



City of Los Banos

At the Crossroads of California

www.losbanos.org

AGENDA

PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

APRIL 8, 2015

If you require special assistance to attend or participate in this meeting, please call the Planning Secretary @ (209) 827-7000 extension 118 at least 48 hours prior to the meeting.

The City of Los Banos complies with the Americans with Disabilities Act (ADA) of 1990.

Si requiere asistencia especial para atender o participar en esta junta por favor llame a la oficina de la Secretaria del Departamento de Planificación al (209) 827-7000 extensión 118 a lo menos de 48 horas previas de la junta.

La Ciudad de Los Banos cumple con la Acta de Americanos con Deshabilidad (ADA) de 1990.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the meeting and in the Planning Department's office located at City Hall, 520 J Street, Los Banos, California during normal business hours. In addition, such writings and documents may be posted on the City's website at www.losbanos.org.

Cualquier escritura o los documentos proporcionaron a una mayoría del Departamento de Planificación con respecto a cualquier artículo en este orden del día será hecho disponible para la inspección pública en la reunión y en la oficina del Secretaria del Departamento de Planificación del City Hall, 520 J Street, Los Banos, California durante horas de oficina normales. Además, tales escrituras y los documentos pueden ser anunciados en el website de la Ciudad en www.losbanos.org.

1. CALL TO ORDER. **7:00 PM**
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL: (Planning Commission Members)
 Baker __, Cates __, Faktorovich __, Hammond __, McCoy __, Spada __,
 Toscano __

4. APPROVAL OF AGENDA.

Recommendation: Approve the agenda as submitted.

5. PUBLIC FORUM: Members of the public may address the Commission on any item of public interest that is within the jurisdiction of the Commission, including agenda and non-agenda items. No action will be taken on non-agenda items. Speakers are limited to a five (5) minute presentation.

6. PUBLIC HEARINGS: If you challenge the proposed action as described herein in court, you may be limited to raising only those issues you or someone else raised at the public hearing described herein or in written correspondence delivered to the City at, or prior to, the public hearing.

A. 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.

1) Planning Commission Resolution No. 2015-07 – 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.

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing, and adopt resolution as submitted.

B. 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).

Recommendation: Receive staff report, open the public hearing, receive public comment, and continue the public hearing to April 22, 2015.

7. ANNUAL REVIEW OF DEVELOPMENT AGREEMENTS.

Recommendation: Informational item only, no action to be taken.

8. COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.

9. COMMISSIONER REPORTS.

A. Baker

B. Cates

C. Faktorovich

- D. Hammond
- E. McCoy
- F. Spada
- G. Toscano

10. ADJOURNMENT.

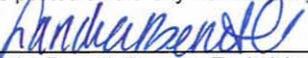
APPEAL RIGHTS AND FILING PROCEDURES

Any person dissatisfied with an act or determination of the Planning Commission may appeal such act or determination to the Planning Commission by filling written notice with the Planning Commission Secretary not later than five (5) business days (excluding holidays) after the day on which the act or determination was made. An appeal must state the act or determination which is being appealed, the identity of the applicant and his/her interest in the matter, and set forth in concise statement(s) the reasons which render the Commission's decision unjustified or inappropriate. (Los Banos Municipal Code Section 9-3.2326)

Concerning an action taken by the Planning Commission related to Chapter 2 Articles 1 through 17 of the Los Banos Municipal Code "Subdivisions", if a subdivider or other affected property owner is dissatisfied with any action of the Commission with respect to a tentative map or the nature and extent of improvements recommended or required he/she may within fifteen (15) days after such action appeal to the Planning Commission Secretary for a public hearing on the matter. An appeal must state the action being appealed, identify the agenda item by agency number or project title, and set forth in concise statement(s) the reasons for the appeal. (Los Banos Municipal Code Sections 9-2.807)

Appeals must be in writing and include the appellant's name and address and original signature. A filing fee of \$150.00 must accompany the notice of appeal.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.


Sandra Benetti, Planning Technician

Dated this 3rd day of April 2015



City of
Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIRMAN SPADA AND PLANNING COMMISSIONERS
FROM: STACY SOUZA ELMS, ASSISTANT PLANNER II 
FOR: APRIL 8, 2015
SUBJECT: CONDITIONAL USE PERMIT #2015-04 – HERMAN LAULEA

RECOMMENDATIONS:

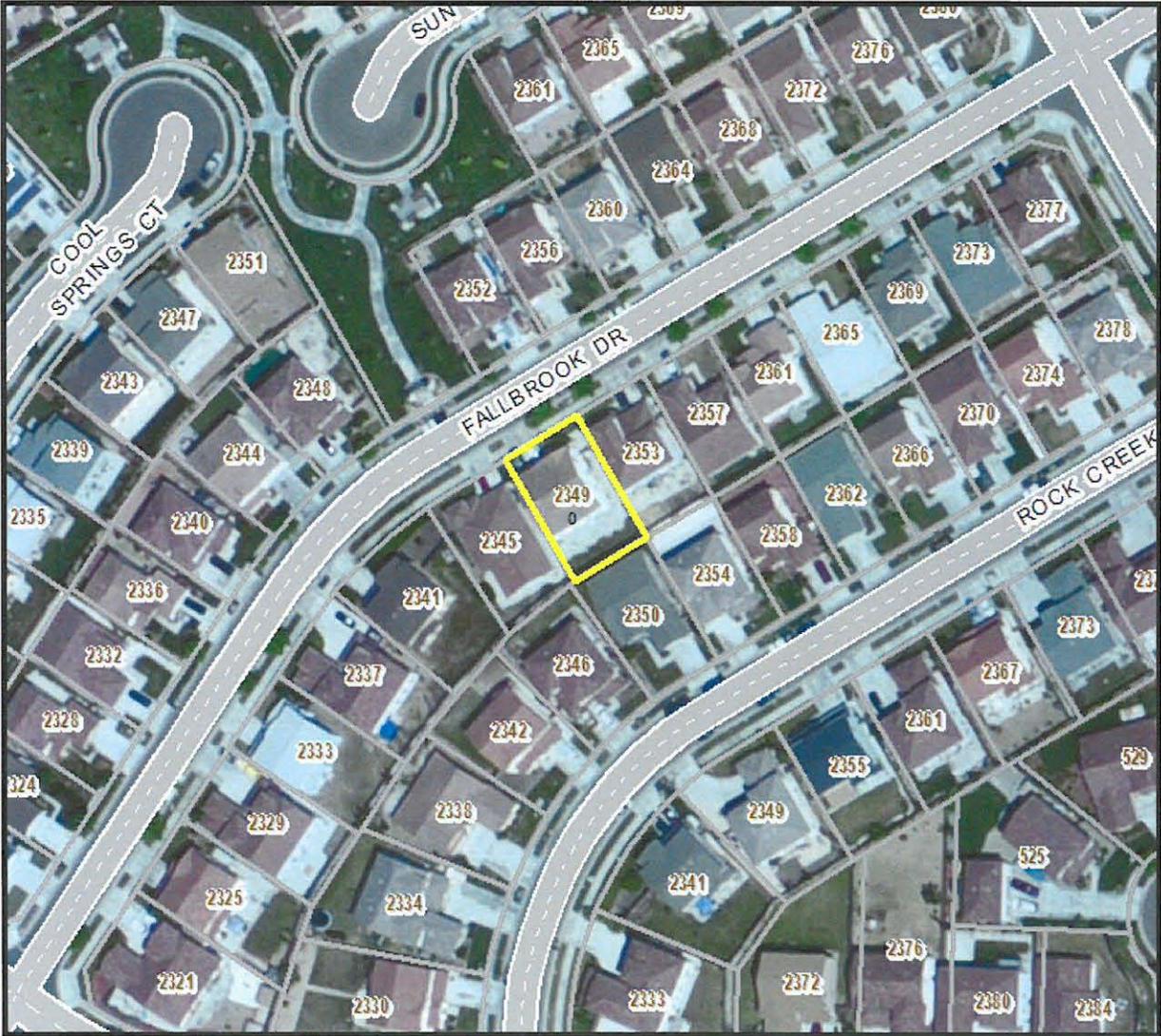
That the Planning Commission adopts Resolution #2015-04 approving Conditional Use Permit #2015-10 for a Home Occupation use with employees, in the Low Density Residential (R-1) zoning district located at 2349 S. Fallbrook Drive.

PROJECT BACKGROUND/DESCRIPTION:

The requested Conditional Use Permit is for the operation of a Home Occupation use with employees for Laulea Family Care. The applicant is requesting to operate a non-medical in home care agency at the home of patients. In home care offers assistance to family caregivers and to those in need of care, providing services that include personal care, temporary care and companionship. The applicant is requesting to hire five (5) employees which will report to their job site as assigned. All customer contact will be performed through the phone or on the job site. There will be no customers at any time at the residential dwelling unit and all billing and collections will be done through the mail. All operations will be mobile and the primary use of the dwelling will continue to be a home. A Home Occupation is an allowed use within the R-1 zoning district.

LOCATION AND ACCESS:

The project site is located at 2349 S. Fallbrook Drive, more specifically identified as Assessor's Parcel Number: 084-293-008.



LAND USE:

Property	Land Use	Zone	General Plan
Project site	Residential	R-1	LDR
North	Residential	R-1	LDR
South	Residential	R-1	LDR
East	Residential	R-1	LDR
West	Residential	R-1	LDR

R-1 = Low Density Residential LDR = Low Density Residential

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, it has been determined that this project is categorically exempt from the provisions of CEQA – Article 19, Section 15301, Existing Facilities. The requested use will not alter the existing use of the home as a dwelling unit.

USE PERMIT ANALYSIS

Code Requirements

A Home Occupation, is defined by Section 9-3.201 of the Los Banos Municipal Code:

“An operation conducted on the premises by the occupant of the dwelling as a secondary use where there are no advertising signs, no displays, no stock or commodities sold on the premises, no customers, no employees, and no mechanical equipment designed to be used in connection therewith other than that necessary or convenient for domestic purposes.”

Home Occupations are permitted uses in the Low Density Residential (R-1) District and do not require Planning Commission approval. However, the applicant’s plan to add employees requires a Conditional Use Permit. The proposed home occupation otherwise meets the requirements of Section 9-3.201.

Staff has evaluated the proposed Home Occupation against the applicable findings for a Conditional Use Permit and the Zoning Ordinance regulations for a Home Occupation. Staff also evaluated the proposal’s potential in the areas of increased traffic, noise, safety, exterior improvements and operational characteristics. In this particular case, the proposed home occupation is not anticipated to adversely impact the neighborhood.

Pursuant to Section 9-3.2326 of the Los Banos Municipal Code, before any use permit is granted, the Planning Commission shall make the following findings:

- 1. The proposed use is consistent with the City of Los Banos General Plan and Municipal Code;*

The proposed use is consistent with the goals and policies of the Los Banos General Plan and is consistent with the requirements of the Los Banos Municipal Code. The project meets the following guiding policies implemented within the General Plan:

ED-G-1 Help create jobs and improve job quality for existing and future Los Banos residents.

ED-G-2 Facilitate the development of new businesses, and/or expansion of existing businesses through site availability, infrastructure investment, and labor force preparedness.

The project site has a General Plan land use designation of Los Density Residential. The Low Density Residential land use designation is intended to allow for the development of single family residences and accessory uses. Home Occupations are permitted within residential neighborhoods provided they comply with established criteria. The General Plan relies on the Zoning Code to establish the criteria and to determine the appropriateness of a proposed Home Occupation. Therefore, the proposed use, if approved, would be consistent with the General Plan.

The project site is zoned Low Density Residential (R-1). The City's Zoning Ordinance establishes the criteria of a Home Occupation. The proposed Home Occupation complies with all criteria except for the requirement of "no employees in connection therewith."

The Zoning Ordinance requires a Conditional Use Permit for a Home Occupation with employees because employees at the residence could create impacts on adjacent residences. The intent of the Home Occupation is that homes based businesses be transparent to the neighbors and an incidental use to the residence. A Conditional Use Permit allows the Planning Commission to evaluate the particular characteristics of a proposed business and on a case by case basis determine whether the business with employees is consistent with the intent of the Municipal Code and whether it would adversely affect the neighborhood. A Conditional Use Permit also gives the Commission the ability to impose reasonable conditions and restrictions that are intended to keep business from adversely impacting the neighborhood. Subject to the conditions of approval, staff has found that the project is consistent with the Zoning Code.

- 2. The proposed use will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use;*

The primary use of the residence will continue to be a dwelling unit. The existing operations of the Home Occupation even with the addition of employees will essentially remain the same in that the employees will not be based at the home. Conditions of approval have been incorporated into the project to ensure the business is not a nuisance to the neighborhood. There will be no visible change as the primary use as a home and there will be no employees on site.

- 3. The proposed use is compatible with the adjacent uses, properties and neighborhoods and will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.*

All business operations other than administrative type activities similar to a home office are conducted at the service locations. Customers, employees and signage

will not be allowed at the residential dwelling unit. There will be no visible changes as the primary use as a home and there will be no employees on site.

PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise and notices were provided to adjacent property owners within a 300 foot radius of the subject property on March 27, 2015. As of the date of this staff report no comments have been received.

APPLICABLE ORDINANCES/GUIDELINES:

Los Banos General Plan – ED-G-1 and ED-G-2

Los Banos Municipal Code – 9-3.201 and 9-3.2326

RECOMMENDATIONS:

That the Planning Commission adopts Resolution #2015-04 approving Conditional Use Permit #2015-10 for a Home Occupation use with employees, in the Low Density Residential (R-1) zoning district located at 2349 S. Fallbrook Drive.

ATTACHMENTS:

1. Resolution No. 2015-10
 - Exhibit A CEQA Findings
 - Exhibit B Project Findings
 - Exhibit C Conditions of Approval
2. Site Photos
3. Plot Plan
4. Public Hearing Notice – March 27, 2015

RESOLUTION No. 2015-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS 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

WHEREAS, the applicant has requested that the City of Los Banos consider a Conditional Use Permit to allow the operation of Home Occupation Business with employees in the Low Density Residential zoning district (R-1) located at 2349 S. Fallbrook Drive, more specifically identified as Assessor's Parcel Number: 084-293-008; and

WHEREAS, Conditional Use Permit #2015-04 has been determined to be categorically exempt from the provisions of CEQA per Article 19, Section 15301, Existing Facilities; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommend approval of this Conditional Use Permit application subject to conditions; and

WHEREAS, a public hearing notice was advertised in the Los Banos Enterprise on March 27, 2015 and notices were mailed to property owners within 300 feet of the site as required by the Los Banos Municipal Code and Government Code Section 65091; and

WHEREAS, the Los Banos Planning Commission has held a public hearing, reviewed said Use Permit request and staff report, has studied the compatibility of the applicant's request with adjacent land uses and has considered this request in accordance with the Use Permit criteria established in Section 9-3.2326 of the Los Banos Municipal Code; and

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, the Planning Commission of the City of Los Banos hereby makes the appropriate findings set forth in Exhibit A (California Environmental Quality Act (CEQA) Findings), and Exhibit B (Findings for Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Conditional Use Permit #2015-04 to

permit the use of a home occupation business license with employees in the Low Density Residential zoning district (R-1) located at 2349 S. Fallbrook Drive, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 8th day of April 2015 by Planning Commissioner_____ who moved its adoption, which motion was duly seconded by Planning Commissioner_____, and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Tom Spada, Planning Commission Chairman

ATTEST:

Sandra Benetti, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR CONDITIONAL USE PERMIT #2015-04 – HERMAN LAULEA

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. (CEQA) and Title 14, California Code of Regulations 15000 et seq. (the CEQA Guidelines), the City as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Guidelines, the project was evaluated within the context of those guidelines and found to be categorically exempt from the provisions of CEQA per Article 19, Section 15301 for existing facilities, as the primary use of the dwelling unit will not be intensified or altered and no impacts on environmental resources would be expected to occur.
2. Conditional Use Permit 2015-04 was adequately noticed on March 27, 2015 for consideration at a public meeting on April 8, 2015.
3. No further environmental documentation is required as the Conditional Use Permit was contemplated and adequately analyzed in the initial review.
4. The proposal is consistent with the Los Banos General Plan as it meets the use and density standards specified within.
5. The proposal is consistent with the Los Banos Zoning Ordinance as it meets the use and development standards specified within.

EXHIBIT B

FINDINGS FOR APPROVAL OF CONDITIONAL USE PERMIT #2015-04 – HERMAN LAULEA

FINDINGS FOR APPROVAL:

The City of Los Banos Planning Commission hereby finds as follows:

1. The project is consistent with the City of Los Banos General Plan “Low Density Residential” designation in that the project meets the use and density standards specified within and the primary use of the dwelling unit will not be altered.
2. The proposal is consistent with the Los Banos Municipal Code in that it meets the criteria and required findings as specified in Section 9-3.2326 of the Code.
3. The proposed use will not be a nuisance or detrimental to the public health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use as the addition of employees to the home occupation will not alter the existing primary use of the residential dwelling unit as a residence. Each employee with report to their service area as assigned and will not be reporting to the home.
4. The proposed use is compatible with the adjacent uses, properties and neighborhoods and will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City as the proposed use will be ancillary to the home and no customers or signage will be allowed on the premises and employees with report to the job site locations, not the home.

EXHIBIT C

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT 2015-04 – HERMAN LAULEA

Planning:

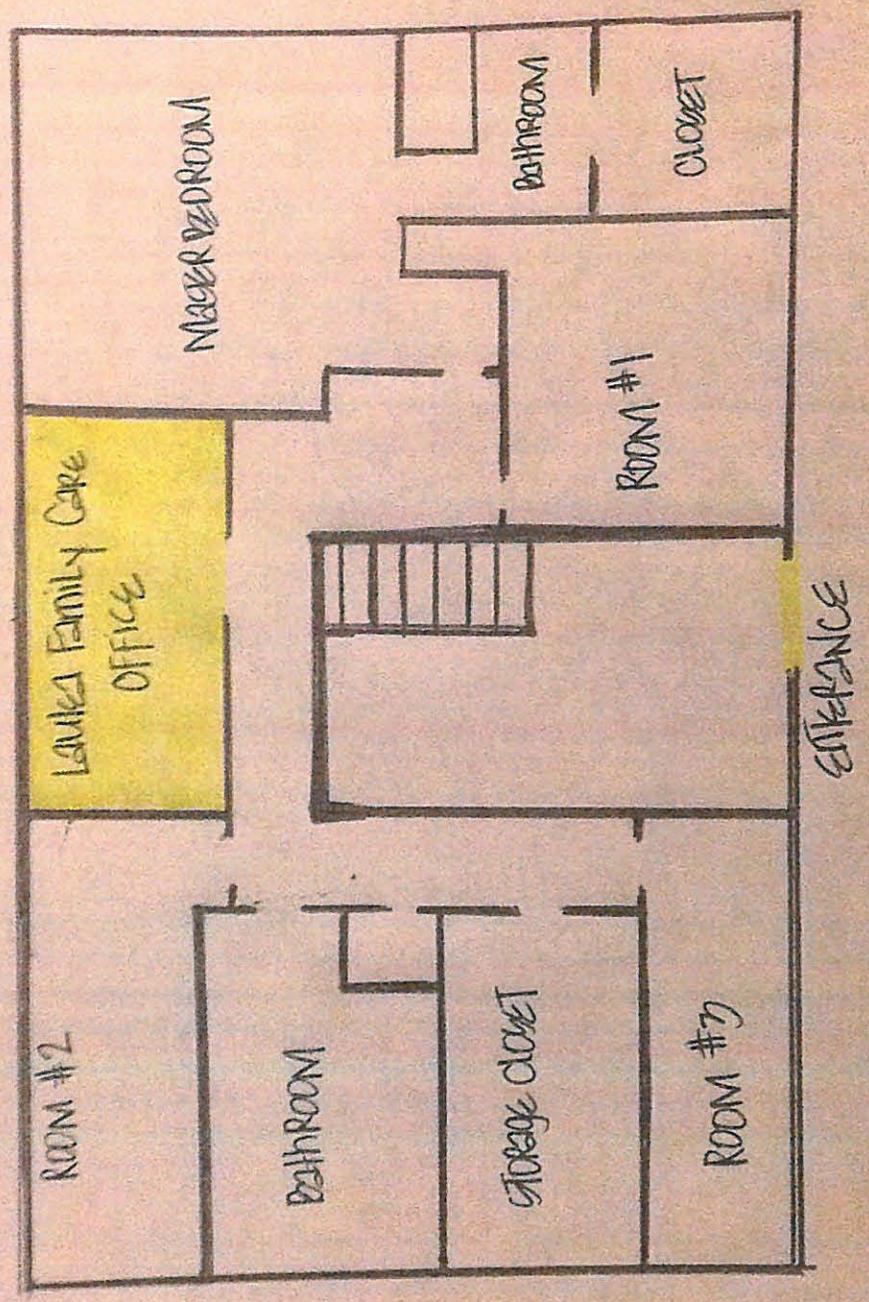
1. The Use Permit is for a home occupation with employees for Heredia Artificial Insemination Services located at 2349 S. Fallbrook Drive; more specifically identified as Assessor's Parcel Number: 084-293-008. If the requested use is not commenced within one (1) year from date of approval by the Los Banos Planning Commission, this Conditional Use Permit shall lapse and become void. The City for cause may revoke this Conditional Use Permit.
2. Subject to and in addition to these Conditions of Approval, Conditional Use Permit #2015-04 shall substantially conform to the approved Conditional Use Permit including but not limited to the application on file with the Community Development Department, staff report and exhibits.
3. No customers, employees or signage are allowed at the premises; it is to be utilized as a home office only.
4. The applicant shall comply with all applicable City ordinances specified in the Municipal Code and other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
5. The Planning Commission reserves the right to review and/or revoke this Conditional Use Permit should the City receive complaints or should the applicant not adhere to the Conditions of Approval. The City may amend or impose new conditions to mitigate adverse affects to the neighborhood.
6. The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this Use Permit, or the environmental determination rendered in connection with the Use Permit approval, or arising out of the operation of the use or uses allowed under the Use Permit, save and except that caused solely by the City's active negligence.
7. The premises of the subject site shall not be inconsistent with the Conditions of Approval and shall not be operated in a manner that deviates from the approved Use Permit, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice.

8. Authorization of a Conditional Use Permit granted pursuant to the provisions of Section 9-3.2322 of the Los Banos Municipal Code shall run with the land and shall continue to be valid upon change of ownership of the site or structure which was the subject of the use permit application provided the use shall be limited to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met.
9. If the use is discontinued for a period of six (6) months, this Conditional Use Permit shall lapse and become void.



Lanika Family Care
2349 S. BALLBROOK DR.
LEWISVILLE, CA 94045

2nd FLOOR LAYOUT





City of
Los Banos

At the Crossroads of California

**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT**

Date: March 27, 2015

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2015-04 – Laulea Family Care

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission 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.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, April 8, 2015 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Assistant Planner II at City Hall or at (209) 827-7000, Ext. 133.

Persons wishing to provide oral comments on the proposed project may do so at this meeting or may provide written comments on this matter prior to the public meeting. Written comments may be sent by U.S. Mail or hand delivered to the City of Los Banos City Hall at 520 "J" Street, Los Banos, California 93635. Please be advised that should the action by the City Council be challenged in court, you may be limited to only those issues raised at the hearings or by written comment per Government Code Section 65009.

THE CITY OF LOS BANOS

Stacy Souza Elms
Assistant Planner II



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Chairman Spada & Planning Commissioners
FROM: Stacy Souza Elms, Assistant Planner II 
DATE: April 8, 2015
SUBJECT: Special Events Ordinance Update

Staff is looking into possibly updating the Special Events Ordinance. Attached are some talking points from staff and some issues we would like to address with an update. Also for your review is the Risk Management Authority (City's insurance provider) Resolution establishing the risk policy for special events.

PLANNING COMMISSION TALKING POINTS – SPECIAL EVENTS

A. CURRENT ORDINANCE (LBMC 9-3.3801 to 9-3.3807 adopted April 2002 and amended November 2010).

- Definition of Special Event
 - Temporary Uses Of Property Which Are Limited In Duration And Frequency That Do Not Involve Any Significant Alterations Of The Land, Improvements, Or Construction Of Permanent Facilities
- Requires An Administrative Permit To Conduct, Organize, or Sponsor a Special Event
 - Application Must Be Filed At Least 21 Days In Advance Of The Event
 - Accurate Site Plan Of The Location Of The Special Event And Surrounding Areas To Be Closed, Blocked, Obstructed, Barricaded
 - Written Authorization Of Property Owner
 - Written Authorization Of All Tenants Within The Shopping Center
 - Written Permission For Use Of Indoor Restrooms (Portable Restrooms Not Permitted)
 - Written Description Of Nature Of Event
 - \$500.00 Cleaning Deposit
 - Business License
- Conditions and Limitations
 - Valid Business License
 - Shall Not Exceed Four Events Per Calendar Year
 - Limited To Three Consecutive Days
 - Applicant Responsible For Clean-Up Of The Site Within 24 Hours Of The End Of The Event
 - Two Temporary Signs No Larger Than 25 Square Feet Each
 - Private Security May Be Required
 - Additional Reasonable Conditions As Imposed By The Director

B. ISSUE #1 – The Current Ordinance Does Not Differentiate The Location Of A Special Event In Terms Of The Various Zoning Districts Within The City.

- The current ordinance would appear to allow a special event in any zoning district within the city. For instance a special event like a concert, carnival, pumpkin patch, or the like could theoretically occur in a residential neighborhood.
- A special event in one zoning district may not be appropriate in another zoning district.

Alternatives:

- ✓ Make no change to the current ordinance.
- ✓ Specify the types of special events that would be allowed in a particular zoning district.

C. ISSUE #2 – The Current Ordinance Is Aimed At Mainly Commercial Events Occurring On Private Property And Does Not Address Special Events On Public Property Such As Streets, Sidewalks, And Public Parks.

- There are many special events that occur in the city annually, such as parades, block parties, street fairs, and other organized events in the public parks. The original ordinance adopted by the City in 2002 as amended in 2010 appears to be limited to the regulation of special events on private property at or near commercial activity such as parking lot sales or outside commercial promotional events.
- The current ordinance does not really address the unique concerns that may be generated by different types of special events both on private property and public property. For instance an outdoor concert or entertainment event would generate very different concerns than a Christmas tree lot or a pumpkin patch.

Alternatives:

- ✓ Make no change to the current ordinance.
- ✓ Identify the different types of special events occurring on private property and public property and evaluate the appropriate level of regulation for each.
- ✓ Categorize special events as follows:

1. Street Closures

- a. Street fairs
- b. Parades and marches
- c. Block parties

2. Park Events

- a. Pacheco Park
- b. Henry Miller Plaza
- c. Neighborhood Parks
- d. Movie night
- e. Concerts

3. Commercial Events

- a. Xmas tree lots
- b. Pumpkin patch
- c. Haunted houses
- d. Parking lot sales (permanent and temporary)
- e. Miscellaneous temporary uses
- f. Pop Up sales (holiday roadside sales, fruit stands)

4. Farmer's Markets

5. Athletic Events

- a. Runs
- b. Walkathons

D. ISSUE #3 – The Current Ordinance Does Not Address An Indemnity/Hold Harmless Agreement Or Insurance For Special Events On Public Property.

- There is no specific requirement in the current ordinance for the protection of the City from liability arising out of a special event. It is in the best interest of the

City to require an indemnity/hold harmless agreement and insurance for special events occurring on public property.

- Under the terms of the City's pooled risk program the city is required to transfer the liability risk to the organizers of the event. – See Attachment.

Alternatives:

- ✓ Make no change to the current ordinance.
- ✓ Require the event organizer to sign a hold harmless/indemnity agreement and obtain event insurance as a condition of a special event permit when the event is on public property in conformance with the terms of the city's pooled risk program.

E. ISSUE #4 - The Current Ordinance Does Not Specifically Address The Cost To The City For Police, Fire, And Or Public Works Costs Associated With A Special Event.

- In addition to the cost of processing a special event application many times there are service type costs incurred by the City that should be reimbursed by the organizer. The ordinance does not specifically address this issue. In practice the City does negotiate with the organizer the reimbursement of expenses for some special events.

Alternatives:

- ✓ Make no change to the current ordinance.
- ✓ Require all organizers to reimburse the City for service costs associated with putting on the special event.
- ✓ Require organizers to reimburse the City for service costs associated with putting on the special event unless they meet criteria for a waiver or partial waiver of the service costs.

F. ISSUE #5 – The Current Ordinance Does Not Set Forth A Clear Process For Issuing The Special Events Permit.

- The current ordinance calls for an administrative permit issued by the Planning Director. However, in practice the permit for a special event crosses a number of departments such as the police department for street closures, and the recreation department for park events, the planning department for parking lot sales, pumpkin patches and miscellaneous land use activities.
- The city should have a defined structure for issuing a permit for special events.

Alternatives:

- ✓ Make no change to the current ordinance.
- ✓ Establish a special events board similar in structure to the project review board. The special events board would be made up of the Community Development Director, Police Chief, and Public Works Director who would be tasked with reviewing and issuing the special events permit.
- ✓ Divide the responsibility for issuing the permit amongst the various departments. For instance the Police Department could administer the permit for street closures; the Community Development Department could administer the permits for commercial events; the Public Works Department could administer permits for events in the public parks.

- ✓ The City Manager would have the responsibility for administering the permit and coordinating the various departments.
- ✓ The Community Development Director would have the responsibility for administering the permit and coordinating the various departments.

RESOLUTION NO. 1-09
RESOLUTION OF THE BOARD OF DIRECTORS
OF THE CENTRAL SAN JOAQUIN VALLEY RISK MANAGEMENT AUTHORITY
ESTABLISHING A TRANSFER OF RISK POLICY FOR ORGANIZED SPECIAL EVENTS

WHEREAS, the Board of Directors of the Central San Joaquin Valley Risk Management Authority (Authority) have determined that potential serious risks may be incurred when third parties utilize member city's facilities, or conduct organized "Special Events" which involve city premises or services: and

WHEREAS, it is in the best interests of all member cities for these risks to be transferred to the parties which cause the risk; and

NOW, THEREFORE, BE IT RESOLVED that Resolution No. 9-86 is hereby cancelled and replaced by the following:

1. Member cities shall transfer the risk for all organized "Special Events" which do not meet the criteria established in Sections 3 and 4 herein.
2. For a claim against the city or the authority where as a result of the city's failure to carry out the provisions of this policy and the risk has not been transferred for that claim, the city's self-insured retention (SIR) may be tripled for that claim, up to a maximum of \$50,000 above that retention. Upon written demand of the city, the Executive Committee shall afford the city an opportunity to be heard on the issue of such failure. Thereafter, the decision of the Executive Committee shall be final.
3. In order for an event to be a "City Sponsored Event", it must be directly sponsored by the city and take place in or at a facility owned or under the control of the city.
4. In order for an event to be a "City Co-Sponsored Event" a city must provide administrative or supervisory participation with persons conducting the event or in the event itself.
5. All sponsored or co-sponsored Class III Events involving a subcontractor must transfer the risk.
6. The minimum "Transfer of Risk" requirement for all organized Special Events which do not meet the criteria as a City Sponsored or Co-Sponsored Event are as follows:

CLASS I (Low Hazard)

- A. City request to be named as additional insured on the sponsor's insurance policy whenever appropriate.
- B. The sponsor of the event be required to sign an acceptable "hold harmless" agreement.
- C. City request \$500,000 coverage per occurrence, but accept no less than \$300,000 coverage.

- D. City request the sponsor's insurance company to provide an appropriate certificate naming the city as an additional insured, but minimum requirement will be Certificate of Insurance showing that the sponsor and the event are covered for at least the minimum amount required.

CLASS I EVENTS

Aerobic Classes
Antique Shows
Art Festivals
Art Shows
Auctions
Auto Shows (No Automobile Coverage)
Award Presentations
Ballets
Banquets
Bazaars
Beauty Pageants
Bingo Games
Boat Shows
Business Meetings
Business Shows
Charity Benefits, Auctions, & Sales
Cinemas
Civic Clubs & Group Meetings
Consumer Shows
Conventions (In Buildings)
Craft Shows
Debutante Balls
Drill Team Exhibitions
Educational Exhibitions
Electronics Conventions
Exhibitions (In Buildings)
Expositions (In Buildings)
Fashion Shows
Flower Shows
Garden Shows
Graduations
Instructional Classes (Non-Mechanical)
Lectures
Luncheons
Meetings (Indoor) (Union Meetings are Class III)
Mobile Home Shows
Motion Picture Shows

Organized Sight-Seeing Tours (No Automobile Coverage)
Pageants
Parties (See Class II and III also)
Proms
Reunions
Quinceanera
Recreation Vehicle (RV) Shows
Seminars
Social Gatherings (Indoor)
Social Receptions
Speaking Engagements
Teleconferences
Telethons
Trade Shows (In Buildings)
Vacation Shows
Walk-A-Thons
Weddings & Receptions

CLASS II (Moderate Hazard)

- A. City requires being named as additional insured on the sponsor's insurance policy including the appropriate certificate.
- B. City requires that the sponsor in the event sign an appropriate agreement "holding harmless" the city, its officers, employees, and volunteers.
- C. City request \$1,000,000 per occurrence coverage, but accept no less than \$500,000 coverage.

CLASS II EVENTS

Animal Training (On Leash)
Block Parties/Street Closures (Excluding Beaches)
Classical Music Concerts
Concerts (Not Rock, Rap, or Heavy Metal or Mosh Pits)
Dances & Parties (No Rap or Heavy Metal)
Dance Shows
Debuts
Dinner Theaters
Dog Shows
Exhibitions (Outdoor)
Farmers Markets
Hotel Shows
Ice Skating Shows (Non Professional)

Jam & Jazz Sessions (Not Rock)
Job Fairs
Meetings (Outdoor)
Musicals
Night Club Shows
Old Timers Events
Opera/Operetta
Parades (Under 500 Spectators)
Parties (See Class I and III also)
Picnics (If Pools or Lakes, with Lifeguards)
Plays
Political Rallies
Religious Assemblies
Rummage Sales
School Bands
Seances
Sidewalk Sales
Social Gatherings (Outdoor)
Swap Meets
Theatrical Road Shows
Theatrical Stage Performances
Trade Shows (outdoor)
Voter Registration

CLASS III (High Hazard)

- A. City requires being named as additional insured on the sponsor's insurance policy including the appropriate certificate.
- B. City requires that the sponsor in the event sign an appropriate agreement "holding harmless" the city, its officers, employees, and volunteers.
- C. City requires at least \$1,000,000 per occurrence coverage.

CLASS III EVENTS

Animal Acts/Shows
Arcades
Carnivals (No Rides)
Casino & Lounge Shows
Concerts*
Community Fairs
Ethnic Celebrations

Film Productions (Non-Action)
Flea Markets
Heads of State Events
Horse Shows
Live Entertainment Promoters
Livestock Shows
Meetings (Outdoors)
Parties (See Class I & II also)
Picnics (If Pools or Lakes without Lifeguards)
Scouting Jamborees
State and Country Fairs (No Rides)
Street Fairs
Kiddielands (No Rides)
Union Meetings
Zoos

CLASS IV (Moderate-High Hazard)

- A. City requires being named as additional insured on the sponsor's insurance policy including the appropriate certificate.
- B. City requires that the sponsor in the event sign an appropriate agreement "holding harmless" the city, its officers, employees, and volunteers.
- C. City requires at least \$1,000,000 per occurrence coverage.

CLASS IV EVENTS

Baseball
Basketball
Bicycle Races
Bicycle Rallies
Equestrian Events
Gymnastics
Junior Athletic Games
Marathons (Walking, Running, etc.)
Roller Skate/Roller Blade
Roller Hockey League (Youth Only)
Running Race
Ski Events
Soap Box Derby
Softball
Sports Camps (Non-Contact Sports Only)
Sporting Events in Buildings (Non-Professional) (Non-Contact Sports Only)

Tennis, Handball, & Racquetball
Volleyball

CLASS V (Moderate-High Hazard/Increased Exposure Risks)

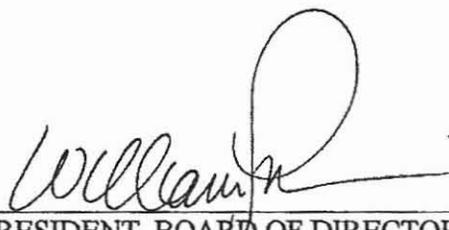
- A. City requires being named as additional insured on the sponsor's insurance policy including the appropriate certificate.
- B. City requires that the sponsor in the event sign an appropriate agreement "holding harmless" the city, its officers, employees, and volunteers.
- C. City requires at least \$1,000,000 per occurrence coverage.

CLASS V EVENTS

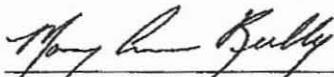
Overnight Camps/Groups at Colleges or Universities
Overnight Camping
Overnight Events

This Resolution is moved, seconded, and adopted by the Board of Directors at a regular meeting of the Board held on October 23, 2009, in the City of Fresno, County of Fresno, by the following vote:

AYES	<u>12</u>
NOES	<u>0</u>
ABSTAIN	<u>0</u>
ABSENT	<u>1</u>



PRESIDENT, BOARD OF DIRECTORS



BOARD SECRETARY