta Loma tract home with the garage door in front. He said the house was further south than where this project is located but it wasn't compatible with the historic district of Euclid Avenue and he was amazed it was going to be built. He stated they protested and talked so something could be built that looked historical and fit within the neighborhood. He shared a house was built that fit with the neighborhood. He said that was his first exposure to Ontario government. He stated the project had beautiful architecture, Mediterranean-Revival which will fit in great on the lot and on that street. He said he saw a lot of details and it truly is all in the details with construction of what the end product will be. He said he would definitely vote for this.

Mr. Delman stated that was a gorgeous house and as Vice-President of Ontario Heritage he would almost like to designate it as historic from the beginning, but he knows that can't be done. He thanked staff for bringing the project forward to them and stated the turret is absolutely stunning.

Mr. Willoughby stated he echoed Mr. Delman's comments and made a motion of approval for the project.

PLANNING /HISTORIC PRESERVATION COMMISSION ACTION

Acting as the Historic Preservation Commission, it was moved by Willoughby, seconded by Gage, to adopt a resolution to approve the Certificate of Appropriateness, File No. PHP17-003 subject to conditions of approval. Roll call vote: AYES, DeDietmar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

Historic Preservation (Standing): This subcommittee met on June 8, 2017.

- *A request for a Certificate of Appropriateness, File No. PHP17-003 was recommended for approval.*
- *A request to remove 3 single-family residences located at 543, 546 and 547 West Maitland Street from the Ontario Register were approved.*
- *A request for a Tier I Determination for the Proposed Guasti Village Historic District was approved.*

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

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

New Business

NOMINATIONS FOR SPECIAL RECOGNITION

None at this time.

DIRECTOR'S REPORT

Mr. Murphy stated the Monthly Activity Reports were in their packets and Planning Commissions Matter Workshop will be held on July 13, 2017 which will be sponsored by BB&K and Lewis Group of Companies. This will be an opportunity for Commissioners in the Inland Empire area to get together and network. He stated speakers would be Janice Rutherford and Randy Jackson from Placeworks. They would learn about trends and hear about things going on in the area. He reminded them to let him or Planning Secretary Marci Callejo know so the Historic Preservation Subcommittee meeting could be adjusted as needed since the event is on the same night. Mr. Murphy also suggested that the Historic Preservation items be moved to the beginning of the agenda in the future.

ADJOURNMENT

Gregorek motioned to adjourn, seconded by Reyes. The meeting was adjourned at 8:40 PM.


Secretary Pro Tempore


Chairman, Planning Commission