

**CITY OF MADERA PLANNING COMMISSION
SPECIAL MEETING
August 16, 2016**

CALL TO ORDER: The meeting was called to order by Chairperson Hutchings at 6:00 p.m.

ROLL CALL

PRESENT: Commissioner Kenneth Hutchings (Chairperson)
Commissioner Jim DaSilva (Vice Chairperson)
Commissioner Bruce Norton
Commissioner Jeff DalCerro
Commissioner Robert Gran Jr.
Commissioner Ruben Mendoza

ABSENT: Commissioner Pamela Tyler

STAFF: Dave Merchen, Community Development Director
Christopher Boyle, Planning Manager
Keith Helmuth, City Engineer
Jose Sandoval, Assistant Engineer
Brent Richardson, City Attorney
Brandi Garcia, Recording Secretary

PLEDGE: Commissioner DalCerro led the Pledge of Allegiance.

PUBLIC COMMENT: None

MINUTES: None

Motion made by Commissioner Norton to approve the minutes. Seconded by Commissioner DaSilva. Motion carried unanimously, 6-0.

CONSENT ITEMS: None

PUBLIC HEARING ITEMS

- 1. CUP 2016-19 & SPR 2016-34 – Cubano Café & Grill Outdoor Dining**
A noticed public hearing to consider a conditional use permit and site plan review to allow for outdoor dining as a component of a restaurant located on the southeast corner of the intersection at East Yosemite Avenue and South B Street (400 East Yosemite Avenue), in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-165-012).

Christopher Boyle, Planning Manager presented the item.

Commissioner Gran verified they will only be selling beer and wine.

Mr. Boyle confirmed that is correct.

Commissioner Gran asked how Mr. Boyle came to the 7:00 p.m. time.

Mr. Boyle said that maybe he's just getting older but his rationale would be dependent upon weekday versus weekend. If there were specific businesses in between the use and the residential properties then staff may be more acceptable to the later hours. However, there are residential uses directly in the line of sight on the north side of Yosemite and directly south on B Street.

Commissioner Gran asked about music.

Mr. Boyle said there is no live or amplified music allowed on the patio.

Commissioner Norton asked if it is the same rationale for the 9:00 p.m. deadline on Friday and Saturday.

Mr. Boyle said yes the same rationale applies for weekends.

Commissioner DaSilva said he doesn't have a problem with 10:00 for both the weekends and weekdays.

Commissioner Dal Cerro asked if there were any comments from the surrounding land owners.

Mr. Boyle replied, no, there were no comments received either in opposition or support of the request.

Commissioner DalCerro confirmed that they were all noticed properly.

Mr. Boyle said yes, they were noticed if within the 300 foot radius as required for conditional use permits.

Commissioner DalCerro asked if there were any limitations on time in the City.

Mr. Boyle said there are others such as Cazadores with the outdoor component but there has never been a request to operate those uses late into the evening.

Commissioner Gran said, but currently they are. The kitchen is open 'til 10:00 p.m. and the bar is open longer.

Commissioner DaSilva said he could be outside until 11:00 p.m. drinking a beer.

Commissioner Mendoza asked if there are any other business that are open until 11:00.

Mr. Boyle said he's certain there are other business that are open until 2:00 in the morning but none of those businesses have an outdoor component to their business.

Commissioner DalCerro confirmed they are only selling alcohol with food and are planning on staying open until 2:00 a.m.

Mr. Boyle confirmed.

Commissioner Gran said that the ABC will be monitoring that too. They cannot over sell the alcohol in comparison to the food.

Commissioner DalCerro said it sounds like they can let them stay open later however, 2:00 a.m. seems too late to him.

Mr. Boyle stated that as with all use permits that would be at the discretion of the Commission.

The Commissioners thanked Mr. Boyle for his presentation.

Commissioner Hutchings opened the public hearing and invited the applicant to step forward.

Gonzalo Buenrostro of 216 E. Yosemite Ave. stepped to the podium. He doesn't agree with the hours. He said he doesn't want to be there until 2:00 either. He may want to have a mixer and the music, why no music? He doesn't want his hands tied. He wants to have options.

Commissioner DaSilva asked if he wanted the music inside or outside.

Mr. Buenrostro said it would be outside if there's a mixer. It would probably be over by 10:00 pm.

Commissioner DalCerro said that the concern is the residents in the area. The idea of being in your bed trying to sleep is an issue.

Mr. Buenrostro said he would agree to 12:00 a.m.

Commissioner Gran stated that the hours were not a problem but as soon as you bring in the music, there's other things that need to be looked at. In his opinion the only residents you have to worry about are the ones that are right there.

Commissioner DaSilva asked if he would accept 10:00, music wise.

Mr. Buenrostro said yes and that is probably the time he will close anyway. He just wants options.

Commissioner Gran asked if he would be ok with the music stopping at 9:00 but the hours of operation going until 11:00 every night.

Mr. Buenrostro said he would rather have 10:00 music kill and be open until 12:00.

Commissioner Gran said he understands but they are trying to...

Commissioner DaSilva verified there would not be any Friday night or Saturday night dancing on the patio.

Mr. Buenrostro said no, but he just wants to have options in case there was a party or something going on. On the weekend, the neighbor's music is loud and they wouldn't be able to hear his.

Commissioner DalCerro said the neighbors have been there for a long time and the person that was there first in time deserves consideration. The outdoor space being introduced is making the difference.

Mr. Buenrostro said that he thinks if the neighbor's had a concern they would be here.

The Commissioners said possibly but they didn't know there would be music since the staff report said there would be no music allowed.

Commissioner Hutchings asked if there was a specific time mentioned in the Municipal Code regarding the music being turned down after 10:00 p.m. or is it just common courtesy.

Mr. Richardson said the Municipal Code actually says music or noise that is harsh or annoying at any hour of the day. The Police Department can and will site for it.

Commissioner DaSilva verified with Mr. Buenrostro that he is in favor of everything except #30 and #34.

The Commissioners thanked Mr. Buenrostro.

Commissioner Hutchings asked if there was anyone else that would like to address the Commission.

There were none.

The item was returned to the Commission for further discussion and processing.

Commissioner Gran noted Mr. Richardson's comments about the music and if he gets enough complaints the officer will make a determination and could shut it down.

Commissioner Mendoza said he would be ok with 10:00 and 11:00 p.m. 10:00 p.m. the music quits and 11:00 p.m. it closes.

The Commissioner's agreed that this applied to the outside music stopping at 10:00 p.m.

Commissioner Gran made a move to approve Motion 1 with the changes to #30 and #34. The motion was seconded by Commissioner Norton.

The motion carried 6-0.

**2. TPM 2015-01, SPR 2015-18, CUP 2015-09 to CUP 2015-17 & VAR 2015-02 –
Madera Travel Center**

A noticed public hearing to consider multiple entitlements which cumulatively provide for the development of a travel center on property located at the southeast corner of the intersection of State Route 99 and Avenue 17, in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 013-240-003). An environmental impact report (EIR) has been prepared for the project and will be considered for certification by the Planning Commission prior to taking any action on the proposed project. The EIR and related documents are available at the Planning Department (205 W. 4th Street) or on the web at: cityofmadera.org/web/guest/highlighted-projects. The proposal includes the following:

TPM 2015-01 – A tentative parcel map to allow for the division of a 48.36-acre parcel of land into four separate parcels, encompassing 1.87 acres, 2.36 acres, 7.26 acres and 12.92 acres respectively. The tentative parcel map includes an 18.87 acre remainder and an approximately 5.09 acre easement dedicated for street purposes.

SPR 2015-18 – A site plan review to facilitate the development of the overall site, including the travel center with truck and auto fueling facilities, food service and convenience market; hotel; restaurant; tire shop and vehicle repair; and a covered recreational vehicle storage facility.

CUP 2015-09 to 17 – A series of conditional use permits to allow for alcohol sales, drive-thru activities, a truck stop, automotive repair, a hotel, RV storage, and a freeway sign.

VAR 2015-02 – A variance from the sign regulations of the Zoning Ordinance to allow for the construction of a freeway sign taller than forty feet.

Christopher Boyle, Planning Manager presented the item.

Commissioner Gran asked how high the Arco sign is across the freeway.

Mr. Boyle said that the sign is 95 feet. It's about 100 feet tall including the blue swish.

Dave Merchen, Community Development Director talked about the Environmental Impact Report.

Commissioner Norton asked who pays for the firm (QK) is it the applicant or the City? Who chooses the firm?

Mr. Merchen said the City selects the firm and the applicant wrote the check. The City administers the contract and writes the check to pay the consultant.

Commissioner DaSilva asked, who was paying for the widening of the Avenue 17 Bridge? The casino is coming in and it will need to be widened. Who's paying for it?

Mr. Merchen replied that the Avenue 17 frontage along the Travel Center Project site will be a multi lane facility with a stop light at both the first project entrance and at Sharon Blvd. It'll be two full travel lanes and a third lane that drops out and provides direct access to the site along the project frontage. There will be one lane on the west bound

portion of Avenue 17 with full capacity for west bound traffic. The widening of the interchange itself was not required or was not triggered as a result of the traffic analysis. There will be a right turn lane constructed at the top of the northbound ramp. The projects will pay into a pot their fair share of future interchange expansions.

Commissioner DaSilva verified that there was nothing to be done to the off ramp at all.

Mr. Merchen said the off ramp will get the right turn lane. That is all the traffic study deemed necessary.

Commissioner DaSilva stated that is a bad intersection and it needs to be addressed before anything else.

Mr. Merchen said he understands but traffic engineers have prepared the analysis and did not come to that conclusion.

Commissioner DaSilva said that needs to be looked at again.

Commissioner Hutchings said that while reviewing the EIR he noticed the usage of the water and that two million gallons would be needed for watering down the soil during construction. With the mandated reduction of water, what is the baseline the state uses as far as the City is concerned and does this two million plus daily usage get applied against the baseline or is that adjusted for additional developments like this? How does that work with the State mandate on reducing water usage?

Mr. Merchen said the state mandate from last year is a little fuzzy. There was talk of relinquishing the conservation back to the Cities. The actual conservation goal that the City had last year applied to residential developments not commercial developments. Water usage for the project was less about a specific mandate from the state than looking at measures to reduce water conservation to its minimum at a reasonable consumption.

Commissioner Hutchings said he imagined that the City consulted with Cal Trans as far as identifying all the locations and everything for analysis on the traffic study. He was surprised they didn't require a study of the freeway main line.

Mr. Merchen confirmed that was true.

Commissioner Hutchings said he was surprised they didn't require study of the freeway mainline due to the fact that there will be more trucks merging onto the freeway and affecting freeway operation.

Commissioner DaSilva asked if the sign is going to be 125 feet so it can be seen over the over pass. Is it so the southbound traffic can see it?

Mr. Boyle said that combined with the over crossing itself and the trees there is an allowance for the additional height.

Commissioner DaSilva asked if trucks would be allowed to park on Sharon Blvd.

Mr. Boyle confirmed, no.

Commissioner DaSilva asked about the property just east of the project site. What are the plans for that property?

Mr. Boyle said the property in question is the 18 acres that are not a part of this project. No development is proposed as part of the item tonight.

Commissioner DaSilva said that he thinks there needs to be a fence put up to deter people from parking on the dirt lot at night.

Mr. Boyle said there is no proposal for a fence.

Commissioner DaSilva said there will also be noise 24-7 and a lot of things going on there. He thinks the neighbors need to be considered first.

Commissioner Gran asked Mr. Boyle if he knows if they will be using the air conditioning tubes like at the other facility.

Mr. Merchen said there is a mitigation measure that requires that the truckers have access to some form of a/c and power. There is also a prohibition against idling on site. There will be posted signage, it is a violation against state law.

Commissioner DaSilva confirmed that was idling for the diesel truck and not for the compressor.

Mr. Merchen confirmed and said he doesn't intend to be argumentative, these are all good concerns but from a staff perspective we relied on the environmental impact report to analyze these things. In terms of having a basis for making a recommendation they did take into consideration the travel and noise concerns.

Commissioner Hutchings asked if there were any more questions.

Commissioner DalCerro asked if there was any indication that this would either enhance or detract from the desirability of the development of the area across Avenue 17.

Mr. Merchen said that was a good question and they did think about it early in the study. They recently had a discussion with the property owners across the street. There's a bit of mixed thoughts of how a travel center would have an effect on the area. They looked at the design features of the building and access, etc. to think of things that might turn people off of coming in to the area.

Commissioner DalCerro said he understands Commissioner DaSilva's concern regarding the ingress and egress into the general area. He thinks the over pass is already inadequate from his personal experience. What if someone is thinking of putting a Costco or something in but they don't come because they think there is no way to get to their location, not that the development doesn't look nice but that you can't get to it.

Mr. Merchen doesn't think there will be a limitation in being able to provide safe and reasonable access. They are not making a statement that the next project can be accommodated from these improvements. If it is the casino or another large project. That would require the signal lights on the ramps would be met.

Commissioner DaSilva questioned again who will pay for that.

Mr. Merchen said that Love's is writing their check.

Commissioner DaSilva asked, for the bridge?

Mr. Merchen said yes, they will pay their fair share toward future improvements. He doesn't want to say it's a certainty because it's not, but the casino would like to start construction sometime in the next year or so. As soon as that project goes, both ramps, north and south bound will need to be signalized. They will look at both projects with a joint need or combined need and place traffic signals in a way that the next widening is reasonably accommodated. The funding Love's provides will be used to off-set those costs of signalizing those ramps now or very soon. Any improvement to the interchange goes far beyond any projects fair share of burden. It's not only based around the development that is happening today. The concept is that as soon as we know the casino is going in and is going to generate that traffic we build not only the improvements mentioned for the travel center, right turn lane and signals on Ave 17, but also the signals at the ramps and the improvement on the west side of the interchange as well. Those are required but are triggered by the next project.

Commissioner Gran confirmed that it's all triggered by future development.

Mr. Merchen said that if the signal warrants are not met then the signals cannot be installed.

Commissioner DalCerro asked if it was a Cal Trans issue.

Mr. Merchen said it's a traffic engineering issue.

Commissioner Dal Cerro said that this area needs to look like Avenue 12.

Commissioner DaSilva said if you go to Avenue 18 ½, that intersection is a mess. He thinks this one will be worse because PG&E, CHP and others are located out there.

Commissioner Hutchings asked if there were any other questions of Mr. Merchen or Mr. Boyle at this time.

There were none.

The item was opened for public hearing.

Kym Van Dyke of Love's truck stops stepped to the podium. He resides at 3153 E. 1250 North, Layton, UT. 84040 and has worked for Love's for almost 20 years. Prior he worked for a competitor for 6 years. He's been in the business for a long time. He promised that if the Commission approves this project, they will not regret it. They try to maintain well-lit facilities. They will employ a lot of people, probably 85-100 people. It's a 15-18 million dollar investment. There's comments about others not coming to the area because it's a truck stop. They don't use that name anymore. They're a travel stop. They have the nicest women's restrooms. They do the best job out there. They don't lose very many employees and they promote from within.

They are willing to do all these things because they want to be here and be part of the community. If there's a disaster or something that happens, Love's will be there to help

and pitch in just as they have everywhere else. This is a company that cares and is a big impact player in our country for a lot of people.

Commissioner Mendoza asked if they considered an off ramp on Sharon Blvd. and if so, was it feasible.

Commissioner DaSilva said it would have to go over the railroad tracks and that's not going to happen.

Mr. Van Dyke said there's a lot of intersections that aren't real good in other places.

Commissioner DalCerro said his primary concern is that the infrastructure as far as the roadways in the area are inadequate. He understands it will be addressed in the future. Yes, a lot of the roadways in the City are inadequate but why would you want to add another one? Secondly, he doesn't want to take a step that may decrease mainstream retail from coming to town. There is a need for retail in this community. Those are the two realities that are weighing heavy on him.

Commissioner Mendoza said he has been on the bridge and almost struck a couple times also. He would also agree with Commissioner Hutchings there needs to be another sign. If you miss it you will have to go down to Avenue 16 before you can turn around and come back.

Mr. Van Dyke said they are trying to make it as safe as possible. They think one sign is better than 5 signs.

Mr. Van Dyke said he doesn't think this off ramp length is any different than many of the others in the area.

Commissioner Norton said they are going to fix the off ramp.

Commissioner DaSilva asked when?

Mr. Van Dyke said yes, that is part of the plan.

Mr. Merchen said that if the casino has a plan of opening they would signal both sets of ramps on 99 and there would be some sort of traffic control.

Commissioner DaSilva asked if Loves would pay half.

Mr. Merchen said he can't say how much the contribution would be but it will probably be around two hundred thousand and two million.

Commissioner Gran said it will also depend on the old dairy property and what goes in there. Everyone would have to pay their fair share.

Commissioner DaSilva said he understands now.

Commissioner Dal Cerro said he understands also but he's thinking if something is a problem that is going to be addressed in 6 or 12 months then he needs to consider it in making his decision.

Commissioner Gran said it's a very slow process and someone is willing to make a huge investment here. They also brought up Avenue 12 and that was a one hundred and ten million dollar project. You cannot pin that on anybody. He also said he uses their facilities all the time and the men's room can stack up against anybody. Tulare, Tehachapi, Barstow, Lake Havasu and Coachella, he looks for good cheap gas and a place where he can go at 2:00 in the morning, and not feel threatened, get a cup of coffee and get back on the road.

Commissioner DaSilva stated that is all fine but questioned what we are going to do for the neighbors.

Mr. Van Dyke said they have picked the corner that is away from the neighbors and that's not their property. They are trying to make theirs with elaborate landscaping and special trees to grab particulate matter. They have addressed the noise. His job is to find the sites nationwide and get them permitted. He also knows he has to do the right thing and has addressed the issues of noise. They are putting in noise reducing windows on the one hotel side. They can only do so much but that is not their property.

Commissioner DalCerro said he thinks there is a lot of positive things with this project. He asked if Best Western Executive is committed to having the hotel site.

Mr. Van Dyke confirmed, yes and this community needs another hotel. He couldn't get a room last night at Hampton. He had to stay somewhere else. The survey said you need a hotel and you need an extended stay one.

Commissioner DaSilva said there's not a problem with the truck center. The problem is with the traffic.

Commissioner Mendoza asked about the second lane when you make a right hand turn.

Commissioner DaSilva said the issue is going to be turning left going westbound. He said there are going to be trucks backed up.

Commissioner Mendoza said he doesn't think he's ever seen the Pilot truck stop backed up to the freeway.

Commissioner Gran noted there will be a light so if there's a backup it'll only be until the light turns for them to go.

Commissioner Hutchings said that when he travels to Utah he stops at the Love's in Cedar City and it's great.

Mr. Van Dyke stepped down.

Commissioner Hutchings invited others to step forward and address the Commission.

David Tooley, City Administrator stepped to the podium. His business address is 205 W 4th St. He said his colleagues have done a great job of addressing the project. In the best of all worlds all the infrastructure would be put in on the front end and there would be shovel ready dirt. However, the City does not have the financial capacity to make those improvements on the front end. He asked for the Commission to give him the tools to be able to proactively address those problems. There has to be enough critical

mass in projects in play so they can derive the revenue and make the necessary improvements over the long term. From experience in the financial community, unless the income stream is predictable you cannot go out to the bond market and do the debt offerings in advance. The City has to address these situations on a pay as you go basis. He said he completely understands where Commissioner DaSilva is coming from and agrees with him in principal but he lives in a world of problem solving. Please give him the tools to do what's being asked.

Commissioner Hutchings asked if there were any questions of Mr. Tooley. There were none.

Bobby Kahn, Executive Director of the Madera County Economic Development Commission at 2425 W. Cleveland Ave. Ste. 101 in Madera, stepped to the podium. He stated that off ramps, freeway and anything to do with connections to the freeway is a Cal Trans issue. Cal Trans dictates what you can and cannot do. The City cannot touch their off ramps without their approval. He thinks that if Cal Trans had any issues with this project, they would be here tonight. When a CEQA and EIR is done, they have to be notified. Cal Trans has given their comments. The City is doing a good job of capturing their requirements. We cannot touch their off ramps, right of ways or anything they own. He has about ten years of his life invested in that corridor, that intersection. As Mr. Tooley said the improvements are too large for one project. That's why things are done with a 'fair share' agreement. Loves will pay their share, the Casino their share and the others that come in including those that are in the airport industrial park are required to contribute their fair share. There will be full arterial street improvements not just adding one little lane through the length of that property including Sharon Blvd.

As far as the property across the street as far as the development goes, they have been working for the last ten years to get that project moving forward but the recession hit. He has had lengthy conversations with Target regarding that location. The Regional Representative agrees that Madera needs a Target but he can't get it through to his higher ups in Minnesota. They will be talking in the near future so he can tell the higher ups that there is now the Loves and the Casino etc. coming in. These are things we need to help promote that interchange. This interchange is the key to the City of Madera. That interchange is more important than Avenue 12. That is going to be the growth, the northerly pattern and they are in support of this project.

Commissioner Dal Cerro stated that was an interesting point Mr. Kahn brought up about the sewer, water, etc.

Mr. Kahn said they will be bringing in over-sized infrastructure (sewer, water, etc.) so it will accommodate the future development without it having to be redone with each project. There will be a reimbursement agreement so that Love's will get some of their money back as those others tap into their over-sized lines. Yes, they are going to give us what we need out there.

Commissioner DaSilva asked what the future plan was for south of Sharon Blvd. and that empty lot there. Is there any future there?

Mr. Kahn said that as far as he knows Sharon Blvd will go all the way to Country Club Dr. It will be a thorough fare from Avenue 17 to Country Club Dr.

Commissioner DaSilva asked if there were plans for more houses on the dirt lot before the truck stop.

Mr. Merchen said the property is commercially designated in the General Plan. It is not currently in the City limits though.

Commissioner Hutchings asked if there were any other questions of Mr. Kahn.

There were none.

Leslie Giddings, 16810 Walden Dr. She is concerned about the water. Their well is running dry and she doesn't have twenty thousand dollars to drill a new well. She said that the report was not meant for her because she doesn't understand it.

Commissioner Gran said the report was very dry reading. He also stated that there is a good possibility that another well will be drilled.

She said she is very concerned about the water.

Mr. DaSilva asked if she had problems when the dairy was there.

Mrs. Giddings replied, no there were not any problems at that time.

Mrs. Giddings said that her husband and son have been in an accident at the top of the bridge. She said it is hard to cross from Walden just to get onto Avenue 17 is hard. She said nobody is thinking about it, Mr. DaSilva is and Mr. DaCerro. She pointed out that they were there first. There will now be people going up and down the road all night long and there will be drag racing because that's what happens. There are so many issues and they don't want it to impact their quality of life. She said no matter what happens, they are stuck and she knows it will go through because the City needs it.

The Arco sign can be seen through her fence and the sign that will go in for this is absolutely horrendous and she will be looking at it all the time. She said they need to be heard though and they cannot be forgotten just because they are part of the county. They came from San Jose where there is all kinds of congestion and traffic. Now this is coming in and bringing more traffic. She stepped down from the podium.

Glen Harder of 16770 Walden Dr. stepped to the podium. He will be directly on the other side of the RV Storage. He said a wall may fix the problem. He's a truck driver and knows you can't park anywhere. He said they do need to stop the trucks from parking in the back area to keep the noise away from them. When Avenue 17 was built they brought in City water. He asked why can't they all go on City water and everyone will be happy. Mr. Harder said the biggest thing is the RV Storage that is right at his backyard. He is hoping it will only be open during the day. He asked if a well had already been drilled for the casino.

Commissioner Gran said no.

Mr. Harder said he thought there was one that was ready. He thanked the Commission and stepped away from the podium.

Commissioner DaSilva asked how far the wooden fence is from Sharon Blvd. and who owns that property.

Mr. Boyle said that property to the east of Sharon Blvd. is owned by the Gallardi family but they may have recently sold the property. He believes the fence is somewhere in the neighborhood of 300 feet.

Commissioner DaSilva questioned if that was to the furthest point, the culdesac.

Mr. Merchen said he believes it's a different question. He said he believes the noise analysis identified the closest noise generator to the residents is 700 feet.

Commissioner Hutchings asked if there was anyone else that would like to step forward.

The public hearing was closed.

There were concerns from the audience but Commissioner Hutchings chose to keep the public hearing closed.

Commissioner Norton commented that nothing is going to happen to that bridge until there is some development going in there. His office is off of Avenue 12 and the only reason that interchange was ever developed and widened is because of the development that went there to start the process. It's a snowball.

He asked Mr. Van Dyke what side of Sharon they own.

Mr. Van Dyke said the west side.

Commissioner Norton confirmed that anything asked to be done on the east side they cannot be required to do.

Mr. Van Dyke confirmed but said they have talked about going above and beyond including not only doing their part of Sharon but the entire road. He did make a note about the brick wall and will take it back to Loves but cannot guarantee it will be done.

Commissioner Mendoza made a move to approve Motion 1a, seconded by Commissioner Norton. The vote was carried unanimously. 6-0

Mr. Merchen wanted to explain a page he handed out. It was a reference for the street improvement conditions. The page was mistakenly left out of the packets. He wanted to make sure it was included as part of the approval.

Commissioner Hutchings asked if there was any additional discussion prior to consideration of Motion 1b.

Commissioner Mendoza made a move to approve Motion 1b with the two modifications noted in the presentation, seconded by Commissioner DalCerro. The motion was carried unanimously. 6-0

3. CUP 2015-21 – Whole Body Bootcamp Revocation

A noticed public hearing to consider revocation of Conditional Use Permit 2015-21 which allows for the operation of an athletic fitness club located at the southeast corner of South Pine Street and Maple Street in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation (APN: 012-230-021 & 022).

Christopher Boyle, Planning Manager presented the item.

Commissioner DaSilva asked if the ADA issues were because of Mr. Berry not doing the improvements.

Mr. Boyle said there have actually been several improvements from Mr. Berry on Maple St. He said the specific improvements he is talking about have not been made and the applicant stated she expected the property owner to take care of the improvements. However, when talking with the property owner they stated they would only take care of any off-site improvements which he has complied with. It comes down to a 'he said, she said' situation. In the end, the condition of approval has not been satisfied.

Commissioner Norton verified that the revocation is for Whole Body Bootcamp and not the PAC Studio.

Mr. Boyle said the activities that are allowed for as the Whole body Bootcamp and the activity itself are attached to the land. Once the use permit is revoked, the use is no longer allowed. The PAC studio would be allowed to operate according to their conditions of approval. However, the allowance for a Warehouse use is not permitted in the PAC Studios conditions of approval. It is strictly called out as a

Commissioner DaSilva asked if the PAC Studio has access to the whole building and the rear.

Mr. Boyle said yes, when the activities on the site were intensified and the occupancy rating went up, the Fire Marshal added additional requirements for paths of egress and fire suppression, etc.

Commissioner DaSilva asked if they are revoking both the front and rear.

Mr. Boyle said that the conditions for the PAC will be the ones that apply. Because the occupancy will be changed the paths of travel will be as well.

Commissioner DaSilva asked who was going to monitor and make sure they are not using both sides of the building.

Mr. Boyle said that staff will have to take the time to speak with the owner of the PAC Studio and make sure she understands her existing entitlements and pathways.

Commissioner Hutchings opened the public hearing and asked if there was anyone that would like to speak on the item.

There were none and the item was returned to the Commission for further processing.

Commissioner Norton made a move to approve Motion 1 as presented, seconded by Commissioner DaSilva. The motion was carried 6-0.

ADMINISTRATIVE REPORTS: None

COMMISSIONER REPORTS:

Commissioner Gran asked about the revocation of the Thrive Fitness.

Mr. Richardson said that technically the decision of revocation is put on hold until the appeal is heard by City Council.

Commissioner Hutchings noted the wall at Deborah was fixed and is no longer an eye sore.

NON PUBLIC HEARING ITEMS: None



Planning Commission Chairperson



Brandi Garcia, Recording Secretary

Faint, illegible text, possibly bleed-through from the reverse side of the page.

Handwritten signature or name, possibly "John J. [unclear]".