

INDEX
TORRANCE PLANNING COMMISSION – JULY 16, 2014

<u>SUBJECT</u>	<u>PAGE</u>
<u>OPENING CEREMONIES</u>	
1. Call to Order	1
2. Flag Salute	1
3. Roll Call/Motions for Excused Absence	1
4. Posting of the Agenda	1
5. Approval of Minutes	1
6. Requests for Postponement	1
7. <u>ORAL COMMUNICATIONS #1</u>	1
8. <u>TIME EXTENSIONS</u>	1
9. <u>SIGN HEARINGS</u>	1
10. <u>CONTINUED HEARINGS</u>	
10A. MOD14-00001: Michael Shafer (Buffalo Fire Department) <i>Res. 14-012</i>	1, 2-6
11. <u>WAIVERS</u>	1
12. <u>FORMAL HEARINGS</u>	
12A. CUP14-00003: Chuck Ming Kwan (Sandra Williams)	2, 6
12B. PRE14-00005: Michelle Gainer (James Clemons) <i>Res. 14-035</i>	6-7
12C. PRE14-00006: Donald and Robin Murphy <i>Res. 14-036</i>	7-8
12D. MOD14-00008: Mesko Restaurant Group <i>Res. 14-037</i>	8-10
13. <u>RESOLUTIONS</u>	10
14. <u>PUBLIC WORKSHOP ITEMS</u>	10
15. <u>MISCELLANEOUS ITEMS</u>	
15A. Community Development Director Weekly Summary Reports	10
15B. Planning Commission Elections	10
16. <u>CITY COUNCIL ACTION ON PLANNING MATTERS</u>	10
17. <u>LIST OF TENTATIVE PLANNING COMMISSION CASES</u>	10
18. <u>ORAL COMMUNICATIONS #2</u>	11
19. <u>ADJOURNMENT</u>	11

At 9:45 p.m., the meeting was adjourned to Wednesday, August 6, 2014 at 7:00 p.m.

**MINUTES OF A REGULAR MEETING OF
THE TORRANCE PLANNING COMMISSION**

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:00 p.m. on Wednesday, July 16, 2014 in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner D'anjou.

3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENCE

Present: Commissioners D'anjou, Gibson, Griffiths, Skoll and Vice Chair Polcari.

Absent: Commissioner Watson (excused).

Also Present: Planning Manager Lodan, Sr. Planning Associate Chun, Sr. Planning Associate Santana, Plans Examiner Noh, Associate Civil Engineer Symons, Assistant City Attorney Sullivan and Sr. Fire Prevention Officer Kazandjian.

4. POSTING OF THE AGENDA

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, July 10, 2014.

5. APPROVAL OF MINUTES – None.

6. REQUESTS FOR POSTPONEMENTS – None.

7. ORAL COMMUNICATIONS #1 – None.

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Vice Chair Polcari reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

8. TIME EXTENSIONS- None.

9. SIGN HEARINGS- None.

10. CONTINUED HEARINGS

10A. MOD14-00001: MICHAEL SHAFER (BUFFALO FIRE DEPARTMENT)

Considered later in the meeting, see pages 2-6

11. WAIVERS – None.

12. FORMAL HEARINGS

12A. CUP14-00003: CHUCK MING KWAN (SANDRA WILLIAMS)

Planning Commission consideration for approval of a Conditional Use Permit to allow the operation of a take-out only restaurant on property located in the C-2 Zone at 2140 Artesia

Boulevard, #G. This project is Categorically Exempt from CEQA per Guidelines Section 15301 – Existing Facilities.

Recommendation: Approval.

Sr. Planning Associate Santana introduced the request.

With his brother acting as interpreter, Chuck Ming Kwan, applicant, explained that he operated a restaurant a few blocks away for 16 years, but his lease was terminated and he would like to reopen at this location.

In response to Commissioner Skoll's inquiry, Mr. Kwan reported that the restaurant will be a Chinese take-out restaurant.

Commissioner Skoll expressed concerns that the conditions of approval require the applicant to make improvements to the shopping center which he believes should be the responsibility of the property owner.

A brief discussion ensued, and the matter was deferred to later in the meeting so the applicant could review the conditions with staff.

10A. MOD14-00001: MICHAEL SHAFER (BUFFALO FIRE DEPARTMENT)

Planning Commission consideration for approval of a Modification of a previously approved Conditional Use Permit (CUP90-59) to allow live music and social events for the community within the plaza area for an existing restaurant on property located in the Downtown Project Area Commercial Sector at 1261 Cabrillo Avenue. This project is Categorically Exempt from CEQA per Guidelines Section 15301 – Existing Facilities.

Recommendation: Approval.

Planning Manager Lodan introduced the request.

Commissioner Gibson disclosed that she attended one of the Saturday night concerts and discussed the sound baffling with Mr. Shafer. Vice Chair Polcari, Commissioner D'anjou and Commissioner Griffiths disclosed that they had attended one or more of the Saturday night concerts so they would have a better idea of the noise level associated with them.

Michael Shafer, applicant, voiced his agreement with the recommended conditions of approval. He reported that with the help of a sound expert, he has been monitoring the concerts and making adjustments to the extent that the decibel level directly in front of the speakers has been in the 85 db (decibel) range for the last 4 or 5 concerts and according to the report from the City, the noise level inside nearby condominiums is much lower. He noted that he moved the concert inside his restaurant last Saturday because his permit had expired and had to turn away several people because there was no room. He urged approval of the application, relating his belief that the concerts benefit the community.

In response to Commissioner D'anjou's inquiry, Mr. Shafer confirmed that he intends to hold the Saturday night concerts year round. He reported that he has not started the Friday night outdoor movies because he cannot afford to buy the projector and screen at this time.

Gordon Gasser, 1281 Cabrillo Avenue, stated that he vehemently objects to allowing concerts 52 weeks a year. He contended that the sound tests conducted by the City were not entirely accurate because they were done during the last few concerts, which were not as loud

as previous concerts, and related his experience that the baffling installed by the applicant does nothing to mitigate the noise. He indicated that he was reserving judgment on the outdoor movies until one has been shown. He expressed concerns that businesses seem to have more clout than residents since amplified sound has been eliminated from the Thursday evening Market Place due to their complaints. He requested clarification regarding Condition No. 16 (requiring the applicant to work on noise attenuation to the satisfaction of the Community Development Director) which was provided by Planning Manager Lodan.

Steve Frame, 1281 Cabrillo Avenue, voiced objections to the concerts, noting that his unit is the closest one to the plaza. He stated that while the noise level for the last few concerts was an improvement, he was skeptical that the music would continue to be kept at an acceptable level once this permit is approved. He reported that Mr. Shafer has not been responsive to the concerns of residents in the past. He related his belief that the concerts qualify as a nuisance and therefore violate the CC&Rs that govern the operation of the plaza. He contended that the value of his condominium would be greatly reduced should he have to disclose to a potential buyer that there's a concert outside his window every Friday night. He urged Commissioners to at least limit the frequency of the concerts if they decide to allow them.

Andre DuSomme, 1301 Cabrillo Avenue, doubted that the concerts benefit the community at large and voiced objections to allowing them 52 weeks a year.

Commissioner D'anjou disclosed that she belongs to the same congregation as Mr. DuSomme, but that would not affect her decision on this application.

Returning to the podium, Mr. Shafer disputed the claim that he has ignored residents' concerns and reported on incidents where his staff has been harassed by residents. He suggested that a potential homebuyer might view a weekly free concert as a positive rather than a negative. He noted that while the business community has grown tremendously in downtown Torrance, most of the businesses operate Monday through Friday from 9:00 a.m. to 5:00 p.m. and stressed the need to attract people to the area on weekends when the streets are deserted. He explained that outdoor markets and concerts are common in other cities and add to the vibrancy of a community.

Commissioner Griffiths asked about claims that sound baffling was ineffective.

Mr. Shafer explained that heavy gauge material was hung at entrances from the plaza into condominium complexes to buffer noise because a sound expert indicated that there was little that could be done beyond that without spending at least \$50,000 since the plaza is almost all hardscape with nothing to absorb sound.

Planning Manager Lodan reported that staff has heard a number of ideas that could help further reduce the impact to residents, including the installation of free standing baffling material closer to the stage and will continue to work with the applicant on this issue.

Kevin Niedermeier, Torrance, stated that he just moved back to Torrance after being away for 20 years and was pleasantly surprised by the improvements in downtown Torrance. He related his belief that more events like this are needed to attract people to the area, especially on weekends.

MOTION: Commissioner Gibson moved to close the public hearing. The motion was seconded by Commissioner D'anjou and passed by unanimous voice vote (absent Commissioner Watson).

Commissioner D'anjou stated that she observed a community atmosphere with people of all ages at the concert she attended, however, she could understand why residents of nearby

condominium complexes would not want to experience this on a weekly basis, therefore she favored limiting concerts to 30 per year, which would allow for weekly concerts during June, July and August and every other week for the rest of the year.

Commissioner Gibson stated that this has been a very difficult case because she could see both sides, but felt it was time to make a decision since this was the third or fourth time it has been before the Commission.

MOTION: Commissioner Gibson moved to deny MOD14-00001, and the motion died for lack of a second.

MOTION: Commissioner D'anjou moved to approve MOD14-00001, limiting the events to 30 weekends per year (30 Friday movies/30 Saturday concerts), with the dates to be allocated as the applicant sees fit. The motion was seconded by Commissioner Skoll.

The public hearing was reopened so the applicant could comment.

Mr. Shafer stated that 30 weekends per year was not feasible because he still must pay the rent the other 22 weekends when there would be no concerts. He offered to eliminate Friday night outdoor movies as a compromise.

Commissioner Griffiths indicated that he was more inclined to approve the application with the elimination of the outdoor movies because he was reluctant to approve them without a trial period.

Mr. Gasser suggested that if the City feels this type of event is important, it should be held in a park or public area and not outside his front door. He indicated that he was not in favor of allowing Mr. Shafer to decide which weeks he wants to hold concerts since residents need advance notice in order to be able to plan their weekends around the concerts.

Mr. Niedermeier reiterated his support for this type of event in order to attract people to downtown Torrance.

Mr. DuSomme related his understanding that there is a large room with a dance floor above 1321 Cabrillo Avenue, which could be an appropriate venue for the concerts.

Amy Josefek, Camino de las Colinas, expressed concerns about businesses being allowed to interfere with residents' enjoyment of their property.

Mr. Shafer clarified that the condominiums in question are located in a mixed-use development and his restaurant existed before the condominiums were built. He reported that the room above 1321 Cabrillo was built without a permit and cannot be used for anything. He stated that he will post the schedule for concerts quarterly at the restaurant on its website so residents will have advance notice.

Mr. Frame contended that residents had no problems with the restaurant until Mr. Shafer took it over.

Mr. Shafer disputed this claim, explaining that the previous owners had various forms of entertainment at the restaurant without benefit of a permit that resulted in complaints from nearby residents.

Jackie Balestra, Camino de las Colinas, stated that she does not frequent downtown Torrance, but recently came across the Thursday Market Place and plans to return with friends.

MOTION: Commissioner Skoll moved to close the public hearing. The motion was seconded by Commissioner D'anjou and passed by unanimous voice vote (absent Commissioner Watson).

Commissioner Skoll voiced support for the Saturday concerts with the elimination of the outdoor movies on Fridays, noting that the concerts are only from 6:00 to 9:00 p.m.

A brief discussion ensued regarding how many concerts to allow per year, and Commissioner Griffiths proposed allowing 40 per year, leaving 12 Saturdays per year without a concert, which equates to 1 per month.

The public hearing was reopened so Mr. Shafer could comment.

Mr. Shafer stated that he would agree to 40 concerts if they can be held from January through September, with no concerts to be held in October, November and December.

Mr. Gasser indicated that he still felt 40 concerts were too many. He contended that the plaza was too small to handle the concerts and the only businesses to benefit from them are restaurants and bars.

Mr. Gasser questioned how long the permit would be in effect, and Planning Manager Lodan explained that the permit runs with the land so as long as the restaurant is operating, it would have the ability to hold concerts.

Mr. Gasser related his understanding that the concerts are prohibited by the CC&Rs, and Assistant City Attorney advised that the City would not become involved in enforcing CC&Rs.

MOTION: Commissioner Skoll moved to close the public hearing. The motion was seconded by Commissioner D'anjou and passed by unanimous voice vote (absent Commissioner Watson).

Commissioner Skoll offered the following substitute motion.

MOTION: Commissioner Skoll moved to approve MOD14-00001, as conditioned, including all findings of fact set forth by staff, with the following modification:

Modify

No. 3 That the hours of operation for an outdoor event with live music (amplified sound) shall not exceed 6:00 p.m. through 9:00 p.m. on ~~Friday and Saturday~~ from January to October without prior approval from the Community Development Director.

The motion was seconded by Commissioner D'anjou and passed by a 4-1 roll call vote, with Commissioner Gibson dissenting (absent Commissioner Watson).

Sr. Planning Associate Santana read aloud the number and title of Planning Commission Resolution No. 14-012.

MOTION: Commissioner Skoll moved to adopt Planning Commission Resolution No. 14-012 as amended. The motion was seconded by Commissioner D'anjou and passed by a 4-1 roll call vote, with Commissioner Gibson dissenting (absent Commissioner Watson).

Discussion of Item 12A resumed at this time.

12A. CUP14-00003: CHUCK MING KWAN (SANDRA WILLIAMS)

Planning Commission consideration for approval of a Conditional Use Permit to allow the operation of a take-out only restaurant on property located in the C-2 Zone at 2140 Artesia Boulevard, #G. This project is Categorically Exempt from CEQA per Guidelines Section 15301 – Existing Facilities.

Chuck Ming Kwan, applicant, requested a continuance so he could confirm who would be responsible for the improvements that must be made to the shopping center.

MOTION: Commissioner Skoll moved to continue Item 12A to August 6, 2014. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Watson).

Vice Chair Polcari announced that the hearing will not be re-advertised because it was continued to a date certain.

12B. PRE14-00005: MICHELLE GAINER (JAMES AND RUBY CLEMMONS)

Planning Commission consideration for approval of a Precise Plan of Development to allow first and second-story additions to an existing one-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone 26330 Delos Drive. This project is Categorically Exempt from CEQA Guidelines Section 15301 – Existing Facilities.

Recommendation: Approval.

Sr. Planning Associate Santana introduced the request.

Michelle Gainer, project architect, briefly described the proposed project, which would expand the existing 3 bedroom, 1 bath house to 4 bedrooms, 3½ baths. She noted that an ill-conceived previous addition at the rear of the house will be removed to provide more space between the house and the existing swimming pool.

In response to Commissioner Gibson's inquiry, Ms. Gainer confirmed that the homeowners have no objection to Condition No. 10, which requires them to provide a letter agreeing not to convert Bedroom #4/Bathroom #3 into a second unit. She explained that an exterior door was included in this bathroom to provide access from the pool area so water will not be tracked through the house and the homeowners have no intention of creating a second unit. She voiced her agreement with all conditions of approval.

MOTION: Commissioner Griffiths moved to close the public hearing. The motion was seconded by Commissioner Skoll and passed by unanimous voice vote (absent Commissioner Watson).

Commissioner Skoll commended the applicant for working with staff to arrive at an acceptable project.

MOTION: Commissioner Griffiths moved to approve PRE14-00005, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote (absent Commissioner Watson).

Sr. Planning Associate Santana read aloud the number and title of Planning Commission Resolution No. 14-035.

MOTION: Commissioner Griffiths moved to adopt Planning Commission Resolution No. 14-035. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote (absent Commissioner Watson).

12C. PRE14-00006: DONALD AND ROBIN MURPHY

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a new two-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone 5433 Sharynne Lane. This project is Categorically Exempt from CEQA Guidelines Section 15303 – New Construction.

Recommendation: Approval.

Sr. Planning Associate Santana introduced the request and noted supplemental material consisting of the applicant's answers to Items 3a and 3b of the Hillside Ordinance Criteria Response form and letters of support from neighbors.

Donald Murphy, 5433 Sharynne Lane, applicant, reported that he and his wife are longtime residents of Torrance and he also owns a business in Torrance. He briefly described the proposed project, noting that the first floor will be graded into the hillside to minimize the impact on neighbors. He reported that he discussed the project with his neighbors and one neighbor had a concern about the pool house which has been resolved.

Vice Chair Polcari disclosed that he went to the same high school as Mr. Murphy but that would not affect his decision on this project.

Commissioner Griffiths disclosed that he drove by the property to view the silhouette and asked if the trees in the front yard would be affected by the project, and Mr. Murphy reported that the trees will be retained.

Commissioner Skoll, echoed by Vice Chair Polcari, commended the applicant for sharing the project with neighbors and working to resolve any concerns.

MOTION: Commissioner Griffiths moved to close the public hearing. The motion was seconded by Commissioner Skoll and passed by unanimous voice vote (absent Commissioner Watson).

MOTION: Commissioner Skoll moved to approve PRE14-00006, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner D'anjou and passed by unanimous roll call vote (absent Commissioner Watson).

Sr. Planning Associate Santana read aloud the number and title of Planning Commission Resolution No. 14-036.

MOTION: Commissioner Skoll moved to adopt Planning Commission Resolution No. 14-036. The motion was seconded by Commissioner D'anjou and passed by unanimous roll call vote (absent Commissioner Watson).

12D. MOD14-00008: MESKO RESTAURANT GROUP (RIVIERA VILLAGE PROPERTIES)

Planning Commission consideration for approval of a Modification of a previously approved Modification (MOD12-00007) to extend the hours of operation and service at an existing full-service restaurant on property located within the Hillside Overlay District in the C-1 Zone at 6300 Pacific Coast Highway. This project is Categorically Exempt from CEQA Guidelines Section 15301 – Existing Facilities.

Recommendation: Approval.

Sr. Planning Associate Santana introduced the request and noted supplemental material consisting of correspondence received after the agenda item was completed.

Jon Mesko, Mesko Restaurant Group, applicant, explained that the City Council restricted Rock & Brews' hours of operation when the project was approved due to residents' concerns about the potential impact on their neighborhood and now that the restaurant has proven itself, he was requesting that the hours be extended to be more in line with other restaurants in the area. He reported that the restaurant has lost business because of the restricted hours, including on New Year's Eve when it could not stay open until midnight. He noted that neighbors who were initially opposed to the restaurant now support it.

Commissioner Skoll questioned why a "family restaurant" would be selling 50 different kinds of beer.

Mr. Mesko responded that the restaurant caters to various demographics, including families with children and dog owners.

Jackie Balestra, Camino de las Colinas, expressed support for the extended hours. She stated that the restaurant has been a great addition to the Riviera area and serves as a stable anchor business at a major intersection. She reported that she enjoys having a restaurant she can walk to and bring her dog to and she has heard no complaints about the restaurant from her neighbors. She noted that the restaurant has benefited the community by hosting fundraisers and supporting other community functions. She disclosed that Rock & Brews advertises on her website, which promotes local businesses.

Anthony Regalado, Torrance, stated that he had no objection to the 9:00 a.m. opening time as proposed, but was not in favor of extending the closing time until 2:00 a.m. on Friday and Saturday because the extra hour could make a big difference in terms of customers' level of intoxication. He reported on an incident that occurred at a bar down the street in Redondo Beach where someone beat up a bouncer who subsequently died. He questioned whether food will be served until closing time if the extended hours are approved.

Amy Josefek, Camino de las Colinas, voiced objections to extending Rock & Brews' closing time. She reported that she and her neighbors were actively involved in the approval process and they worked hard to minimize the restaurant's impact on the Riviera neighborhood. She expressed concerns that problems could develop with the later closing time because it could attract a different clientele and change a family restaurant into a bar.

Tiffany Aguirre, Palos Verdes Boulevard, reported that she lives closer to the restaurant than the previous speaker and is far more bothered by noise from traffic and sirens than Rock & Brews. She related her experience that the restaurant is welcoming to families with kids and supports the community by hosting various fundraisers. She expressed support for the later closing time, explaining that there have been occasions when she has had to go to other restaurants when she would have preferred to go to Rock & Brews.

Kevin Niedermeier, Torrance, reported that his children greatly enjoy going to Rock & Brews, which has a children's play area that is supervised unlike play areas at McDonalds. He related his experience that the restaurant's management does an excellent job and does not tolerate unruly behavior. He urged the Commission to allow the restaurant to compete with other restaurants in the area that are open until 2:00 a.m., disputing the idea that staying open an extra hour would attract a different kind of clientele.

Returning to the podium, Mr. Mesko stated that he does not plan to make any major changes to the restaurant's operation and would just like to be able to compete with other

restaurants in the area. He reported that he responds swiftly to any complaints and has provided his cell phone number to neighbors, including Ms. Josefek. He noted that the hours of operation for the El Segundo Rock & Brews were restricted when it was originally approved and the City Council recently voted unanimously to lift the restrictions.

Commissioner Griffiths asked if there have been any recent complaints about Rock & Brews, and Planning Manager Lodan advised that there were some complaints during construction and three complaints the first month of operation, which was June 2013, but there have been none since that time.

MOTION: Commissioner Griffiths moved to close the public hearing. The motion was seconded by Commissioner Skoll and passed by unanimous voice vote (absent Commissioner Watson).

Commissioner Griffiths recommended that Condition No. 4 be amended for purposes of clarification.

Commissioner D'anjou stated that she was initially reticent to extend the hours, but according to comments from neighbors, the restaurant has been operating without incident therefore she would support the proposed Modification.

MOTION: Commissioner D'anjou moved to approve MOD14-00008, as conditioned, including all findings of fact set forth by staff, with the following modification:

No. 4 That the sliding doors shall be closed at 10:00 p.m. Sunday through Thursday and at 12:00 a.m. Friday and Saturday.

The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote (absent Commissioner Watson).

Sr. Planning Associate Santana read aloud the number and title of Planning Commission Resolution No. 14-037.

MOTION: Commissioner D'anjou moved to adopt Planning Commission Resolution No. 14-037 as amended. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote (absent Commissioner Watson).

13. **RESOLUTIONS** - None.

14. **PUBLIC WORKSHOP ITEMS** – None.

15. **MISCELLANEOUS ITEMS**

15A. **COMMUNITY DEVELOPMENT DIRECTOR WEEKLY SUMMARY REPORTS**

Planning Manager Lodan noted that the Community Development Director Weekly Summary Reports for June 12, June 20, June 26 and July 3, 2014 were distributed to the Commission.

15B. **PLANNING COMMISSION ELECTIONS**

MOTION: Commissioner Skoll moved to elect Commissioner Polcari as Chair for FY2014-2015. The motion was seconded by Commissioner Griffiths and passed by unanimous roll call vote (absent Commissioner Watson).

MOTION: Commissioner Skoll moved to elect Commissioner D'anjou as Vice Chair for FY2014-2015. The motion was seconded by Commissioner Griffiths and passed by unanimous roll call vote (absent Commissioner Watson).

16. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS

Planning Manager Lodan reported that at the July 15 City Council meeting, former Planning Commissioner Geoff Rizzo was sworn in as City Councilmember and staff was directed to explore regulating vegetation in the Hillside Overlay District and report back to the Council in 60 days.

17. LIST OF TENTATIVE PLANNING COMMISSION CASES

Planning Manager Lodan reviewed the agenda for the August 6, 2014 Planning Commission meeting.

18. ORAL COMMUNICATIONS #2

18A. In response to Commissioner Skoll's inquiry, Planning Manager Lodan reported that plans for the new Costco will be considered at the August 6 Planning Commission meeting and there has been no word on what will happen to the existing Costco building.

18B. Commissioner Skoll noted that Agenda Item 12D, as well as the public notice, did not mention the name of the restaurant (Rock & Brews) and recommended that this information be included when applications for restaurants are brought forward in the future for purposes of transparency.

18C. Commissioner Polcari thanked his colleagues for electing him Chair.

18D. In response to Commissioner D'anjou's inquiry, Planning Manager Lodan provided information regarding the permitting of mobile food vendors at craft breweries.

18E. Commissioner Griffiths offered congratulations to Geoff Rizzo on being sworn in as City Councilmember the previous evening.

19. ADJOURNMENT

At 9:45 p.m., the meeting was adjourned to Wednesday, August 6, 2014 at 7:00 p.m.

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Approved as submitted August 6, 2014 s/ Rebecca Poirier, City Clerk
