

**AGENDA
CITY OF SELMA
PLANNING COMMISSION
REGULAR MEETING**

**January 28, 2019
6:00 PM**

City of Selma Council Chambers
1710 Tucker Street
Selma, CA 93662

Call to order at **6:00 p.m.**

Flag salute led by Commissioner Coury

Roll Call: Commissioners Coury, Garcia, Gonzalez, Singh, and Chairman Niswander

Potential Conflicts of Interest: *Any Commissioner who has a potential conflict of interest may now identify the item and recuse themselves from discussing and voting on the matter.*

ORAL COMMUNICATIONS

NOTICE(S) TO THE PUBLIC: *At this time, any member of the public may address the Commission regarding any item over which the Commission has jurisdiction. No action or discussion will be taken on any item not on the agenda. Issues raised will be referred to the Chairperson for review. Members of the public shall limit their remarks to three (3) minutes.*

PUBLIC HEARINGS

- 1) CONSIDERATION OF A RESOLUTION RECOMMENDING THAT THE PLANNING COMMISSION APPROVE A CONDITIONAL USE PERMIT APPLICATION FILED BY SONNY SALINAS OF SALINAS RECYCLING, FOR THE PURPOSE OF PERMITTING THE RELOCATION OF AN EXISTING RECYCLING FACILITY ON THE SAME SITE AT 3706 MCCALL AVENUE, SELMA, CALIFORNIA, AND NOTICE OF EXEMPTION REGARDING THE SAME

DIRECTOR'S REPORT

ORAL COMMUNICATIONS

NOTICE(S) TO THE PUBLIC: *At this time, any member of the public may address the Commission regarding any item over which the Commission has jurisdiction. No action or discussion will be taken on any item not on the agenda. Issues raised will be referred to the Chairperson for review. Members of the public shall limit their remarks to three (3) minutes.*

ADJOURNMENT

- Any writings or documents provided to a majority of the Selma Planning Commission regarding any item on this agenda will be made available for public inspection in the City Clerk's office located at 1710 Tucker Street during normal business hours.
- In compliance with the ADA, if you need special assistance to participate in any City meeting (including assisted listening devices), please contact the City Clerk's Office (559) 891-2200. Notification of at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting.



DRAFT
CITY OF SELMA
MINUTES OF PLANNING COMMISSION MEETING
January 28, 2019

The meeting of the Selma Planning Commission was called to order at 6:15 p.m. in the Council Chambers by Chairman Niswander. Commission members answering roll call were Coury, Garcia, Gonzales, and Chairman Niswander. Commissioner Singh was absent.

Commissioner Johnny Gonzales arrived at 6:15pm.

Also present were: Associate Planner Carpenter, Building- Planning Technician Cayetano, and City Manager Gallavan.

The agenda for this meeting was duly posted in a location visible at all times by the general public seventy-two hours prior to this meeting.

PUBLIC HEARINGS

Consideration and necessary action for conditional use permit, for Salinas Recycling resolution 2019-001 at 3706 McCall Ave. *Public hearing*

Chairman Niswander opened the public portion.

Planner Aaron Carpenter describes Salinas Recycling conditional use permit conditions to planning commission for review and approval.

Chairman Niswander asked if applicant wants to add anything to staff report, or if anyone want to speak in favor or in opposition of the application.

There being no further public comments, Chairman Niswander closed the public hearing portion of the meeting.

The Commission discussed the item and Chairman Niswander motioned for approval. Motion was seconded by Commissioner Gonzales and carried by the following vote.

AYES:	Gonzales, Garcia, Niswander
NOES:	Coury
ABSTAIN:	None
ABSENT:	Singh

**SELMA CITY PLANNING COMMISSION
STAFF REPORT**

Meeting Date: January 28, 2019

TO: Selma City Planning Commission

FROM: Community Development Department

SUBJECT: AGENDA ITEM NO. 1
Submittal No. 2018-32:
▪ Conditional Use Permit
▪ CEQA Categorical Exemption

Summary and Purpose

The purpose of agenda item No. 1 is to conduct a public hearing to consider the above requested entitlement. The applicant is requesting a Conditional Use Permit to relocate and improve an existing recycling facility on the same vacant site on McCall Avenue, Selma, CA 93662 (APN 358-380-41). The recycling facility will operate Monday through Sunday from 9:00am to 5:30pm with an estimated 25 to 50 customers per day. The facility will also require i) approval from the California Department of Resources Recycling and Recovery (CalRecycle), Signage Permit from the City Planning Department, and iii) building permit from the City Building and Safety Department.

Application Information

1. Applicant: Sonny Salinas (Salinas Recycling), 14592 E Shaw Ave, Sanger, CA 93657.
2. Project Location: The subject property is located within the Selma Plaza commercial and retail complex, and is situated on a vacant, unimproved lot, in the south-east corner of the complex, with access to and from E Dinuba Ave to the north, and McCall Ave to the west, (APN 358-380-41).
3. General Plan Land Use: Community Commercial
4. Zoning: C-2 Central Commercial Zone
5. Applicant's Request: The Conditional Use Permit is subject to Chapter 6 of the Municipal Code, and will permit the proposed recycling facility, subject to all conditions of approval.

Background

The Subject Property is accessed by E Dinuba Ave to the north, and McCall Ave to the west, and is located within the Selma Plaza commercial and retail complex, which includes existing retail stores (Westamerica Bank, Family Dollar, United Market, etc.) and a surface parking lot.

The existing Salinas Recycling facility is 42 ft x 20 ft (840 sq ft) and was conditionally approved on 4/1/09 by Minor Modification No. 2008-0088. The applicant is requesting a new 93 ft x 80 ft (7,440

sq ft) recycling facility on the same site (the size and number of storage containers will remain the same). The applicant is proposing a relocation of the existing facility that will require review and approval by the City Departments of Planning, Building and Safety Department, Engineering, Fire, and Police.

Findings (Section 11-16-5 of the Selma Municipal Code)

The Planning Commission in granting a conditional use permit shall find as follows:

- A. That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this Section to adjust said use with land and uses in the neighborhood.*
 - a. The site proposed is an existing unimproved vacant lot within the Selma Plaza commercial/retail complex. The applicant is proposing to improve the site providing paved parking, fencing, and screening as detailed in the site plan **exhibit**. The site is bordered by a block wall separating the commercial zone from the adjacent residential zone.
- B. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.*
 - a. The site is accessed by E Dinuba Ave to the north, which is classified as an arterial street with a 100 ft ROW (approx.), and McCall Ave to the west, which is classified as an arterial street with a 100 ft ROW. These streets will also provide access to and from the site and are adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
- C. That the proposed use will have no adverse effect on property within a 300-foot radius of the permitted use thereof. In making this determination, the Planning Commission shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal circulation, setbacks, height of buildings, walls and fences, landscaping, outdoor lighting, signs, such other characteristics as will affect surrounding property.*

The site proposed is an existing unimproved vacant lot within the Selma Plaza commercial/retail complex. The applicant is proposing to improve the site, and will be in full compliance with all applicable development standards.

- (1) Customers will have paved off-alley parking ensuring vehicular circulation throughout the shopping center.
- (2) The operation is set back 61 ft from the property line.
- (3) Any lighting will be hooded to prevent excessive light pollution.
- (4) Signs and locations will be approved by Planning prior to installation.
- (5) The recycling operation will be fenced and screened for security and aesthetic purposes.

Therefore, the proposed use will have no adverse effect on property within a 300-foot radius of the permitted use thereof.

D. That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare.

- a. The conditions stated in this resolution are deemed necessary to protect the public health, safety and general welfare.
- (1) Mitigation of noise will be controlled by limited hours of operation (9am-5:30pm) and the existing block wall separating commercial and residential land use.
 - (2) Applicant shall maintain an agreement (written) with adjacent commercial operators for use of restroom facilities for staff.
 - (3) Paved parking will control dust from migrating off-site.
 - (4) Lighting will be hooded to prevent light pollution.
 - (5) Posted signs per City of Selma standards will prohibit loitering.

E. That the proposed use is consistent with the Selma General Plan and applicable land use component plans which may establish criteria for approval and/or standards for development.

- a. The proposed use is consistent with the Selma General Plan. The site plan compliant with all applicable development standards.

Environmental (CEQA)

The project meets the criteria for a Class 2 Categorical Exemption, pursuant to CEQA Guidelines 15302. A Class 2 Categorical Exemption has been prepared for the project.

Notice of Hearing

On January 18, 2019, the notice of hearing was published in the Selma Enterprise, and mailed to property owners within a 300 feet radius of the project site.

Prepared by:

Aaron Carpenter
City Planner

Date

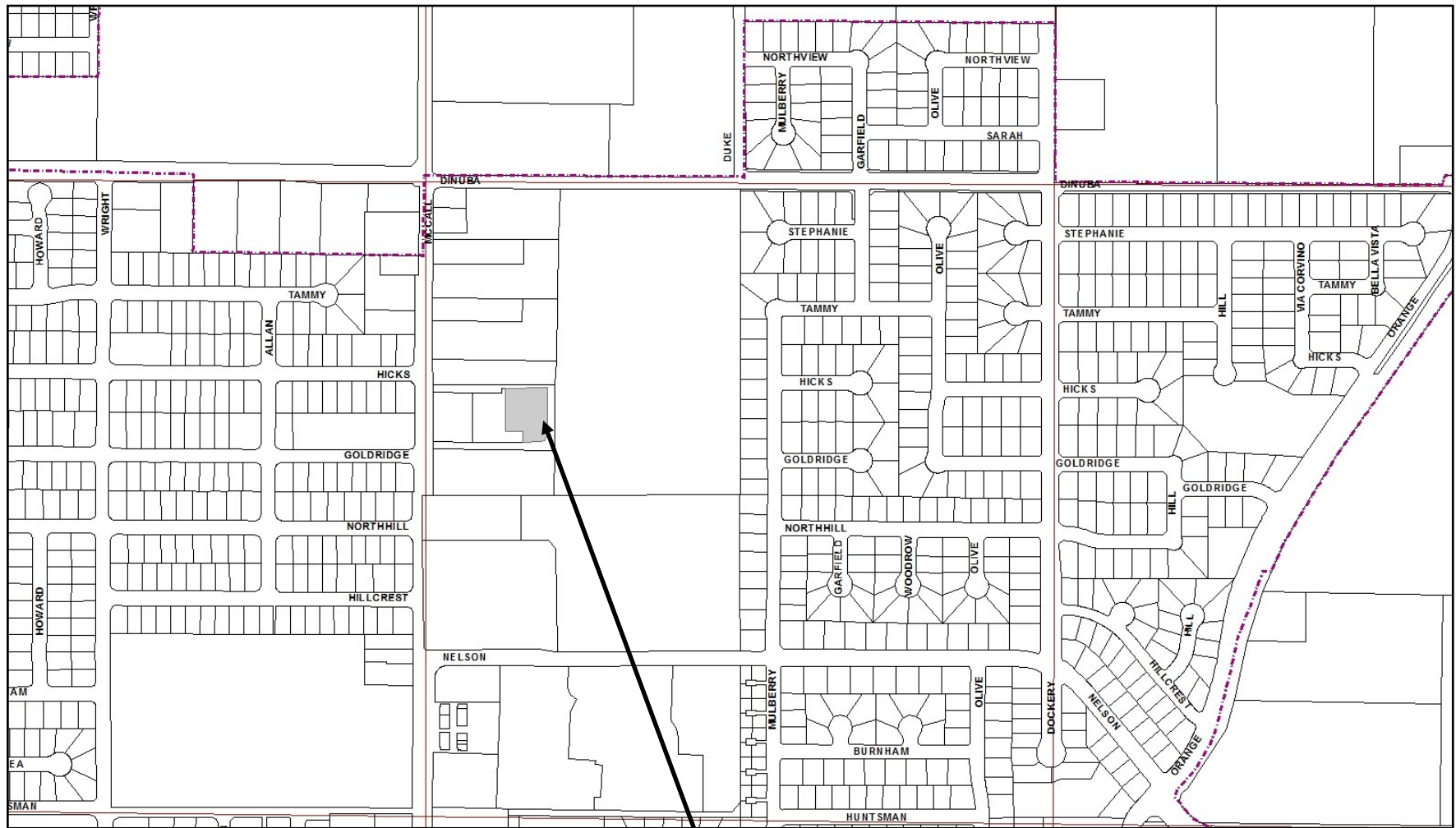
Approved by:

Bianca Sparks Rojas
City Attorney

Date

Attachments

1. Location Map
2. Site Plan, Floor Plan, Elevation
3. Notice of CEQA Categorical Exemption
4. Resolution No. 2018- _____ recommending approval of Conditional Use Permit
No. 2018-32



Project Location

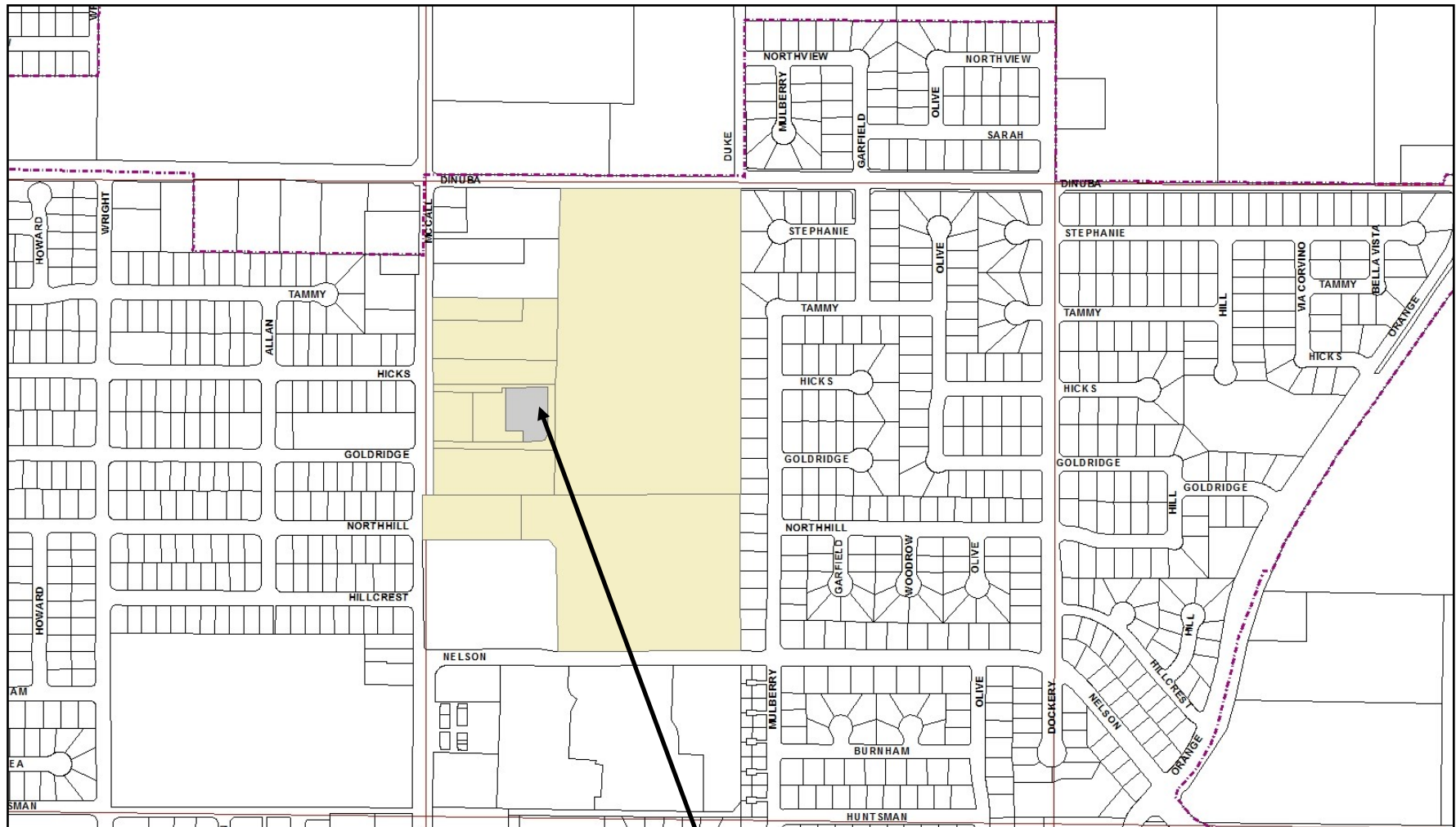


Project Location Map

CUP #2018-0241

Address/APN - 358-380-41

Applicant/Project - Sonny Salinas/Salinas Recycling Relocation



Project Location & Radius

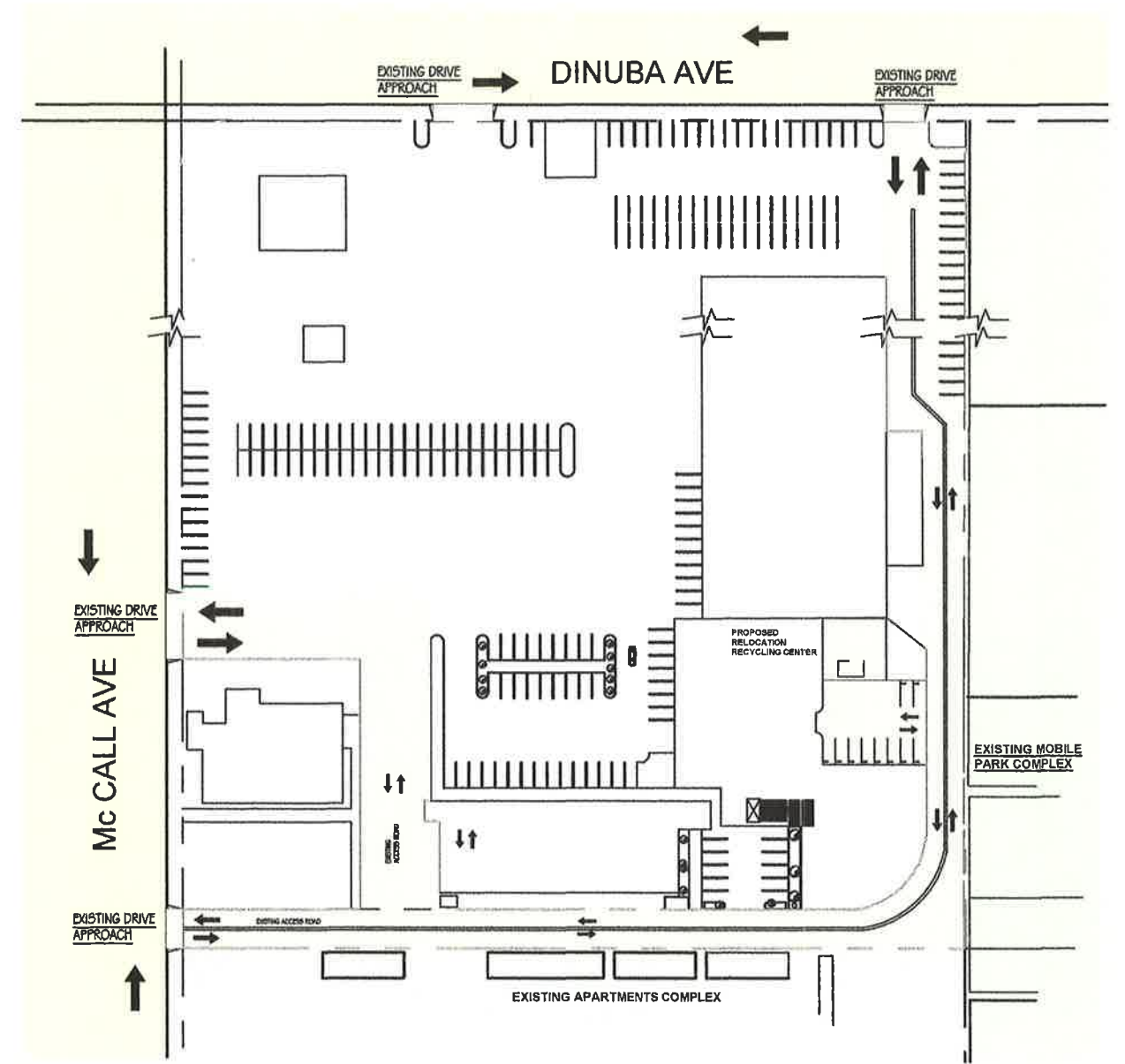
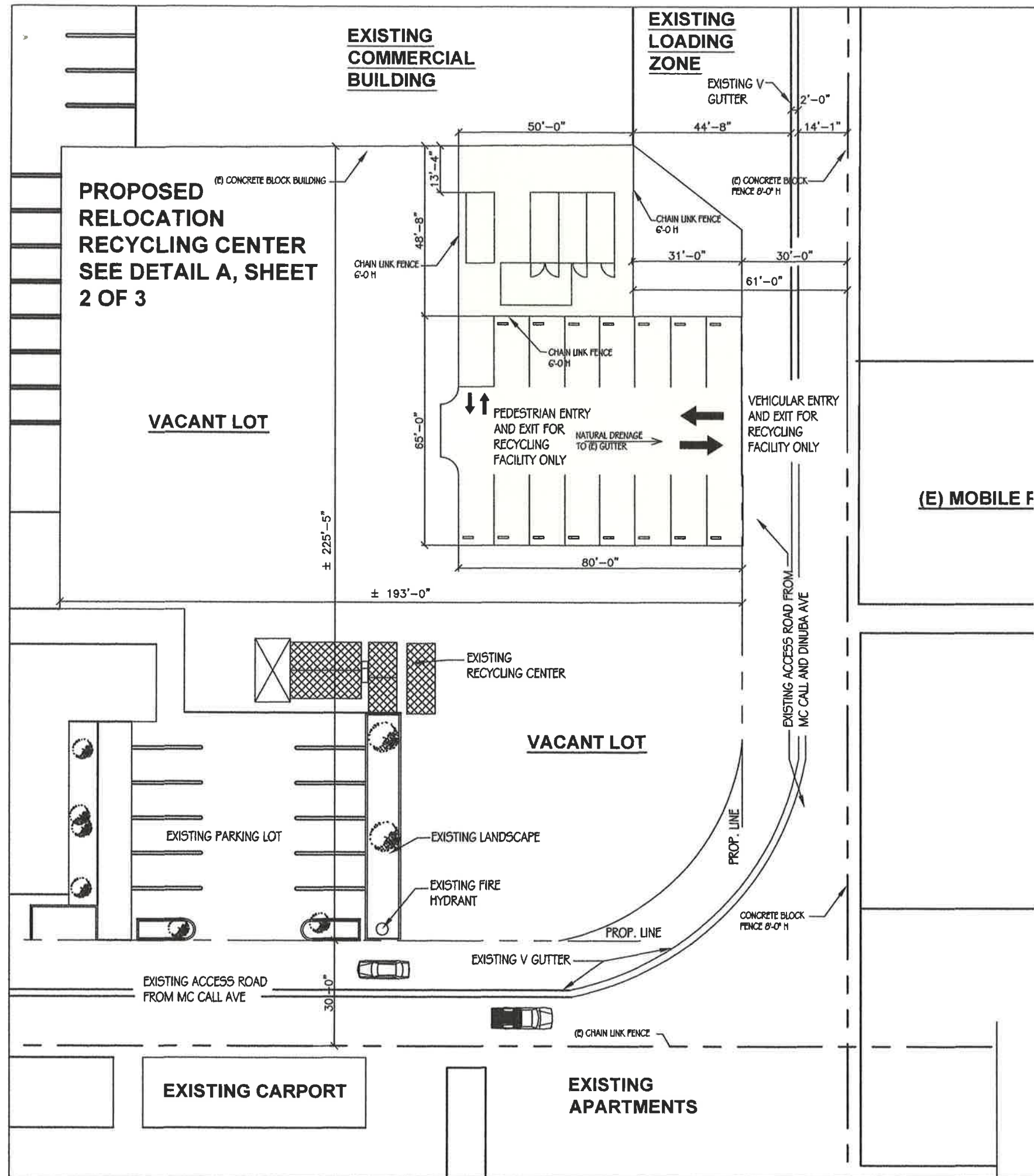


Radius Map

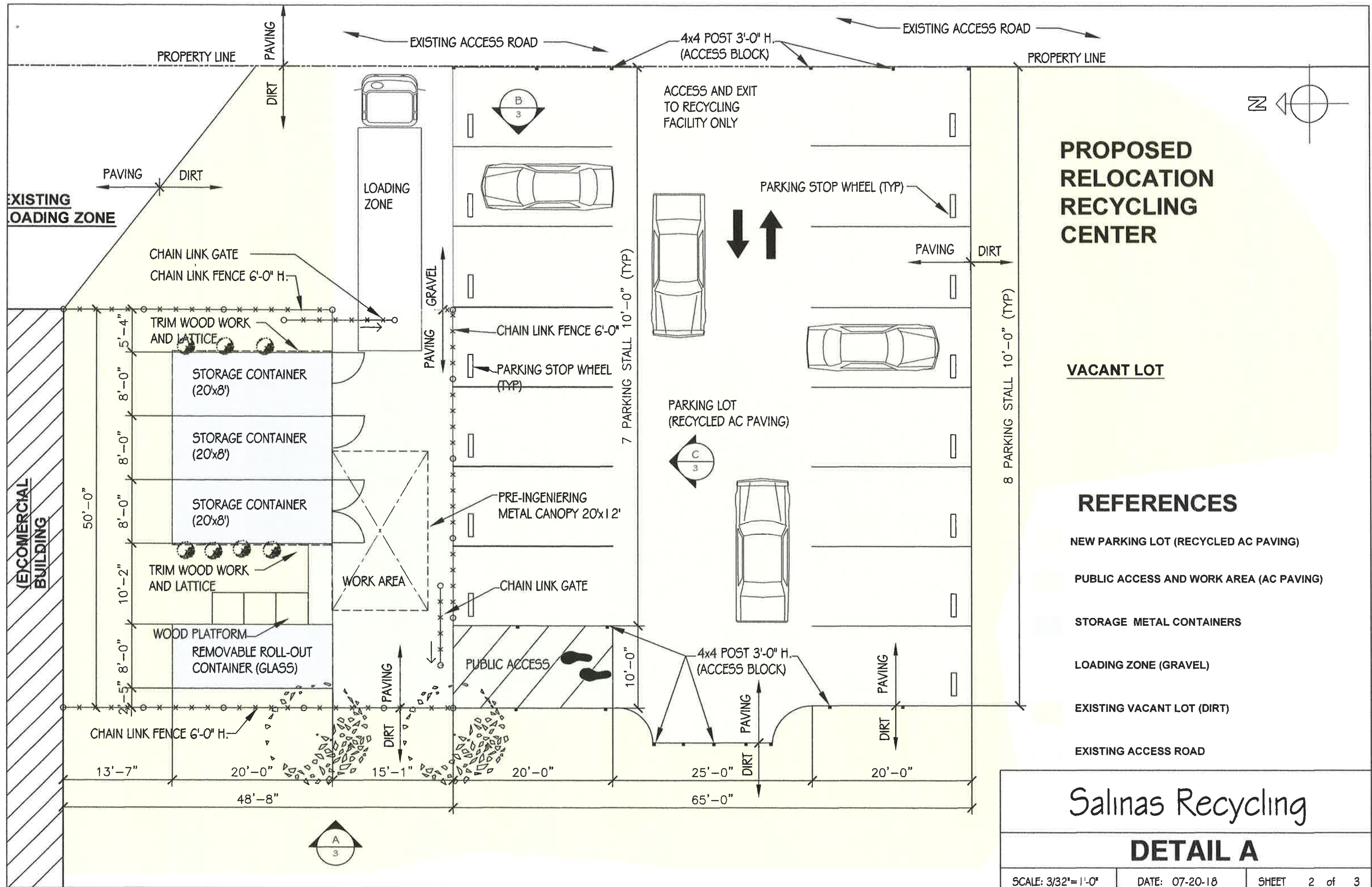
CUP #2018-0241

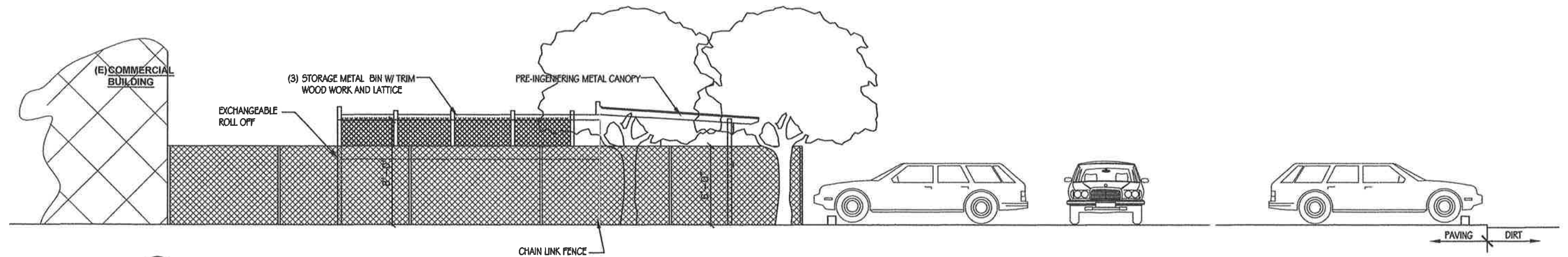
Address/APN - 358-380-41

Salinas Recycling Relocation

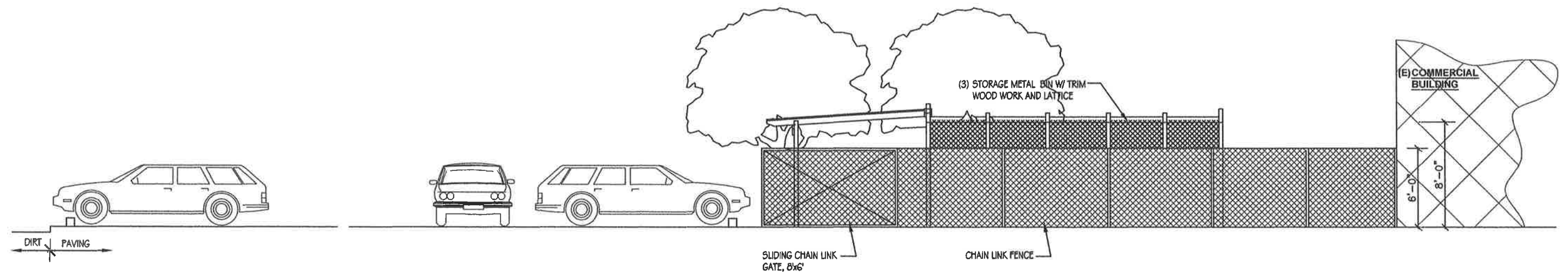


Salinas Recycling		
SITE PLAN		
SCALE: 1/32"=1'-0"	DATE: 07-20-18	SHEET 2 of 3

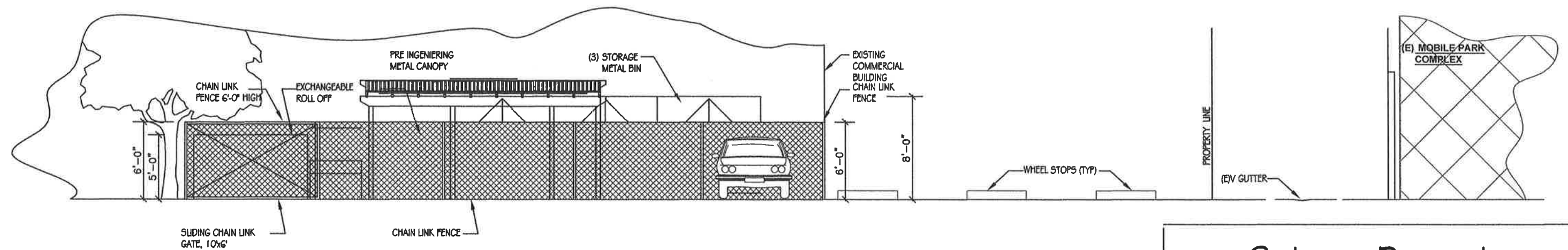




A ELEVATION



B ELEVATION



C ELEVATION

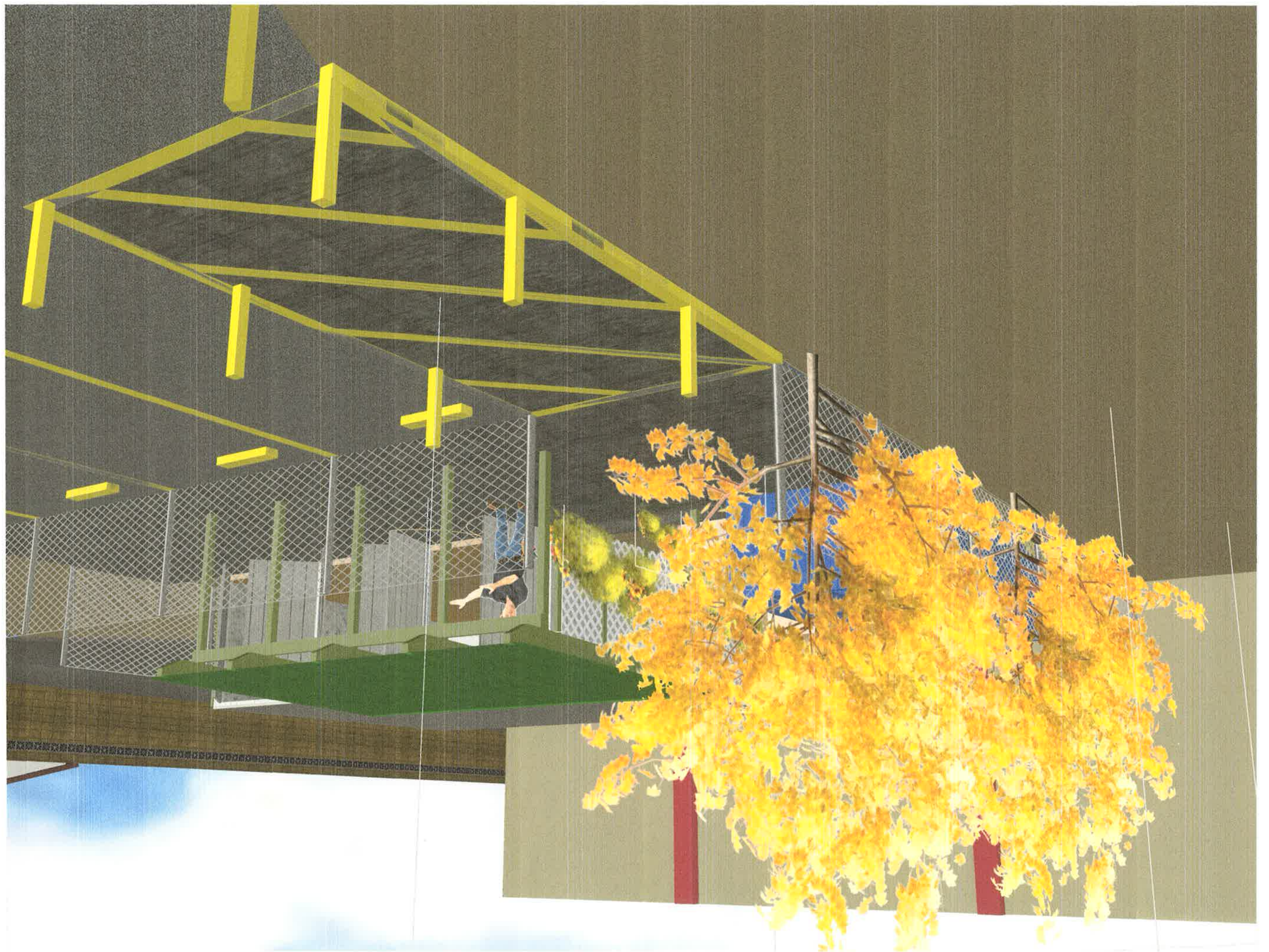
Salinas Recycling ELEVATIONS

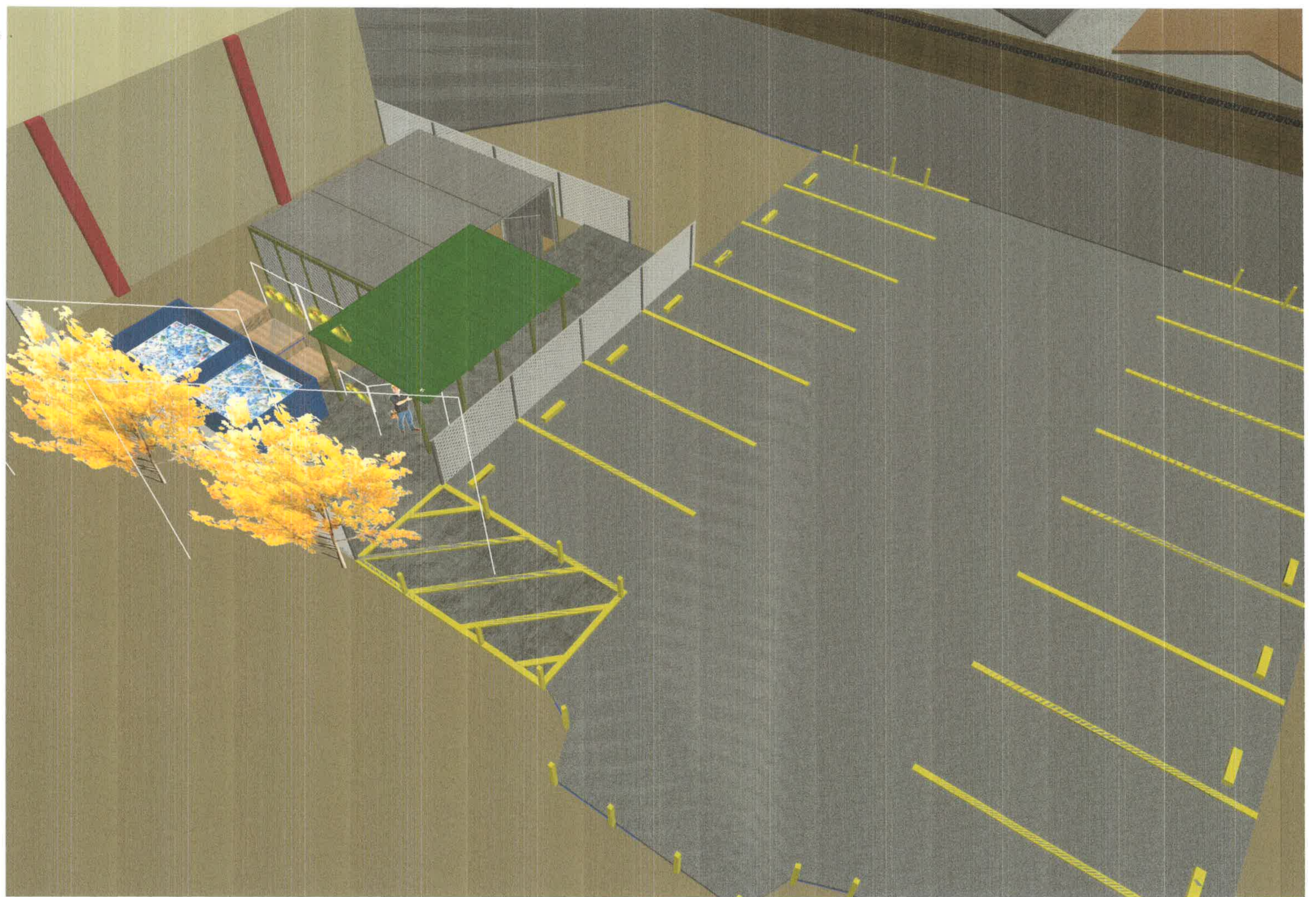
SCALE: 1/8" = 1'-0"

DATE: 07-20-18

SHEET 2 of 3









Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: _____

From: (Public Agency): _____

(Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific: _____

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project: _____

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt: _____

Lead Agency

Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ Date: _____ Title: _____

☐ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SELMA, CALIFORNIA MAKING FINDINGS AND APPROVING CONDITIONAL USE PERMIT NO. _____ FOR THE ESTABLISHMENT AND OPERATION OF A RECYCLING CENTER AT MCCALL AVENUE, SELMA, CA 93662 (APN 358-380-41) AND NOTICE OF EXEMPTION REGARDING SAME

RECITALS

WHEREAS, on August 15, 2018, Sonny Salinas, (“Applicant”), filed a complete application requesting the approval of Conditional Use Permit (“CUP”) No. 2018-32 described herein (“Application” or “Project”); and

WHEREAS, the Application applies to a 0.79 acre (34,350 sq ft) vacant lot within the Selma Plaza commercial/retail complex. The lot is improved with a 14-space surface parking lot located in the south-west portion of the lot, and is located at McCall Avenue, Selma, California, Assessor’s Parcel Number 358-380-41 (“Property”); and

WHEREAS, the Property fronts McCall Avenue and is fully improved with sidewalk, curb and gutter; and

WHEREAS, the Property has vehicular and pedestrian access to McCall Avenue; and

WHEREAS, the Property is currently vacant and was previously occupied by an 840 sq ft Salinas Recycling facility use; and

WHEREAS, the Land Use Element of the General Plan designates the Property for Community Commercial uses. The proposed CUP is consistent with the General Plan as it will provide essential services and does not conflict with the established goals and objectives of the Land Use Element. The corresponding zoning designation, C-2 Central Commercial Zone permits recycling facilities, subject to the approval of a CUP, pursuant to Section 11-16-1 of the City’s Municipal Code; and

WHEREAS, the Planning Commission, examined the whole record and found that Section 15302 of the California Environmental Quality Act provides that projects consisting of the replacement or reconstruction of existing structures and facilities located on the same site as the replaced structures and facilities qualify as a Class 2 Categorical Exemption. Reflecting independent judgment and analysis, the Planning Commission determined that the project will not have a significant effect on the environment; and

WHEREAS, an Environmental Assessment form was submitted by the Applicant pursuant to the City’s requirements. Based upon the information received and Staff’s review and assessment, CUP No. 2018-32, as proposed, qualifies as a Class 2 categorical exemption pursuant to Section 15302 of California Environmental Quality Act (“CEQA”) Guidelines, Title 14, Chapter 3 of the California Code of Regulations, because it is a project consisting of the

replacement or reconstruction of existing structures and facilities located on the same site as the replaced structures and facilities. Reflecting independent judgment and analysis, the Planning Commission determined that the project will not have a significant effect on the environment; and

WHEREAS, notice of the Planning Commission's January 28, 2019 public hearing on CUP No. 2018-32 was published in *The Selma Enterprise* on January 18, 2018, in compliance with the City's Code and Government Code Section 65091.

WHEREAS, notice of the Planning Commission's January 28, 2019 public hearing on CUP No. 2018-32 was also mailed to property owners within 300 feet of the Property on January 18, 2019; and

WHEREAS, on January 28, 2019, the Planning Commission of the City of Selma conducted a duly noticed public hearing on the Application, and considered all testimony written and oral; and

WHEREAS, based on substantial evidence provided in the whole record before the Planning Commission for CEQA compliance and public comments related to the project, it has been determined that there is no possibility that this project will have significant effects on the environment; and

WHEREAS, the Planning Commission deliberated and hereby makes the following Findings for Approval of Conditional Use Permit No. 2018-32, in compliance with Municipal Code section 11-16-4.

NOW THEREFORE, it is hereby found, determined and resolved by the Planning Commission of the City of Selma as follows:

SECTION 1. The Planning Commission finds that all of the facts set forth in the Recitals of this Resolution are true and correct, and are incorporated herein by reference.

SECTION 2. All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State Law and the Municipal Code of the City of Selma.

SECTION 3. That Conditional Use Permit No. 2018-32 is hereby approved subject to the following conditions which are in addition to all other statutes, regulations, ordinances or other applicable conditions.

SECTION 4. Upon independent review and consideration of all pertinent written information contained in the Staff Report, the Planning Commission hereby finds and determines that the proposed CUP No. 2018-32 is categorically exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 15302 (b) of California Environmental Quality Act ("CEQA") Guidelines, Title 14, Chapter 3 of the California Code of Regulations, because it is a project consisting of the replacement or reconstruction of existing structures and facilities located on the same site as the replaced structures

and facilities. Reflecting independent judgment and analysis, the Planning Commission determined that the project will not have a significant effect on the environment. Based on these findings, the Planning Commission adopts the Notice of Exemption and directs staff to file same as required by law.

SECTION 5. Based upon substantial evidence presented to the Planning Commission during the January 28, 2019 public hearing, including public testimony and written and oral staff reports, the Planning Commission finds as follows pursuant to Section 11-16-5 of the Selma Municipal Code:

- A. That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this Section to adjust said use with land and uses in the neighborhood.
 - a. The site proposed is an existing unimproved vacant lot within the Selma Plaza commercial/retail complex. The applicant is proposing to improve the site providing paved parking, fencing, and screening as detailed in the site plan exhibit. The site is bordered by a block wall separating the commercial zone from the adjacent residential zone.
- B. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
 - a. The site is accessed by E Dinuba Ave to the north, which is classified as an arterial street with a 100 ft ROW (approx.), and McCall Ave to the west, which is classified as an arterial street with a 100 ft ROW. These streets will also provide access to and from the site and are adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
- C. That the proposed use will have no adverse effect on property within a 300-foot radius of the permitted use thereof. In making this determination, the Planning Commission shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal circulation, setbacks, height of buildings, walls and fences, landscaping, outdoor lighting, signs, such other characteristics as will affect surrounding property.

The site proposed is an existing unimproved vacant lot within the Selma Plaza commercial/retail complex. The applicant is proposing to improve the site, and will be in full compliance with all applicable development standards.

- (1) Customers will have paved off-alley parking ensuring vehicular circulation throughout the shopping center.
- (2) The operation is set back 61 ft from the property line.
- (3) Any lighting will be hooded to prevent excessive light pollution.
- (4) Signs and locations will be approved by Planning prior to installation.
- (5) The recycling operation will be fenced and screened for security and aesthetic purposes.

Therefore, the proposed use will have no adverse effect on property within a 300-foot radius of the permitted use thereof.

- D. That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare.
 - a. The conditions stated in this resolution are deemed necessary to protect the public health, safety and general welfare.
 - (1) Mitigation of noise will be controlled by limited hours of operation (9am-5:30pm) and the existing block wall separating commercial and residential land use.
 - (2) Applicant shall maintain an agreement (written) with adjacent commercial operators for use of restroom facilities for staff.
 - (3) Paved parking will control dust from migrating off-site.
 - (4) Lighting will be hooded to prevent light pollution.
 - (5) Posted signs per City of Selma standards will prohibit loitering.
- E. That the proposed use is consistent with the Selma General Plan and applicable land use component plans which may establish criteria for approval and/or standards for development.
 - a. The proposed use is consistent with the Selma General Plan. The site plan compliant with all applicable development standards.

SECTION 5. The Planning Commission, having made its Findings for Approval, was of the opinion that Conditional Use Permit No. 2018-32 should be approved subject to the following certain conditions of approval to be listed and made a part of the Resolution.

Fire Department: All of the standard conditions of approval for a commercial development will apply. This shall include, but not be limited to the following.

1. Portable fire extinguishers shall be selected, installed and maintained in accordance with the California Fire Code, NFPA Standard 10 and Chapter 3, Title 19 California Code of Regulations. All fire extinguishers, including new extinguishers, shall have a current California State Fire Marshal service tag attached to the extinguisher. Fire extinguishers shall be mounted on the wall at no more than 5 feet above the floor. (Gross weight not to exceed 40 pounds.) Fire extinguisher type and placement locations shall be shown on the plans and coordinated with Selma Fire Prevention Bureau. (CFC 906).
2. A walk through inspection will be required prior to Certificate of Occupancy.

Planning Department

1. The project site is adjacent to residences located in an R-3 Multiple-Family Residential Zone, and therefor there shall be no loading to or unloading from vehicles or conveyances between the hours of nine o'clock (9:00) P.M. and six o'clock (6:00) A.M.
2. The approved operation hours are Monday through Sunday from 9:00 A.M. until 5:30 P.M.

3. The recycling facility and parking lot are to be used during the approved operation hours only.
3. Applicant shall maintain an agreement (written) with adjacent commercial operators for use of restroom facilities for staff.
4. All permanent signs will require a sign permit from the Planning Department.
5. “No Loitering” signs shall be posted in plain view on the facility per City of Selma standards.
6. Improved site will remain free of junk, rubbish or trash – all received recycled materials will be stored within the storage containers.
7. Provide a copy of the approval from the California Department of Resources Recycling and Recovery (CalRecycle).

Building and Safety

1. Obtain permits for all required construction.

General Conditions

1. All requirements of the Selma Municipal Code, as they pertain to this application, shall be complied with and such requirements shall be made a condition of permit approval.
2. The Applicant and Property Owner shall within thirty (30) days after approval of CUP No. 2018-32 by the Planning Commission, submit to the Planning Department his/her written consent to all of the conditions referenced herein. The Applicant understands that approval of this Resolution and CUP No. 2018-32 will be of no force or effect unless such written consent is submitted to the City within the stated 30-day period.
3. The rights granted under Conditional Use Permit No. 2018-32 shall expire within one (1) year from the date of approval by the Planning Commission unless exercised within that period or unless the Applicant applies for and is granted an extension of time. No extension of time shall be considered unless the application for an extension is filed at least thirty (30) days prior to its expiration. The extension will not be granted if conditions have changed such that the requisite findings for approval can no longer be made.
4. Any violation or failure to comply with any of the conditions of the approval of this permit shall be grounds for modification or revocation of Conditional Use Permit No. 2018-32. The Applicant may be required to reimburse the City fully for its costs and expenses, including but not limited to, attorney’s fees, in undertaking any required corrective action. Reimbursement of enforcement costs may constitute a civil debt and may be collected by any means permitted by law. In the event that violations of this permit occur, the City

may refrain from issuing permits, licenses, or other approvals until such violation has been fully remedied.

5. Upon discontinuance of the activity authorized herein for a period of one hundred and eighty (180) days or more, the Conditional Use Permit No. 2018-32 shall automatically expire, pursuant to the provisions of the Selma Municipal Code, and subject to all necessary due process requirements.
6. The Conditional Use Permit No. 2018-32 may be referred to the Planning Commission for modification or revocation at any time if the use is operated contrary to the conditions of approval, or if the use is being operated in violation of applicable state or federal laws, the Selma Municipal Code and/or ordinances.
7. The Applicant and Property Owner shall indemnify, protect, hold harmless and defend the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the applicant and landowner of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense.

The foregoing Resolution was duly approved by the Selma Planning Commission at a regular meeting held on the 28th day of January 2019 by the following vote, to wit:

AYES: COMMISSIONER:

NOES: COMMISSIONER:

ABSTAIN: COMMISSIONER:

ABSENT: COMMISSIONER:

GLENN NISWANDER CHAIRMAN OF
THE SELMA PLANNING COMMISSION

ATTEST:

Aaron Carpenter, Secretary, Selma Planning Commission

ORAL COMMUNICATION

Commission to discuss on traffic issues with intersections off of Barbara St and McCall as well as intersections of Rose Ave and Thompson.

Chairman Niswander has questions about the fence inhibiting the visibility to southbound traffic. Has the city Engineer deemed intersection needs another stop sign?

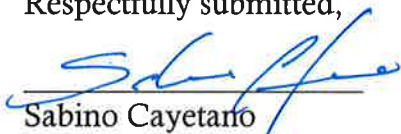
City Manager Teresa Gallavan responds , I do not know at this time. However, I will find out and get back to the Planning Commission.


Commissioner Garcia had concerns about a few citizens that intersection at Barbara and McCall.

City Manager Teresa Gallavan asked Commissioner Garcia to clarify intersection.

ADJOURNMENT: There being no further business, the meeting was adjourned at 6:40 p.m.

Respectfully submitted,


Sabino Cayetano
Building / Planning Technician


Glenn Niswander, Chairman
of the Planning Commission


Kira Noguera
Secretary of the Planning Commission