



**PLANNING COMMISSION MEETING
COUNCIL CHAMBERS AND VIRTUAL (ZOOM)
PARTICIPATION
Thursday, June 12, 2025, 7:00 p.m.**

Attachment I

The Planning Commission meeting was called to order at 7:02 p.m. by Chair Hardy. The Planning Commission held a hybrid meeting in the Council Chambers and virtually via Zoom.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: CHAIRPERSON: Hardy
COMMISSIONERS: Goodbody, Haman, Lowe, Meyers, Stevens
Absent: COMMISSIONER: Franco-Clausen

Staff Members Present: Allen, Jensen, Lochirco, Ochinero, Spores, Tabari, Vigilia

PUBLIC COMMENTS

There were none.

PUBLIC HEARING

1. Proposed Amendment to Chapter 10 (Planning, Zoning and Subdivision), Article 15 (Tree Preservation Ordinance) of the Hayward Municipal Code to Update Regulatory Guidelines for the Designation, Removal and Mitigation of Protected Trees; Proposed Amendments to the Adopted 2026 Master Fee Schedule; and Finding the Proposed Project is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15307 (Class 7): Actions By Regulatory Agencies for Protection of Natural Resources, and Section 15308 (Class 8): Actions By Regulatory Agencies for Protection of The Environment **PH 25-028**

Staff report submitted by Planning Manager Lochirco dated June 12, 2025, was filed.

Landscape Architect Jensen provided a synopsis of the staff report.

Commissioner Lowe inquired if the 125% in-lieu fee, including the 25% portion for staff, aligns with the fee structures used in surrounding cities. Landscape Architect Jensen explained the in-lieu fee allows applicants who cannot plant the required value of trees on-site to contribute funds for tree planting elsewhere in the City. He noted that the additional 25% covers the management, purchasing, planting, and maintenance of the trees, including watering and care for a minimum two-year establishment period; however he is not aware of any other Bay Area municipalities that use this appraised-value approach.



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Commissioner Lowe asked what surrounding cities typically use as the basis for their tree mitigation fees. Consultant Kevin responded San Mateo uses a flat in-lieu fee of approximately \$3,300 per tree that cannot be replanted on site, which was established based on a study that accounted for the City's cost to purchase, plant, water, and maintain the tree for a three-year period. He noted that in other cities, in-lieu fees are often determined at the discretion of the director and can vary widely. He explained that for Hayward, the approach prioritizes on-site mitigation first, with the in-lieu fee applied only when full on-site mitigation is not feasible.

Commissioner Lowe asked if there is generally a best practice used by cities for calculating in-lieu tree mitigation fees. Consultant Kevin explained that fee structures are typically unique to each City, shaped by local needs and community priorities. He stated that Hayward's approach appears reasonable based on comparisons with other cities.

Commissioner Haman asked how the new information from Planet Geo, which is under contract to develop a full canopy assessment and management software, would affect the ordinance. Landscape Architect Jensen responded that the Planet Geo project is managed by the City's Landscape Maintenance Services Division. He explained the new assessment will provide detailed data on every tree in the City, including health, size, and location and will help the division develop a proactive tree replacement program and long-term planning strategy aimed at expanding Hayward's urban forest and increasing canopy coverage over time.

Commissioner Haman confirmed the data from Planet Geo will also include valuations for each protected tree.

Commissioner Haman inquired about how the valuation of a protected tree on private property is calculated; whether the cost would discourage private property owners from illegally removing trees; and if there is a cost difference between public and private tree valuations. Landscape Architect Jensen responded that the tree survey being conducted through Planet Geo will include City-owned trees and trees on other public property, but it will not include trees on private property. He noted that the City only becomes involved with private trees when a permit is submitted to prune or remove a tree, at which point staff will determine if the tree is protected or native and provide next steps. He clarified that the survey data is focused on City trees to understand existing inventory and identify gaps for future planting.

Commissioner Haman asked whether the valuation method used for public trees could also be used to assist homeowners in determining mitigation requirements for removing protected backyard trees. Landscape Architect Jensen explained that for a protected tree, an appraised value must be included in the arborist report submitted with a removal request, to ensure that property owners are made aware of the tree's value. He emphasized additional measurable benefits such as shade, reduced stormwater runoff, and overall contribution to the community. He noted that tree valuation is intended to help property owners understand the broader



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impact of removing a tree and make more informed decisions when seeking removal permits.

Commissioner Haman asked if the information developed by Planet Geo could be added to the appendix, along with the fire marshal and airport maps in Attachment 5. Landscape Architect Jensen responded that including the full Planet Geo data as a printed document in the appendix would likely not be feasible due to the volume of information; however, if there is a way to make the information more accessible for the community, staff could have further discussions with the consultant to explore options for presenting the data in a more user-friendly format. Landscape Architect Jensen added that the Planet Geo system typically includes an interactive interface with an aerial map, where users can zoom in to view and identify individual trees. He noted that he is unsure whether other municipalities make this interface publicly accessible but stated that this is a topic that can be discussed further with the consultant. Planning Manager Lochirco added that the City is hoping to eventually create a separate, public-facing GIS layer to show tree canopy coverage, to allow residents to better understand the canopy context within their neighborhoods. He noted the City will continue refining this idea, though it is dependent on cost, as the software program mentioned by Mr. Jensen was funded through a federal grant but is very expensive. He explained that the City plans to use this program internally to assist landscape architects in reviewing and validating arborist reports to ensure appraised tree values reflect best practices and are neither undervalued nor overestimated for specific species.

Commissioner Haman asked whether streetscape enhancements are included as part of the in-lieu tree fees or if they fall under separate capital improvement costs. Landscape Architect Jensen responded that those streetscape enhancements would be separate costs, while the in-lieu fees are specifically designated for the replacement and planting of new trees only.

Commissioner Haman asked how the City can begin planting trees more aggressively and make tree planting a top priority. Landscape Architect Jensen replied that the new software will assist in developing a long-term tree planting strategy for the City. He noted that the Landscape Maintenance Services Division already plants many replacement trees annually as part of ongoing efforts to replenish lost trees, but the City is considering community planting events and partnerships with nonprofit organizations to help expand tree planting efforts.

Commissioner Haman asked if the approximately \$100,000 annual budget allocated to Landscape Maintenance Services for planting new trees is sufficient to meet the City's goal of expanding the tree canopy by 10%; and also inquired about how additional funding and manpower could be secured to increase tree planting efforts. Landscape Architect Jensen replied that one of the primary purposes of the in-lieu fee is to generate additional revenue to supplement the existing budget and support expanding tree planting efforts to help meet the City's canopy expansion goals. Landscape Architect Jensen added that increasing the tree canopy by 10% is a daunting task, requiring the planting of thousands of trees annually. He emphasized that it is a long-term, ongoing goal for the City to pursue continuously.



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Commissioner Haman inquired about who is responsible for paying for the removal of fire hazards. Landscape Architect Jensen responded that, in the case of trees, the responsibility for removing fire hazards generally falls on the property owner. He explained that if a property is cited as fire hazard, the ordinance exempts the owner from needing a permit or paying a fee to remove the hazardous tree.

Commissioner Haman asked what happens in situations where homeowners cannot afford to remove overgrown fire hazards, even with the permit fees waived. Landscape Architect Jensen responded that as the City begins collecting in-lieu fees and gains a clearer understanding of the revenue generated, decisions will be made regarding how the funds will be allocated. He explained that while the majority of the funds are expected to support the replacement and planting of new trees, there is potential for a portion to be used to assist property owners with tree maintenance, particularly in cases where homeowners cannot afford to address fire hazards. He noted that any such assistance would likely be prioritized based on financial need, with a focus on helping lower-income property owners first.

Commissioner Haman asked if Code Enforcement has sufficient manpower to oversee and enforce regulations related to the entire City's tree canopy, and if it has adequate authority to effectively enforce those rules. Planning Manager Lochirco responded that Code Enforcement operates primarily on a complaint-based system. He explained that they are received through Access Hayward and relate to trees on public property, such as street frontages, where neighbors express concerns about issues like overhanging or potentially hazardous branches. He noted that the number of violations involving private property trees has been relatively low. He emphasized that outreach efforts conducted over the past two years in connection with the tree preservation ordinance update have led to greater community engagement.

Commissioner Haman asked if the new ordinance will provide enough flexibility for homeowners to mitigate if they wish to remove trees from their backyards. Landscape Architect Jensen responded the ordinance does provide flexibility for homeowners, as it does not protect most backyard trees. He explained that the protections apply only to native trees, which typically represent a small percentage of the trees found on private property. He noted that the removal permit process allows staff to review specific circumstances and factors involved in each request, providing case-by-case flexibility for homeowners seeking to remove protected trees.

Commissioner Haman asked whether, in addition to paying in-lieu fees, residents can volunteer to plant trees or offer to host trees on their property for future planting efforts. Landscape Architect Jensen asked whether he was referring to hosting trees as nursery stock on private property. Commissioner Haman clarified that organizations like 100K Trees offer programs where residents can host young trees until they are large enough to be planted permanently.



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Commissioner Haman inquired if this could be offered in Hayward to support tree planting efforts. Landscape Architect Jensen replied that such a program is something that could be considered for implementation. Planning Manager Lochirco added that the City aims to partner with community groups to ensure donated trees are native and resilient. He explained that the City will annually evaluate and improve its tree planting efforts, noting that the recent canopy analysis provides a baseline, and over the next 5 to 10 years, the focus will be on increasing tree coverage.

Commissioner Haman asked how much of the in-lieu fees have been directly used for planting trees, and if these funds have sometimes been diverted to other purposes. Landscape Architect Jensen explained that the City has not yet adopted a formal in-lieu fee as part of the ordinance, but that fees collected so far have been used specifically for tree planting at La Vista Park. He emphasized that this demonstrates a clear track record of collecting significant fees for tree planting. He noted that the goal now is to codify the fee in the ordinance so funds can be used citywide, focusing on neighborhoods with underserved tree canopy.

Commissioner Haman asked if there is an annual report detailing how in-lieu fees are spent and where the funds are allocated. Landscape Architect Jensen replied that currently there is no annual report because all in-lieu fees collected have been directed solely to La Vista Park. He explained that once the fee is codified in the ordinance, the City plans to track and report annually on how funds are spent, where planting occurs, and how these efforts contribute to increasing Hayward's tree canopy.

Commissioner Meyers asked if the removal fee of \$392 applies to the removal of one or two trees total, and whether this fee is a flat rate rather than a per-tree charge, to which Landscape Architect Jensen replied yes.

Commissioner Meyers asked if there are any provisions in place to assist low-income residents who may need to remove a tree but face financial difficulties. Landscape Architect Jensen replied that currently there is no provision in the ordinance to assist low-income residents.

Commissioner Meyers asked whether the ordinance and associated fees would take effect immediately or if there would be a delayed start date, such as six months later. Planning Manager Lochirco replied that the ordinance and fees would take effect 30 days after City Council adoption, as it is a code change.

Commissioner Meyers asked if the new ordinance would apply to projects currently in progress at that time. Planning Manager Lochirco replied that development applications submitted after the ordinance takes effect would be subject to the new regulations. He explained that projects already under review and deemed complete, or those already approved by staff, Commission, or Council, would not be subject to the new criteria.



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Commissioner Meyers asked for clarification on when fine payments are due, noting that in attachment 3 section 10,15,29 it states fines must be paid within 60 days, while the following section, 10,15,31, appears to indicate payment is due within 30 days. Consultant Kevin added that they would need to spend additional time reviewing the sections to ensure consistency. He confirmed they would check to make sure both sections reflect the same timeframe for fine payments. Planning Manager Lochirco asked for clarification whether he was referring to the second paragraph in section 1015-29, which addresses penalties, to which Commissioner Meyers confirmed. Planning Manager Lochirco clarified that the 10-day reference in Section 10-1.529 refers to the time period a property owner has to request an administrative hearing to appeal a decision. Commissioner Meyers added that, in addition to the 10-day appeal period, there appears to be a discrepancy between a 30-day and a 60-day timeline for paying penalties. Landscape Architect Jensen confirmed that staff will review the sections to ensure consistency if both are addressing the same topic.

Commissioner Meyers asked whether permit exceptions on the fire severity hazard map, permits property owners to remove trees at will, or if they are still required to apply for a permit even if they intend to remove any tree within that environment. Landscape Architect Jensen clarified that property owners are still required to submit a permit application so staff can assess the tree's condition. He noted that if the tree is deemed a hazard, the permit fee will be waived.

Commissioner Meyers sought clarification that being in the fire severity hazard zone does not grant automatic permit-free removal of trees; rather, each case is evaluated individually on a permit basis, to which Landscape Architect Jensen replied yes.

Commissioner Meyers asked if it would be possible to include a "not-to-exceed" cap on the time and materials permit fees for tree removal. Planning Manager Lochirco responded that the time and materials billing for multiple tree removals is necessary due to the complexity of large projects. He explained that these projects often involve arborist reports, multiple site visits, and mitigation reviews, which vary in effort. He added that a flat fee previously resulted in financial losses and was not cost-effective for the City. He emphasized that the current approach ensures accurate cost recovery by charging based on actual staff time spent, with any unused deposit amount refunded.

Commissioner Meyers asked how many other municipalities currently include rear yard trees in their ordinances. Consultant Kevin noted that roughly 15–25% of Bay Area cities include rear yard tree protections in their ordinances. He noted that this approach helps safeguard more trees, especially native species. He suggested it could be a valuable addition if the City aims to strengthen tree preservation efforts. Landscape Architect Jensen highlighted the need to protect native trees in rear yards, stressing that the goal is not to penalize removals but to



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ensure replacement planting. He noted that there are no rules requiring tree replacement, and since new trees take decades to mature, immediate mitigation is essential to maintaining urban tree cover.

Commissioner Meyers inquired about the number of residents that would be impacted and whether any specific data or estimates were available. Landscape Architect Jensen explained that while exact numbers aren't available, native trees in rear yards likely make up less than 10% of the City's canopy. He noted that these trees mostly found along hillside areas play a crucial role in habitat and ecological balance. He explained that despite their small number, their large size and environmental value make their preservation important, unlike the more common non-native trees, which offer fewer habitat benefits.

Commissioner Meyers expressed concern about the continued expansion of regulations onto private property, particularly moving from front and side yards to now backyards. He voiced frustration over what he sees as ongoing infringements on property rights. He emphasized empathy for homeowners who face increasing financial pressures. Landscape Architect Jensen noted that the original mitigation plan was based on the appraised value of the tree, which could be very costly. He explained that to reduce the financial burden on homeowners, the policy was revised. He added that this change aims to make mitigation more affordable while still ensuring native tree replacement and maintaining the City's canopy goals.

Commissioner Stevens sought clarification on the penalties for unauthorized tree removal. Landscape Architect Jensen clarified that if a protected tree is removed without a permit, the homeowner would face a double permit fee and be required to mitigate based on the tree's appraised value, which can be significant. He explained that if the homeowner obtains a permit and the removal is approved, the mitigation requirement is much less burdensome: they would simply need to replace the tree at a 2-to-1 ratio using two 24-inch box trees, plus the standard permit fee. He emphasized that pulling a permit significantly reduces costs and avoids penalties tied to appraised tree values.

Commissioner Stevens noted that the penalty for unauthorized tree removal is significant, emphasizing that it amounts to thousands of dollars, to which Planning Manager Lochirco said is not correct. Planning Manager Lochirco clarified that if a tree is removed without a permit, the penalty is simply double the permit fee. He explained that this is separate from the mitigation requirement, which involves replacing the removed tree, typically at a 2-to-1 ratio. He emphasized that the appraised value of the tree is not used as a basis for the fine.

Commissioner Stevens expressed concern that doubling the permit fee as a penalty doesn't seem like a strong enough disincentive to prevent unauthorized tree removal. Planning Manager Lochirco explained that although the penalty is just double the permit fee, homeowners are still required to mitigate the loss of the tree. He explained that the penalty for



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not obtaining a permit is an additional fee but does not replace the requirement to plant replacement trees. He emphasized that this process is already in place and not a new policy.

Commissioner Stevens expressed concern that both the penalty fee and the cost of planting replacement trees seem minimal and a relatively small consequence for such a significant loss. Landscape Architect Jensen clarified that mitigation would be based on the tree's appraised value, which would reflect its true environmental and community value.

Commissioner Stevens questioned if, in the case of removing a heritage tree, the fine would be 125% of the tree's appraised value. Landscape Architect Jensen explained that if you cannot fully replace the tree on-site, you would pay an in-lieu fee based on the remaining appraised value of the tree, with an additional 25% added to that amount.

Commissioner Stevens expressed doubt about the feasibility of truly replacing a 150-year-old oak tree, questioning whether such a large and mature tree could realistically be replaced. Landscape Architect Jensen explained that while it's technically possible to replace a 150-year-old oak tree, it would likely require planting multiple smaller trees or sourcing a very large, costly box tree. He added that most homeowners would opt to plant several smaller trees, and whatever replacement value isn't met on-site would be paid as an in-lieu fee to cover the remaining mitigation cost.

Chair Hardy asked if the new appendix would be translated into other languages to ensure broader accessibility, to which Landscape Architect Jensen replied that staff could look into it. Chair Hardy asked if the translation of the new appendix into other languages is currently being planned, to which Landscape Architect Jensen replied yes. Chair Hardy asked if there are plans to make non-digital versions of the appendix available, such as printed copies at locations like the Hayward Library, to improve accessibility beyond just posting it on the website, to which Landscape Architect Jensen yes.

Chair Hardy asked whether future updates to the appendix would require a full ordinance update, or if the appendix could be revised independently without going through the formal ordinance process. Landscape Architect Jensen explained that the appendix was designed as a standalone, living document specifically so it can be updated without needing approval from the Planning Commission or City Council. He noted that this allows for more flexibility to incorporate new tree species, updated best practices, or other changes without going through the full ordinance update process.

Chair Hardy asked if there has been any discussion about adding additional visuals or definitions to clarify common restricted actions for those who may not be familiar with those terms. Landscape Architect Jensen responded affirmatively, saying they can consider adding graphics to the appendix to help illustrate and clarify restricted actions.



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Chair Hardy asked for clarification on what specific conversations or planning efforts have occurred to ensure meaningful support for low-income households, beyond public benefit. Landscape Architect Jensen explained that the plan is to bring the question of how in-lieu fees should be used back to the City Council for determination, including decisions on allocation percentages. He noted that while staff has ideas and recommendations, the final decision will be made by the City Council, with opportunities for community input during that process.

Chair Hardy asked if staff would be willing to include language in the Commission's recommendation to City Council explicitly stating that the use of in-lieu fees to support low-income residents will be part of the plan moving forward. Planning Manager Lochirco explained that decisions on how in-lieu fees are spent are solely up to the City Council. He noted that while the Commission can make recommendations, staff can't commit to specific uses without knowing future revenues. He emphasized that there are multiple competing priorities, like planting in underserved areas, helping with maintenance, and expanding canopy coverage, and that funding decisions shouldn't be written into the ordinance. He encouraged the Commission to include their recommendations to Council if they wish.

Chair Hardy clarified that her concern wasn't solely about how in-lieu fees are spent, but rather about ensuring there is a clear commitment to exploring support for low-income families within the program, for her to feel comfortable recommending the proposal. Landscape Architect Jensen confirmed that staff are committed to using in-lieu fees to support underserved and low-income communities and stated that this will be included as part of their recommendation to City Council.

Chair Hardy asked whether residents could request tree planting in their neighborhoods, or if planting decisions would be determined solely by City priorities, such as canopy coverage goals and other planning criteria. Landscape Architect Jensen explained that residents can currently request a new street tree if they don't already have one, and that's the main avenue available for tree planting at this time. He added that while there have been discussions about partnering with nonprofits to support planting on private property in neighborhoods, those efforts are still in development.

There being no speakers, Chair Hardy opened and closed public comment at 8:09 p.m.

Commissioner Stevens expressed strong support for the proposal, emphasizing native tree value not just to property owners but to the entire community; stressed the importance of preserving native trees; stated that homeownership comes with the responsibility to care for the land, including its trees; and motioned to forward the item to City Council for consideration.

Commissioner Lowe seconded the motion.



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Commissioner Haman expressed strong support for protecting Hayward's trees and expanding the City's canopy beyond the 10% goal, including in backyards; supported the proposed ordinance updates, CEQA findings, and Master Fee Schedule amendments; appreciated the added street tree list in the appendix; emphasized the need to further examine in-lieu fees to support property owners who can't afford tree care. He urged the public to help reduce litter so City resources can be redirected toward tree planting and maintenance.

Chair Hardy expressed support for the proposal, praising the appendix, visuals, and sliding fee scale. While initially hesitant about regulating rear yard native trees, she now supports it. Her main concern was ensuring low-income residents aren't penalized for being unable to afford tree removal or mitigation. She urged the City to commit to providing support options like fee waivers or payment plans and emphasized the importance of making environmental goals accessible to all.

It was moved by Commissioner Stevens, seconded by Commissioner Lowe, and carried unanimously, to approve the proposed Text Amendments of the Hayward Municipal Code Chapter 10, Article 15 to update the City's Tree Preservation Ordinance (Attachment III); approval of amendments of the 2026 Master Fee Schedule (Attachment IV) and Findings that the proposed amendments are exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15307 (Class 7) and Section 15308 (Class 8)

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| AYES: | COMMISSISONER | Goodbody, Haman, Lowe, Meyers, Stevens |
| | CHAIR | Hardy |
| NOES: | COMMISSIONER | |
| ABSENT: | COMMISSISONER | Franco-Clausen |
| ABSTAIN: | COMMISSIONER | |

APPROVAL OF MINUTES

2. Minutes of the Planning Commission Meeting on May 8, 2025 MIN 25-071

It was moved by Commissioner Lowe, seconded by Commissioner Goodbody, and carried unanimously, to approve the minutes of the Planning Commission on May 8, 2025.

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| AYES: | COMMISSISONER | Goodbody, Haman, Lowe, Meyers, Stevens |
| | CHAIR | Hardy |
| NOES: | COMMISSIONER | |
| ABSENT: | COMMISSISONER | Franco-Clausen |
| ABSTAIN: | COMMISSIONER | |

COMMISSIONERS' ANNOUNCEMENTS, REFERRALS



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Planning Manager Lochirco announced the Planning Commission meeting on June 26, 2025, will likely be canceled, as there are no items currently scheduled, and added that the next regular meeting is set for August 28, 2025, with at least one or two items expected on the agenda. He noted that an official cancellation notice will be sent out next week and wished everyone a safe and relaxing summer and Fourth of July.

ADJOURNMENT

Chair Hardy adjourned the meeting at 8:17 p.m.

APPROVED:

Ron Meyers, Secretary
Planning Commission

ATTEST:

Briea Allen
Planning Commission Secretary
Office of the City Clerk