SAN FRANCISCO PLANNING COMMISSION



Remote Hearing via video and teleconferencing

Thursday, April 23, 2020 1:00 p.m. Regular Meeting

COMMISSIONERS PRESENT: Diamond, Fung, Imperial, Johnson, Koppel, Moore

THE MEETING WAS CALLED TO ORDER BY PRESIDENT KOPPEL AT 1:00 PM

STAFF IN ATTENDANCE: Aaron Starr, Diego Sanchez, Josh Switzky, Audrey Merlone, Gabriela Pantoja, Bridget Hicks, David Winslow, Rich Hillis – Planning Director, Jonas P. Ionin – Commission Secretary

SPEAKER KEY:

- + indicates a speaker in support of an item;
- indicates a speaker in opposition to an item; and
- = indicates a neutral speaker or a speaker who did not indicate support or opposition.

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1a. 2017-009964DRP (D. WINSLOW: (415) 575-9159) 526 LOMBARD STREET – between Fielding and Stockton Streets; 011 in Assessor's Block 0063 (District 3) – Request for **Discretionary Review** of Building Permit 2017.0718.2272 for the new construction of a four-story, two-family dwelling within a RM-2 (Residential Mixed, Moderate Density) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

Preliminary Recommendation: Do Not Take Discretionary Review and Approve

(Continued from Canceled hearing on March 12, 2020) (Proposed for Continuance to May 14, 2020)

SPEAKERS: + Tara Sullivan – Agree to continuance

Steve Williams – Request continuance
David Winslow – Response to questions

ACTION: Continued to June 18, 2020

AYES: Diamond, Fung, Imperial, Johnson, Koppel, Moore

1b. 2017-009964VAR

(C. FAHEY: (415) 575-9139)

<u>526 LOMBARD STREET</u> – northside of Lombard Street between Stockton and Powell Streets, Lot 011 in Assessor's Block 0063 (District 3) – Request for **Variances** from the rear yard, residential open space, and dwelling unit exposure requirements of the Planning Code, pursuant to Sections 134, 135, and 140. The subject property is located within a RM-2 (Residential – Mixed, Moderate Density) Zoning District and 40-X Height and Bulk District.

(Continued from Canceled hearing on March 12, 2020)

(Proposed for Continuance to May 14, 2020)

SPEAKERS: Same as item 1a.

ACTION: Acting ZA Continued to June 18, 2020

AYES: Diamond, Fung, Imperial, Johnson, Koppel, Moore

2. 2019-014211DRP

(M. CHRISTENSEN: (415) 575-8742)

667 MISSISSIPPI STREET – east side of Mississippi Street, between 20th and 22nd Streets; Lot 029 in Assessor's Block 4103 (District 10) – Request for **Discretionary Review** of Building Permit Application No. 2019.0717.6109 which proposes to establish a new, 1,016 square foot Cannabis Retail use, including an on-site smoking and vaporizing room, within an existing non-storefront cannabis production facility within a MUR (Mixed-Use Residential) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

Preliminary Recommendation: Take Discretionary Review and Approve with Conditions (Continued from Regular hearing on April 9, 2020)

Note: On February 6, 2020, after hearing and closing public comment, continued to March 19, 2020 by a vote of +4 -1 (Richards absent). On March 19, 2020, without hearing, continued to March 26, 2020. On March 26, 2020, without hearing, continued to April 9, 2020. On April 9, 2020, without hearing, continued to April 23, 2020 by a vote of +6 -0. (Proposed for Continuance to May 21, 2020)

SPEAKERS: None

ACTION: Continued to May 21, 2020

AYES: Diamond, Fung, Imperial, Johnson, Koppel, Moore

3. 2019-014214DRP

(M. CHRISTENSEN: (415) 575-8742)

<u>457 MARIPOSA STREET</u> – between Third and Illinois Streets; Lot 043 in Assessor's Block 3994 (District 10) – Request for a **Discretionary Review** of Building Permit No. 2019.0702.4973, which proposes to establish a new Cannabis Retail establishment of approximately 2,500 square feet in size, including on-site consumption, in an existing one-

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story Industrial building within the Urban Mixed Use (UMU) Zoning District and 68-X Height and Bulk District. Minor interior and exterior alterations are proposed to the subject tenant space. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

(Continued from Regular hearing on April 16, 2020)

(Proposed for Continuance to May 21, 2020)

SPEAKERS: None

ACTION: Continued to May 21, 2020

AYES: Diamond, Fung, Imperial, Johnson, Koppel, Moore

4. 2016-003164GPA

(S. NICKOLOPOULOS: (415) 575-9089)

HEALTH CARE SERVICES MASTER PLAN — Initiation of Ordinance amending the General Plan to revise the Commerce and Industry Element, to update it and incorporate the 2019 Health Care Services Master Plan; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings under Planning Code Section 340 and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

(Continued from Regular hearing on April 9, 2020)

Preliminary Recommendation: Initiate and schedule a public hearing on or after June 18, 2020 (Proposed for Continuance to May 21, 2020)

SPEAKERS: None

ACTION: Continued to May 21, 2020

AYES: Diamond, Fung, Imperial, Johnson, Koppel, Moore

5. 2018-012576CUA

(D. WEISSGLASS: (415) 575-9177)

<u>1769 LOMBARD STREET</u> – south side of Lombard Street between Laguna and Octavia Streets; Lot 027 in Assessor's Block 0506 (District 2) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 145.2, 303, and 712 to authorize an Outdoor Activity Area in conjunction with a Kennel Use (d.b.a. "The Grateful Dog") as well as a one-year review of Motion No. 20355, which authorized the Kennel Use, within a NC-3 (Neighborhood Commercial, Moderate Scale) Zoning District and 40-X Height and Bulk District. The Project is not a project under CEQA Guidelines Sections 15060(c) and 15378 because there is no direct or indirect physical change in the environment.

Preliminary Recommendation: Approve with Conditions

(Continued from Regular hearing on March 5, 2020)

Note: On March 5, 2020, after hearing and closing public comment, continued to April 23, 2020 for the sponsor to adhere to original conditions of approval by a vote of +6-0. (Proposed for Continuance to May 28, 2020)

SPEAKERS: None

ACTION: Continued to May 28, 2020

AYES: Diamond, Fung, Imperial, Johnson, Koppel, Moore

6. 2019-014251DRP-02

(M. DITO: (415) 575-9164)

<u>2001 CHESTNUT STREET</u> – corner of Fillmore Street; Lot 001 in Assessor's Block 0491 (District 2) – Request for **Discretionary Review** of Building Permit Application No. 2019.0717.6081 for the addition of a nighttime entertainment use to an existing

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restaurant (d.b.a. The Dorian). The nighttime entertainment use would permit a Place of Entertainment permit to be issued for cabaret performances and other live music within a NC-2 (Neighborhood, Commercial, Small Scale) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

Preliminary Recommendation: Do Not Take Discretionary Review and Approve (Continued from Regular hearing on April 9, 2020)

Note: On February 13, 2020, after hearing and closing public comment, continued to March 12, 2020 by a vote of +6 -0 (Richards absent). On March 12, 2020, without hearing, continued to March 19, 2020. On March 19, 2020, without hearing, continued to March 26, 2020. On March 26, 2020, without hearing, continued to April 9, 2020. On April 9, 2020, without hearing, continued to April 23, 2020 by a vote of +6 -0. (Proposed for Continuance to June 4, 2020)

SPEAKERS: None

ACTION: Continued to June 4, 2020

AYES: Diamond, Fung, Imperial, Johnson, Koppel, Moore

7. 2019-000634VAR

(C. CAMPBELL: (415) 575-9159)

<u>876 ELIZABETH STREET</u> – north side of Hoffman Avenue and Douglass Street; Lot 022 in Assessor's Block 2806 (District 8) – Request for Rear Yard **Variance**, proposing to expand below grade at basement level to the rear of an existing noncomplying structure. The proposal is also to construct a vertical and horizontal addition on the existing single-family home within a RH-2 (Residential House, Two-Family) Zoning District and 40-X Height and Bulk District. The proposal is subject to a rear-yard variance per Planning Code Section 134. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section <u>31.04(h)</u>.

(Continued from Variance hearing on January 22, 2020)

(Proposed for Continuance to June 4, 2020)

SPEAKERS: None

ACTION: Acting ZA Continued to June 4, 2020

AYES: Diamond, Fung, Imperial, Johnson, Koppel, Moore

8. 2019-003900DRP

(D. WINSLOW: (415) 575-9159)

<u>1526 MASONIC AVENUE</u> – between Upper Terrace and Java Street; Lot 039 in Assessor's Block 2616 (District 8) – Request for **Discretionary Review** of Building Permit Application No 2019.0605.2567 for construction of a one-story, 21' high, 735 square foot, artist cottage and dwelling unit at the rear of the property. The cottage will be located within the required rear yard and will require a variance. No exterior or interior alterations are proposed for the main house located at the front of the property within a RH-2 (Residential-House, Two Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section <u>31.04(h)</u>.

Preliminary Recommendation: Take Discretionary Review and Approve with Modifications (Continued from Regular hearing on March 5, 2020)

Note: On January 23, 2020, after hearing and closing public comment, continued to March 5, 2020, with direction from the CPC by a vote of +6 -0 (Richards absent). On March 5, 2020, without a hearing, continued to April 23, 2020 by a vote of +6 -0.

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(Proposed for Continuance to June 11, 2020)

SPEAKERS: None

ACTION: Continued to June 11, 2020

AYES: Diamond, Fung, Imperial, Johnson, Koppel, Moore

B. COMMISSION MATTERS

9. Consideration of Adoption:

Draft Minutes for April 9, 2020

SPEAKERS: None ACTION: Adopted

AYES: Diamond, Fung, Imperial, Johnson, Koppel, Moore

10. Commission Comments/Questions

None

C. DEPARTMENT MATTERS

11. Director's Announcements

Rich Hillis, Planning Director:

Good afternoon, Commissioners. Just a couple of items. One, I wanted to give you an update; I mentioned previously that the Mayor had established an economic recovery task force. That work is starting this week and the task force has been put together. I think there are close to 100 people if not more on it. I am going to serve on it, former Commissioner Fong as well as Assessor Chu are amongst the co-chairs. So, we'll come back to through either a director's report or an informational item to update you on the task force's work. Our staff will be involved, as well. I also wanted to thank and note, many of our staff are working currently as disaster service workers. As city employees, we all have an obligation to serve as disaster service workers and we have about 20 or more employees serving now who have served in various capacities from front-line staff to helping with some of the planning efforts. So, I wanted to just recognize and thank them. And that's my report.

12. Review of Past Events at the Board of Supervisors, Board of Appeals and Historic Preservation Commission

Aaron Starr:

Good afternoon Commissioners. Aaron Starr, manager of Legislative Affairs. At this week's Land Use Committee hearing, there were no Planning related items. At the Board of Supervisors this week, however, the Potrero Plant Station mixed use project, general plan, planning code, zoning map and development agreement all passed their second read. Also, the Bayview Industrial Triangle redevelopment area re-zoning and planning code amendment passed their second read. The Geary Masonic Special Use District sponsored by Supervisor Stephani passed its second read. And the Ocean Avenue ordinance

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sponsored by Supervisor Yee also passed its second read. And that's all I have for you today.

Jonas P. Ionin, Commission Secretary:

The Board of Appeals did meet last night and conducted their first remote hearing. The Board use Zoom for the hearing and broadcast via SFGovTV taking public comment using the Zoom conference line. Everything went smoothly and the Board's next hearing will be on May 6th. The Board heard one item that may be of interest to the Commission. 25 17th Avenue, a permit for horizonal addition and to legalize the removable of a bay window that was remove without permit. The Planning Commission heard this item as a DR in July of 2019 and at this hearing, the Planning Commission took DR and required restoration of the bay window that extended over the property line into the adjacent property at 27 17th Avenue. At that hearing, the Planning Commission also heard a DR for the proposed new construction on the adjacent lot approving the project with modifications to account for the restored bay. However, the permit has not yet been issued and was not the subject of the appeal. In approving this subject permit pursuant to the Commission's decision, the Planning Department allowed the project sponsor to remove windows from the restored bay that face directly onto the new construction in order to be consistent with the Residential Design Guidelines. The appellants, who are the DR requestors in this case, argued that the Commission's decision required that all windows be restored. The Board of Appeals which heard the matter DiNovo upheld the permit as approved by the Planning Department finding that the proposal was code complaint and complied with the Residential Design Guidelines.

D. GENERAL PUBLIC COMMENT

SPEAKERS: Speaker – BOA hearing

Russell Morin – Leland Avenue

Ozzie Rohm – Question, no drawings of existing structure

Georgia Schuttish – Rear yard, carbon capture

Speaker – Leland Avenue Sonja Kraus – Roof decks

Sue Hestor - HUB

E. REGULAR CALENDAR

The Commission Hearing Procedures provide for presentations by staff; followed by the project sponsor team; followed by public comment for and against the proposal. Please be advised that the project sponsor team includes: the sponsor(s) or their designee, lawyers, architects, engineers, expediters, and/or other advisors.

13. 2018-001443MAP

(D. SANCHEZ: (415) 575-9082)

M-1 AND M-2 REZONING — Adoption of **Planning Code and Zoning Map Amendments** to rezone certain parcels in Industrial Use Districts to Production, Distribution, and Repair and other Use Districts; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Preliminary Recommendation: Approve

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(Continued from Regular hearing on April 9, 2020)

SPEAKERS: = Diego Sanchez – Staff report

> - Sonja Kraus – SB 330 - Charles Whitfield - Oppose - Laura Foote - Point of the law

- Sarah Ogilvie – Working yourself backwards - Theodore Randolph - Consider zoning more + Kirsten Jensen – Response to questions = Josh Switzky - Response to guestions

Approved as amended by Staff **ACTION:**

Diamond, Fung, Imperial, Johnson, Koppel, Moore AYES:

RESOLUTION: 20687

14. 2020-002487PCA

(D. SANCHEZ: (415) 575-9082)

URBAN MIXED-USE DISTRICT - OFFICE USES - Planning Code Amendments introduced by Supervisor Ronen amending the Planning Code to provide that in the Urban Mixed Use District all office uses are prohibited, except that a professional service, financial service, or medical service is allowed as a conditional use on the ground floor when primarily open to the general public on a client-oriented basis; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Preliminary Recommendation: Approve with Modifications (Continued from Regular hearing on April 16, 2020)

SPEAKERS: = Diego Sanchez - Staff report

+ Amy Beinart, Aide to Sup. Ronen – Legislation

- Tuija Catalano - 2300 Harrison, unfair to change rule, recommends

inclusion of grandfathering clauses

+ Peter Papadapolous - State law housing loopholes

+ Carlos Bocanegra - Limiting UMU

- Speaker – 2300 Harrison, include grandfathering rules

= Corey Smith - Housing is more expensive to build, include

grandfathering clause

= Laura Foote - Include grandfathering clause

+ Anastacia Yovanapolous - Reserve mixed use for neighborhood

ACTION: Approved with Staff modifications, including a grandfathering clause

establishing the effective date as the date of introduction.

AYFS: Diamond, Fung, Imperial, Johnson, Koppel, Moore

RESOLUTION: 20688

15. 2020-003035PCA

(A. MERLONE: (415) 575-9129)

CONDITIONAL USE AUTHORIZATIONS DEMONSTRABLY UNAFFORDABLE HOUSING [BOARD FILE NO. 200142] – Planning Code Amendment to require conditional use authorization for applications to demolish a single-family residential building on a site zoned as RH-1 (Residential, House District, One Family) or RH-1(D) (Residential, House District, One Family-Detached), when the building is demonstrably not affordable or financially

Meeting Minutes Page **7**of **11** accessible housing; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302.

Preliminary Recommendation: Approve with Modifications

SPEAKERS: = Audrey Merlone – Staff report

- + Jacob Bintliff, Aide to Sup. Mandelman -
- = Theodore Randolph Better approach is up-zone single family homes
- = John Manasacalvo Add grandfathering clause
- + Carolyn Kenady Support
- Sonja Kraus Insulting, add affordability not exclusivity
- Charles Whitfield Up-zone RH-1, streamlining demolitions
- + Anastacia Yovanapolous Support
- Laura Foote Not in line with affordable strategies
- + Bruce Bowen Support
- + Speaker Need demolition controls
- = Yonathan Randolph Demolition should be encouraged and streamlined
- + Ozzie Rohm Support
- + Speaker Add grandfathering clause
- David Gast Add grandfathering clause
- Robert Oppose
- + Andrew Kallman Must have demolition controls
- Karen Add grandfather clause
- Luke Must include grandfathering clause
- + Anne Support
- Sarah Ogilvie Oppose single family homes are unaffordable
- + Georgia Schuttish Adjustments of demo calcs
- Michael Morrison Necessity of grandfathering clause
- Speaker Inconsistent

Martin Munoz – Oppose
 Approved with Staff modifications

AYES: Diamond, Imperial, Johnson, Koppel, Moore

NAYS: Fung RESOLUTION: 20689

16. 2019-021215CUA

ACTION:

(G. PANTOJA: (415) 575-8741)

3751A 24TH STREET – between Church and Chattanooga Streets, Lot 023A in Assessor's Block 6510 (District 8) – Request for a **Conditional Use Authorization** pursuant to Planning Code Sections 202.2(a), 303, and 728 for the establishment of a Cannabis Retail Use (d.b.a. The Mill) at a 932 square-foot tenant space located at the ground floor of an existing two-story, mixed-use building within the 24th Street- Noe Valley Neighborhood Commercial (NCD) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

Preliminary Recommendation: Approve with Conditions (Continued from Regular hearing on April 9, 2020)

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SPEAKERS: = Gabriela Pantoja – Staff report

+ Alex Solis - Project presentation + Sharon Cassidy - Project presentation

+ Silaton Cassiuy - Project presentation

- Anastacia Yovanopolous – Open until 10 pm, concerned

+ Michael Patton – Support

ACTION: Approved with Conditions

AYES: Diamond, Fung, Imperial, Johnson, Koppel, Moore

MOTION: 20690

17. 2020-000215CUA

(B. HICKS: (415) 575-9054)

<u>4118 21ST STREET</u> – north side of 21st Street between Diamond Street and Eureka Street; Lot 017 in Assessor's Block 2750 (District 8) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 317 to legalize the demolition of an existing 3,025 square foot, two-story over basement, single family home and to authorize the construction of a 4,481 square foot, three-story over basement, two family home in a RH-2 (Residential-House, Two Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section <u>31.04(h)</u>.

Preliminary Recommendation: Approve with Conditions

SPEAKERS: = Bridget Hicks – Staff report

+ Jonathan Pearlman - Project presentation

+ Jeff Baker - Support

- Anna Wilson – Continuance

- Speaker – Continuance

- Kay Klum - Continuance

- Ozzie Rohm – Continuance

- Georgia Schuttish – Draft motion, 317

- Anastasia Yovanapolous – Continuance

+ David Gaff – Support

- Dorothy Kelly – 30-day continuance

+ Richard Tarlov - Support

Andrew Kallman – 30-day continuance
 Theodore Randolph – Approve today

- Speaker – Continuance

+ Todd David - Support, code and zoning compliant

ACTION: After hearing and closing public comment; Continued to May 21, 2020

AYES: Diamond, Fung, Imperial, Johnson, Moore

NAYS: Koppel

F. DISCRETIONARY REVIEW CALENDAR

The Commission Discretionary Review Hearing Procedures provide for presentations by staff; followed by the DR requestor team; followed by public comment opposed to the project; followed by the project sponsor team; followed by public comment in support of the project. Please be advised that the DR requestor and project sponsor teams include: the DR requestor and sponsor or their designee, lawyers, architects, engineers, expediters, and/or other advisors.

18. 2017-010281DRP-02 (D. WINSLOW: (415) 575-9159)

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236 EL CAMINO DEL MAR – between 25th and 26th Avenues; 008A in Assessor's Block 1304 (District 2) – Request for **Discretionary Review** of Building Permit 2017.0721.2594 for the construction of a rear horizontal addition and new exterior decks at the first thru third floors to an existing three-story, one-family home within a RH-1 (Residential-House, One-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

Preliminary Recommendation: Do Not Take Discretionary Review and Approve (Continued from Regular hearing on April 9, 2020)

SPEAKERS: = David Winslow – Staff report

Peter Temple – DR 1 presentation
 Mark Heynecker – DR 2 presentation
 Jon Lum – DR 2 architect presentation
 Brian Milford – Project presentation

- Speaker – Oppose

- Patricia Carlson – Oppose

- Hannah Lou Romero – Reduce light, oppose

- Speaker – Oppose, threatens character of neighborhood

Alejandro Espinosa – OpposeJudy Garavanti – OpposeGeorge Karala – Oppose

George Karaia – Oppose
 Scott Emblidge – DR 1 rebuttal

ACTION: Took DR and Approved with conditions:

 Provide a similar setback on east side of third floor as proposed for the west; and

2. Provide a planted privacy screen no higher than four to five feet.

AYES: Diamond, Fung, Imperial, Johnson, Koppel, Moore

DRA: 691

19. 2018-013511DRP

(D. WINSLOW: (415) 575-9159)

350 LIBERTY STREET – between Sanchez and Church Streets; 047 in Assessor's Block 3605 (District 8) – Request for **Discretionary Review** of Building Permit 2018.0921.1017 for the construction of a horizontal front addition to the third floor to the existing three-story single-family dwelling within a RH-1 (Residential-House, One-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h). *Preliminary Recommendation: Do Not Take Discretionary Review and Approve* (Continued from Regular hearing on April 9, 2020)

SPEAKERS: = David Winslow – Staff report

- Phillippe Vendrolini – DR presentation+ Paul Wang – Project presentation

= Christopher Burnett – Owner of 350 Liberty

ACTION: Took DR and Approved with conditions, to provide a 13' setback

(increased from 10').

AYES: Diamond, Fung, Imperial, Johnson, Koppel, Moore

DRA: 692

ADJOURNMENT 6:26 PM

meeting minutes

ADOPTED MAY 7, 2020

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