

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
APRIL 8, 2015**

***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 Baker.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members Todd Baker, John Cates, Arkady Faktorovich (arrived at 7:03 p.m.), Palmer McCoy, and Tom Spada; Stephen Hammond, and Susan Toscano absent.

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

CONSIDERATION OF APPROVAL OF AGENDA. Motion by McCoy, seconded by Cates to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Faktorovich (arrived at 7:03 p.m.), Hammond, 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.

PUBLIC HEARING – TO CONSIDER A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A HOME OCCUPATION BUSINESS LICENSE WITH EMPLOYEES FOR HERMAN LAULEA, DBA: LAULEA FAMILY CARE. THE SUBJECT PROPERTY IS LOCATED AT 2349 S. FALLBROOK DRIVE, MORE SPECIFICALLY DESCRIBED AS ASSESSOR’S PARCEL NUMBER: 084-293-008. Assistant Planner II Elms presented the staff report, noting that the applicant was present to answer any questions.

Chairperson Spada opened the public hearing. COMMISSIONER MCCOY inquired where interviews would be taken place. HERMAN LAULEA, 2349 S. Fallbrook Drive, No one came forward to speak and the public hearing was closed.

Motion by McCoy seconded by Cates to adopt Planning Commission Resolution No. 2015-10 – Approving Conditional Use Permit 2015-04 for the Use of a Home Occupation with Employees in the Low Density Residential Zoning District (R-1) Located at 2349 S. Fallbrook Drive. The motion carried by the affirmative action of all Planning Commission Members present, Hammond and Toscano absent.

PUBLIC HEARING – TO CONSIDER AND MAKE A RECOMMENDATION TO THE LOS BANOS CITY COUNCIL TO ADOPT A NEW UPDATE TO THE SPECIAL EVENTS ORDINANCE LOCATED IN TITLE 9, CHAPTER 3, ARTICLE 38 OF THE LOS BANOS MUNICIPAL CODE (CONTINUE TO APRIL 22, 2015). Assistant Planner II Elms presented the staff report which included a PowerPoint presentation.

Assistant Planner II Elms spoke of Issue #1 being that the current ordinance does not differentiate the location of a special event in terms of zoning districts, currently allows special events in any zone, and may not be appropriate in all zoning districts. She presented the alternatives that included making no changes or specifying the types of special events that would be allowed in particular zoning districts.

There was discussion among commissioners, staff, and counsel specifying the types of special events per particular zoning districts, the importance of abiding by the San Joaquin Valley Risk Management Authority's (RMA) resolution that is attached to staff report, ensure the ordinance that is created compliments RMA's Resolution No. 1-09, how it is reasonable to define number of people in attendance as a gathering or an event, the consideration of establishing zoning platforms, specifying an area for downtown to include Sixth Street and one block down going east and west on J, K, I, and H Streets, how the City can't regulate what the school district does on their property when it involves education, how the school district is its own entity like a City, separating out residential, commercial, industrial, and downtown areas, defining the number of people in attendance, and adding Pacheco Boulevard as a highway corridor area.

Assistant Planner II Elms spoke of Issue #2 being that the current ordinance is aimed at mainly commercial events occurring on private property, how it does not address special events on public property (ex. streets, sidewalks, public parks, and limited to the regulation of special events), and how it does not address unique concerns generated by different events. She presented the alternatives that included making no changes, identifying the different events on private and public property and evaluating appropriately, and/or categorizing.

There was discussion among commissioners, staff, and counsel regarding a hybrid of both identifying the different events on private and public property and categorizing the events, putting together a committee to evaluate this, how the zoning code affects private property, and the need to address drive thru dinner fundraiser events as well.

Assistant Planner II Elms spoke of Issue #3 being that the current ordinance does not address an indemnity/hold harmless agreement or insurance for special events on public property, there being no protection for City liability, and how the City is required to transfer the liability risk to the event organizer. She presented the alternatives that included making no changes, requiring the event organizer to sign a hold harmless/indemnity agreement, and/or obtaining event insurance as a condition of a special event permit when on public property.

There was discussion among commissioners, staff, and counsel regarding the liability insurance requirement set forth by the RMA, how anything that happens wouldn't be covered under our insurance, and it being relatively inexpensive for the applicant.

Assistant Planner II Elms spoke of Issue #4 being that the current ordinance does not specifically address the cost to the City associated with special events, in addition to processing costs there are many times serve type costs are incurred by the City that should be reimbursed, and how the City negotiates with the organizer the reimbursement of expenses for some special events. She presented the alternatives that included making no changes, requiring all organizers to reimburse the City for service costs associated with the event, and/or requiring organizers to reimburse the City for serve costs associated with putting on the special event unless they meet criteria for a waiver or partial waiver.

There was discussion among commissioners, staff, and counsel regarding structuring a formula table that shows a minimum price for something small like a block party in comparison to a larger event with a full cost to help guide the applicants in their planning decisions, how the event would need to pay for itself, how the City Manager wouldn't be in favor of fee waivers, the need for people to pay their way but the possibility of looking into some kind of thing for non profits, and how there would be an implementation period when the ordinance is adopted.

Assistant Planner II Elms spoke of Issue #5 being that the current ordinance does not set forth a clear process for issuing permits, calls for Admin Permit issued by the Planning Director, crosses a number of departments, and should have a defined structure for issuing a permit. She presented the alternatives that included making no changes, establishing a special events board similar to Project Review Board, dividing the responsibility for issuing the permit amongst various departments, City Manager responsible for administering and coordinating departments, and/or Community & Economic Development Director would have responsibility for administering and coordinating departments.

There was discussion among commissioners, staff, and counsel regarding doing a hybrid between establishing a special events board similar to Project Review Board and having the Community & Economic Development Director responsible for administering and coordinating departments, and how this can be addressed on a weekly basis at department head meetings.

Assistant Planner II Elms spoke of how staff will work on doing more research and bring this item back around July.

Chairperson Spada opened the public hearing. No one came forward to speak and the public hearing was continued to the July 8, 2015 Planning Commission meeting.

Motion by Faktorovich, seconded by Cates to continue the public hearing to the July 8, 2015 Planning Commission meeting. The motion carried by the affirmative action of all Planning Commission Members present, Hammond and Toscano absent.

ANNUAL REVIEW OF DEVELOPMENT AGREEMENTS. Assistant Planner II Elms presented the staff report which included a PowerPoint presentation.

Informational item only, no action taken.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT. No report.

PLANNING COMMISSION MEMBER REPORTS.

BAKER: No report.

CATES: No report.

FAKTOROVICH: No report.

HAMMOND: Absent.

McCOY: Spoke regarding police statistics that will be discussed at the next City Council meeting.

SPADA: No report.

TOSCANO: Absent.

ADJOURNMENT. The meeting was adjourned at the hour of 8:49 p.m.

APPROVED:

/s/ Tom Spada
Tom Spada, Chairperson

ATTEST:

/s/ Sandra Benetti
Sandra Benetti, Planning Technician