

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
MARCH 9, 2016**

ACTION MINUTES – These minutes are prepared to depict action taken for agenda items presented to the Planning Commission. For greater detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.

CALL TO ORDER. Chairperson Spada called the Planning Commission Meeting to order at the hour of 7:00 p.m.

PLEDGE OF ALLEGIANCE. The pledge of allegiance was led by Commissioner Cates.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, Arkady Faktorovich, Erik Limon, Palmer McCoy, and Tom Spada; Refugio Llamas and Susan Toscano absent.

STAFF MEMBERS PRESENT: Senior Planner Stacy Elms, Planning Technician Sandra Benetti, and City Attorney William Vaughn.

CONSIDERATION OF APPROVAL OF AGENDA. Motion by Limon, seconded by Faktorovich to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Llamas and Toscano absent.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF FEBRUARY 24, 2016. Motion by McCoy, seconded by Cates to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Llamas and Toscano absent.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. Chairperson Spada opened the public forum. No one came forward to speak and the public forum was closed.

Commissioner Cates recused himself from the dais at 7:03 p.m. for the following public hearing item due to having a personal relationship with the applicant and having done business with her in the last twelve months.

PUBLIC HEARING – TO CONSIDER A CONDITIONAL USE PERMIT INCLUDING CEQA EXEMPTION TO ALLOW THE OPERATION OF A FITNESS FACILITY IN THE GENERAL INDUSTRIAL ZONING DISTRICT (I) LOCATED AT 115 W. G STREET, SUITE B, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 081-110-037.

Senior Planner Elms presented the staff report, which included a PowerPoint presentation, and noted that the applicant was present to answer any questions.

Commissioner Limon inquired if this business was a branch off of the original facility.

Lorinda Sanchez, Applicant, responded that it is a whole different crossfit.

Chairperson Spada opened up the public hearing.

Commissioner McCoy inquired that since activities can't be done outside the facility if it would be a problem.

LORINDA SANCHEZ, Applicant, stated that they normally do have activities done outside but if they cannot then they wouldn't.

City Attorney Vaughn stated that it falls into a gray area, the concern is when things are conducted in a parking lot when its made for parking and outside activities are not wanted.

Senior Planner Elms stated that the industrial district is intended for heavy users and we don't want to mix heavy equipment with pedestrians.

City Attorney Vaughn stated that typically tire flipping would be prohibited in the common area and how jogging on the sidewalk isn't quite crossing the line.

MARIO CORNEJO, Los Banos, spoke in conjunction with the Applicant regarding a road located behind the building that can be used for running, spoke of how any running they do wouldn't be done in the front or parking lot, and how they would be using the back access road.

Senior Planner Elms clarified that the back access road is a drive aisle on the private property.

City Attorney Vaughn stated that the Commission can consider limiting the outside space and limit the actual activities themselves, suggesting making sure the property owner is in agreement as well, and spoke of how they can entertain some reasonable restrictions.

Mr. Cornejo stated that flipping tires and sled running would be done inside where there is astro turf and spoke of how they have already informed the property owner of their anticipated activities and no concerns have been raised.

Commissioner Faktorovich inquired if the back drive aisle was fenced off.

Mr. Cornejo stated that there is no fence between the parcel north of this property and the building that Los Banos Crossfit will occupy.

City Attorney Vaughn stated that he thinks the City would prefer activities to be limited to private property and not public rights-of-way, spoke of how the City can't ban people from running on the sidewalk but can regulate groups of people running, stated that reasonable restrictions on using the back drive aisle, doesn't think limiting hours is a big thing, can require permission of the landowner, can rescind the approval if there are complaints, can condition not to use public right-of-way for these activities, can change condition to limit outside activities to the north access road only and require written consent of property owner, can prohibit activity in public right-of-way, and limit only non-equipment activities.

No one else came forward to speak, and the public hearing was closed.

Motion by McCoy, seconded by Faktorovich to Adopt Planning Commission Resolution No. 2016-09 – Approving Conditional Use Permit #2016-04 for Los Banos Crossfit Located at 115 W. G Street, Suite D, More Specifically Identified as Assessor's Parcel Number: 081-110-037 with the amendment to Condition of Approval #10 to allow non-equipment outdoor activities that shall be limited to the northern access road with consent of the property owner and prohibit activities in the public right-of-way. The motion carried by the affirmative action of all Planning Commission Members present; Llamas and Toscano absent; Cates recused.

Commissioner Cates returned to the dais at 7:31 p.m.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT. Senior Planner Elms spoke of attending the Planning Commissioners Academy last week and the great information that was received, wished Commissioner Faktorovich a happy birthday, and spoke of the next Planning Commissioners Academy being May 1-3, 2017 in Los Angeles and would like to see this be an annual or every other year event that we attend.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Thanked staff for their support in attending the Planning Commissioners Academy and enjoyed the experience and wished Commissioner Faktorovich a happy birthday.

FAKTOROVICH: No report.

LIMON: Spoke of the great experience in attending the Planning Commissioners Academy and being grateful for being part of this process.

LLAMAS: Absent.

McCOY: Wished Commissioner Faktorovich a happy birthday, spoke of the great experience of attending the Planning Commissioners Academy, how he would like to see this be an event that is offered annually to the Commissioners, and inquired how the City would respond if someone asked for the data off a Commissioner's phone per the City of San Jose's current case.

City Attorney Vaughn stated that we would resist it unless it was a City owned device, spoke of how he has been trying to push for a policy on email retention, spoke of how it opens up a Pandora's box like who maintains the records, how is it logged, how do we search it, cautioned Commissioners not to do City business on personal devices, and doesn't believe any of the Council have City issued devices either.

Commissioner McCoy stated that was a good legal answer and indicated he may not want a electronic copy of packet then.

City Attorney Vaughn stated that he could prepare something to show the City's position, how we can do a refresher on what the state of the current law is, and how its changing all the time.

Commissioner McCoy stated that he will be gone first meeting in April.

Senior Planner Elms stated that staff will be cancelling the meeting on April 13th.

SPADA: Spoke of the Planning Commissioners Academy being a good experience, thanked staff for putting it together, spoke of how it makes the Commission more professional, noticed that some had business cards and name tags and would like to see that, and stated that it would be a good idea over the next month if people know they will be gone during the next eight or nine months to let staff know so that the Commission can have a quorum.

TOSCANO: Absent.

ADJOURNMENT. The meeting was adjourned at the hour of 7:46 p.m.

APPROVED:

/s/ Tom Spada

Tom Spada, Chairperson

ATTEST:

/s/ Sandra Benetti

Sandra Benetti, Planning Technician