

**CITY OF TAFT PLANNING COMMISSION
REGULAR MEETING AGENDA
WEDNESDAY, JULY 22, 2015
CITY HALL COUNCIL CHAMBERS
209 E. KERN ST., TAFT, CA 93268**

AS A COURTESY TO ALL - PLEASE TURN OFF CELL PHONES

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda are made available for public inspection in the lobby at Taft City Hall, 209 E. Kern Street, Taft, CA during normal business hours (SB 343).

REGULAR MEETING

6:00 P.M.

Pledge of Allegiance
Invocation

1. SEATING OF NEWLY APPOINTED PLANNING COMMISSIONERS

Recommendation – Statement by City Clerk

Roll Call: Commissioner Jones
 Commissioner Leikam
 Commissioner Livingston
 Commissioner Orrin
 Commissioner Thompson

2. SELECTION OF CHAIRPERSON

Recommendation – City Clerk proceeds with taking nomination for Chairperson.

3. SELECTION OF VICE CHAIRPERSON

Recommendation – Chairperson proceeds with taking nomination for Vice Chairperson.

4. CITIZEN REQUESTS/PUBLIC COMMENTS

THIS IS THE TIME AND PLACE FOR THE GENERAL PUBLIC TO ADDRESS THE COMMISSION ON MATTERS WITHIN ITS JURISDICTION. STATE LAW PROHIBITS THE COMMISSION FROM ADDRESSING ANY ISSUE NOT PREVIOUSLY INCLUDED ON THE AGENDA. COMMISSION MAY RECEIVE COMMENT AND SET THE MATTER FOR A SUBSEQUENT MEETING. PLEASE LIMIT COMMENTS TO FIVE MINUTES.

5. MINUTES

June 17, 2015 Regular
July 9, 2015 Special Joint City Council and Planning Commission Meeting

Recommendation – Approve as submitted.

6. PUBLIC HEARING – VARIANCE NO. 2015-08

Recommendation – Motion to postpone the public hearing for Variance No. 2015-08 to the regular scheduled meeting in August, per the request of the applicant.

7. PUBLIC HEARING – SITE PLAN REVIEW 2015-10, TENTATIVE PARCEL MAP NO. 12126

Recommendation – Motion to adopt a resolution entitled **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TAFT APPROVING SITE PLAN REVIEW 2015-03 TO CONSTRUCT A 2,450 SQUARE FOOT CAR WASH BUILDING AND TWO RETAIL BUILDINGS TOTALING 11,000 SQUARE FEET ON 1.81 ACRES AND A TENTATIVE PARCEL MAP TO SUBDIVIDE 1.40 OF THE 1.81 ACRES INTO 2 LOTS, WITHIN THE GENERAL COMMERCIAL (GC) ZONE DISTRICT LOCATED ON THE SOUTH SIDE OF KERN STREET APPROXIMATELY 300 FEET EAST OF HILLARD STREET**

8. GENERAL PLAN AMENDMENT NO. 2015-01 – HOUSING ELEMENT UPDATE 2013-2023

Recommendation – This is an information item only on the progress of the Housing Element Update.

9. PLANNING DIRECTOR REPORT

10. CITY ATTORNEY STATEMENTS

11. COMMISSIONER COMMENTS

12. IDENTIFICATION OF REPRESENTATIVE TO THE CITY COUNCIL

ADJOURNMENT

**AMERICANS WITH DISABILITIES ACT
(Government Code Section 54943.2)**

The City of Taft City Council Chamber is accessible to persons with disabilities. Disabled individuals who need special assistance (including transportation) to attend or participate in a meeting of the Taft City Council may request assistance at the Office of the City Clerk, City of Taft, 209 E. Kern Street, Taft, California or by calling (661) 763-1222. Every effort will be made to reasonably accommodate individuals with disabilities by making meeting material available in alternative formats. Requests for assistance should be made five (5) working days in advance of a meeting whenever possible.

AFFIDAVIT OF POSTING

I, Brenda Johns, declare as follows:

That I am the Office Assistant for the City of Taft; that an agenda was posted on a public information bulletin board located near the door of the Civic Center Council Chamber on July 16, 2015, pursuant to 1987 Brown Act Requirements.

I declare under penalty of perjury that the foregoing is true and correct.
Executed July 16, 2015, at Taft, California.

Date/Time _____ Signature _____

**CITY OF TAFT PLANNING COMMISSION
MINUTES
WEDNESDAY, JUNE 17, 2015**

REGULAR MEETING

6:00 P.M.

The June 17, 2015, regular meeting of the Planning Commission of the City of Taft, held in the City of Taft Council Chamber, 209 E. Kern Street, Taft, CA 93268, was opened by Chairman Orrin at [6:05:54 PM](#). The Pledge of Allegiance was led by Commissioner Jones. Invocation was given by Heather Muller of St. Andrews Church.

PRESENT: Chairman Orrin, Vice Chairman Thompson, Commissioner Jones, Commissioner Leikam, Commissioner Livingston, Planning and Community Development Director Mark Staples, City Attorney Jason Epperson and Recording Secretary Brenda Johns.

1. CITIZEN REQUESTS/PUBLIC COMMENTS

There were none.

2. MINUTES

May 20, 2015 Regular

Motion: Moved by Jones, seconded by Thompson to approve Minutes as submitted.

AYES: Jones, Leikam, Livingston, Thompson, Orrin

PASSED: 5-0

3. PUBLIC HEARING – VARIANCE NO. 2015-08

Director Staples recommended a motion to postpone the public hearing for Variance No. 2015-08 to the regular scheduled meeting in July, per the request of the applicant.

Motion: Moved by Thompson, seconded by Jones to approve postponing Public Hearing - Variance No. 2015-08.

AYES: Jones, Leikam, Livingston, Thompson, Orrin

PASSED: 5-0

4. GENERAL PLAN AMENDMENT NO. 2015-01 – HOUSING ELEMENT UPDATE 2015-2023

Director Staples presented the staff report and recommendation.

Commissioner Livingston inquired as to whether the Housing Element table would be updated.

Director Staples replied there will be updates so that zoning code matches the General Plan.

Chairman Orrin noted the Housing Element only affects land within city limits, but the overall

scope could include some county areas.

Director Staples stated he is looking to address the issue with the Annexation Committee and inquire as to how it should be addressed within the Housing Element. Staples also noted if annexation occurs the City would use the counties Housing Element as a reference.

Director Staples also mentioned he will be attending a Housing Element workshop next Wednesday in Madera and will meet with the California Coalition for Rural Housing after the workshop to see how they can assist with free technical assistance.

5. PLANNING DIRECTOR REPORT

Director Staples shared that Freedom Homes will be pulling permits for the last seven lots and they will be building out the rest of the homes. Staples also reminded everyone that the next Planning Commission meeting will be on July 22nd, 2015 and that the joint meeting for the Economic Development Workshop will be held on Thursday, July 9th at 5:15pm at the Fort.

6. CITY ATTORNEY STATEMENTS

No Statement

7. COMMISSIONER COMMENTS

Commissioner Jones announced the following:

- The Taft Fireworks Show will be on Friday July 3, 2015; there will be a DJ, live band, vendors and a fireworks show between 9pm - 9:30pm.
- The City of Taft signs on highway 33 have been wrapped with Oildarado signs.
- Taft College will be hosting the Petroleum Summit around the same time as Oildarado and she hopes it will also help generate business.

8. IDENTIFICATION OF REPRESENTATIVE TO THE CITY COUNCIL

Commissioner Livingston was appointed as the representative to report to the City Council at their next meeting July 7, 2015.

ADJOURNMENT

With no further business to conduct it was moved by Jones, seconded by Thompson and approved unanimously, to adjourn the meeting at [6:39:32 PM](#).

Brenda Johns, Recording Secretary

Ron Orrin, Chairman

**SPECIAL JOINT MEETING MINUTES
CITY OF TAFT CITY COUNCIL
AND
PLANNING COMMISSION OF THE CITY OF TAFT
JULY 9, 2015**

REGULAR MEETING

5:15 P.M.

The July 9, 2015, special joint meeting of the City of Taft City Council and the Planning Commission of the City of Taft, held at the Historic Fort, 915 N. 10th, Taft, CA 93268, was opened by Mayor Randy Miller and Chairman Ron Orrin at 5:30 pm. The Pledge of Allegiance was led by Mayor Miller, followed by a moment of silence in honor of those serving in our military.

CITY COUNCIL

PRESENT: Mayor Randy Miller
Council Members Orchel Krier, Josh Bryant and Renee Hill
City Manager Craig Jones and City Clerk Yvette Mayfield

ABSENT: Mayor Pro Tem Dave Noerr

PLANNING COMMISSION

PRESENT: Chairman Ron Orrin and Vice Chairman Robert Thompson;
Commissioners Shannon Jones and Bob Leikam and Jerry Livingston.
Planning and Community Development Director Mark Staples;

1. CITIZEN REQUESTS/PUBLIC COMMENTS

There were none.

2. WORKSHOP - ECONOMIC DEVELOPMENT OPPORTUNITIES (NON ACTION)

Planning Director Mark Staples gave an overview for how the workshop would transpire and the workshop was held.

ADJOURNMENT - With no further business to conduct it was moved by Hill, seconded by Bryant to adjourn the City Council Meeting and moved by Thompson, seconded by Jones to adjourn the Planning Commission Meeting at 8:20 pm.

Yvette Mayfield
City Clerk

Ron Orrin
Chairman



City of Taft Planning Commission Staff Report

Agenda Item: #6

DATE: July 15, 2015

TO: Chairman Orrin and Members of the Planning Commission

FROM: Mark Staples, Director
Planning and Community Development

SUBJECT: Variance No. 2015-08 – 218 3rd Street

RECOMMENDATION: Motion to postpone the public hearing for Variance No. 2015-08 to the regular scheduled meeting in August, per the request of the applicant

LOCATION: Southeast corner of North Street and 3rd Street (APN 031-110-01)

PROPERTY OWNER: Perea Jimenez Family Trust
450 Boronda Road
Salinas, CA 93901

APPLICANT: Juanita Perea
460 W. Carmel Valley Rd
Carmel Valley, CA 93924

PROJECT DATA:

- 1. General Plan:** Mixed Use
- 2. Zoning:** Medium Density Residential (R-2)
- 3. Access/Circulation:** North Street and 3rd Street

PROJECT ANALYSIS:

The applicant, Juanita Perea, has requested that the public hearing for her application, Variance No. 2015-08, be postponed to the regular scheduled meeting in August. Mrs. Perea needs the additional time to make the necessary revisions to the project plans to ensure a complete application.



City of Taft Planning Commission Staff Report

Agenda Item: #7

DATE: July 22, 2015
TO: Chairman Orrin and Members of the Planning Commission
FROM: Mark Staples, Director
Planning and Community Development
SUBJECT: Site Plan Review 2015-10 – New Car Wash and Retail Buildings, Kern Street

RECOMMENDATION: Adopt a Resolution approving Site Plan Review 2015-10 to construct a 2,450 square foot car wash building and two retail buildings totaling 11,000 square feet on 1.81 acres; and a Tentative Parcel Map to subdivide 1.40 of the 1.81 acres into 2 lots, within the General Commercial (GC) Zone District located on the south side of Kern Street approximately 300 feet east of Hillard Street (APN 032-160-48, -49).

LOCATION: Kern Street, Approx. 300 feet east of Hillard Street (APN 032-160-48-49)

**PROPERTY OWNER/
APPLICANT:** Prasayus Corp.
1631 S. Comanche Dr.
Bakersfield, CA 93307

PROJECT DATA:

1. General Plan: Mixed Use
2. Zoning: General Commercial (GC)
3. Access/Circulation: Kern Street/Highway 33

PROJECT ANALYSIS:

The applicant, Prasayus Corp., is proposing a new 2,450 square foot car wash and two retail buildings totaling 11,000 square feet on approximately 1.81 acres within the General Commercial (GC) Zone District on the south side of Kern Street, approximately 300 feet east of Hillard Street. The applicant also proposes to subdivide the 1.40 acres of Lot 2 of Tentative Parcel Map No. 12126, approved by the Planning Commission on June 16, 2014, into two lots. The lot split will create separate properties for the proposed car wash building and the 4,400 square foot proposed retail building.

The project site is currently vacant with an existing Taco Bell restaurant immediately adjacent to the project site. The property is surrounded by single-family residential properties to the south, a vacant rough graded single-family residential development to the west; retail commercial, restaurants and church uses to the west; and vacant commercial property to the north across Kern Street.

The proposed 2,450 square foot car wash will be a fully automated drive-thru facility, including storage and equipment rooms. There will be 8 vacuum stations, which will be self-service for customers of the car wash. The two proposed retail buildings will 4,400 and 6,600 square feet, respectively. The car wash building and two retail buildings will share similar contemporary architectural style, paint colors, and façade treatments as the existing Taco Bell. The buildings will be painted in the similar light tan, medium and dark brown colors as the Taco Bell with a similar slate tone accent vertical wall treatments. The retail buildings will have corner units with a raised roof line and either a red-tiled hipped roof or flat roof.

The Taft Zoning Ordinance Chapter 14, Table 14.A, only lists a parking requirement for (Self Service) Automobile Washing at 1 space per 2 washing stalls. This standard is not applicable to the proposed automated drive-thru car wash facility, which should have more traffic and parking demand. The General Retail use standard of 1 space per 250 square feet of gross floor area will be applied, which will require 10 parking spaces. The two proposed retail buildings totaling 11,000 square feet will require 44 parking spaces. With the 590 square feet of existing dining area at the Taco Bell, which required 8 parking spaces, the total parking requirement of all buildings is 62 parking spaces. The applicant is providing 91 spaces, of which 6 will be handicap accessible spaces (with 1 van accessible space). The surplus parking spaces will help with overburdened parking demand at the Taco Bell, but also easily allow more intensive parking demand uses such as more restaurants, medical offices, private schools, or other assembly uses in the retail buildings.

The project site requires drainage improvements as storm water flows affect the property from the southwest. During heavy rains, water flows north along Church Street and continues along an alley that splits a series of homes along north side of Ranier Avenue. The water then discharges in a northeast direction across the project site. In order for the proposed project to be built, a drainage facility is required to carry the water to existing facilities under the parking lot of the commercial property to the east. The City Council has already entered into an agreement with the applicant to refund a portion of the cost to construct the drainage facility. A copy of the agreement is attached and a condition of approval has been placed on the project to ensure completion of the drainage facility prior to additional structures are built on the property.

As the project was found to meet or exceed all development standards of the General Commercial (GC) Zone District, the proposed project was moved on to the Planning Commission for review and approval. Below is a table that details how the proposed project complies with the General Commercial (GC) Zone District.

General Commercial (GC) Zone Development Standard Compliance

Development Standard	Required	Provided
Minimum Parcel Size	6,500 s.f. (0.15 acres)	60,984 s.f. (1.40 acres)* 17,900 s.f. (0.41 acres)
Minimum Site Width	65 feet	151.99* and 148.00 feet
Minimum Site Depth	100 feet	364.81* and 120.95 feet
Minimum Setback:		
Front	0 feet	170'-7"*
Side	0 feet	10'-0"*
Rear	0 feet	12'-1"
Maximum Building Height	50 feet	28 feet
Maximum Lot Coverage	60% (36,590 s.f./0.84 acres)* 60% (10,740 s.f./0.25 acres)	6,850 s.f./0.16 acres - 11.2%* 6,600 s.f./0.15 acres – 36.9%
Parking: Restaurant	1 space per 80 s.f. of dining area	590 s.f./80 = 7.4 spaces
Total	2 space per 250 s.f. of retail area 62 spaces	13,450 s.f./250 = 53.8 91 spaces

*Car wash and 4,400 s.f. retail building lot, other listed standards apply to property with proposed 6,600 s.f. retail building

CEQA:

The project is exempt from the requirements of the California Environmental Quality Act (CEQA) as set forth in Section 15315 and 15332 of the CEQA Guidelines (Minor Land Divisions/In-fill Development Projects).

ATTACHMENTS:

1. Resolution
2. Vicinity Map
3. Site Plan, Floor Plan, Elevations, Grading Plan
4. Color Rendering of Elevations
5. Drainage Facility Improvement Cost Reimbursement Agreement – December 2, 2014

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TAFT APPROVING SITE PLAN REVIEW 2015-03 TO CONSTRUCT A 2,450 SQUARE FOOT CAR WASH BUILDING AND TWO RETAIL BUILDINGS TOTALING 11,000 SQUARE FEET ON 1.81 ACRES AND A TENTATIVE PARCEL MAP TO SUBDIVIDE 1.40 OF THE 1.81 ACRES INTO 2 LOTS, WITHIN THE GENERAL COMMERCIAL (GC) ZONE DISTRICT LOCATED ON THE SOUTH SIDE OF KERN STREET APPROXIMATELY 300 FEET EAST OF HILLARD STREET

WHEREAS, the applicant, Prasayus Corp., has proposed a Site Plan Review of a 2,450 square foot drive-thru automated car wash and two retail buildings totaling 11,000 square feet, on a 1.81 acre lot, within the General Commercial (GC) Zone District located on the south side of Kern Street approximately 300 feet east of Hillard Street (APN 032-160-48, -49) in the City of Taft, County of Kern; and

WHEREAS, the applicant has also proposed a Tentative Parcel Map to subdivide 1.40 acres (APN 032-160-49) of the 1.81 acre lot into two lots; and

WHEREAS, notice of a public hearing was published, posted, and mailed to surrounding property owners to consider the proposed project in accordance with City's Zoning Ordinance and applicable laws; and

WHEREAS, the Planning Commission studied and considered the written findings for approval of Site Plan Review No. 2015-10 and the Tentative Parcel Map, City Staff's written and oral reports, and all public testimony before making a decision on this request, and

WHEREAS, the laws and regulations relating to the preparation and adoption of environmental documents, as set forth in the State Guidelines Implementing the California Environmental Quality Act have been adhered to; and

WHEREAS, the Planning Commission has fully considered this request and the potential environmental effects.

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY FIND, DETERMINE, RESOLVE, AND RECOMMEND AS FOLLOWS:

SECTION 1. The Planning Commission hereby makes the following Site Plan Review findings:

1. The proposed use is permitted within the General Commercial (GC) zone district pursuant to the provisions of this section, complies with all applicable provisions of the Zoning Ordinance, is consistent with the goals, policies, and objectives of the General Plan, and is consistent with the applicable development policies and standards of the City; and

2. The proposed use would not impair the integrity and character of the General Commercial (GC) zone district; and
3. The site is suitable for the type and intensity of the proposed use; and
4. There are adequate provisions for public utilities and services to ensure the public health and safety; and
5. The proposed use will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties and improvements in the vicinity; and
6. The proposed amendment is exempt from the California Environmental Quality Act pursuant to Section 15332 of the CEQA Guidelines (In-fill Development Projects).

SECTION 2. The Planning Commission hereby finds that:

7. The proposed map is consistent with the goals, policies, and objectives of the General Plan; and
8. The design of the proposed subdivision is consistent with the General Plan; and
9. The site is physically suitable for the type of development; and
10. The site is physically suitable for the proposed density of development; and
11. The design of the subdivision will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and
12. The design of the subdivision will not cause serious public health problems; and
13. The design of the subdivision will not conflict with easements for access through or use of property within the proposed subdivision; and
14. There are adequate provisions for public utilities and services to ensure the public health and safety; and
15. The proposed use will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties and improvements in the vicinity; and
16. The proposed amendment is exempt from the California Environmental Quality Act pursuant to Section 15315 of the CEQA Guidelines (Minor Land Divisions).

SECTION 3. The Planning Commission hereby approves Site Plan Review 2015-10 and a Tentative Parcel Map with the conditions of approval set forth in this resolution as follows:

General Conditions

1. The applicant and property owner (“Applicant”), solely at its cost and expense, shall defend, indemnify and hold harmless the City of Taft (hereinafter referred to as “City”), its agents, legislative bodies, officers and employees regarding any legal or administrative action, claim or proceeding concerning approval of Site Plan Review 2015-10 and Tentative Parcel map, and/or related actions including, without limitation, actions taken or not taken with respect to the California Environmental Quality Act (hereinafter referred to as “CEQA”); or, at its election and in the alternative, shall relinquish such approval. Applicant shall assume the defense of the City in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by the applicant, but subject to the City's reasonable approvals. The Applicant shall also reimburse the City, its agents, legislative bodies, officers and employees for any judgments, amounts paid in settlements, court costs and attorneys' fees which the City, its agents, legislative bodies, officers and employees may be required to pay or otherwise pay as a result of such action, claim, or proceeding. The City may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the applicant’s obligations under these conditions of approval.
2. The applicant, or general contractor, shall submit a list of all contractors and/or subcontractors performing work on this project to the City’s Finance Department and such contractors and subcontractors shall obtain valid business licenses to do business and/or work in the City prior to the commencement of work.
3. The safety and security of the site shall satisfy and be in compliance with all applicable Local, County, State, Special District, and Federal regulations, California Building Code, and California Occupational Safety and Health Association (CAL/OSHA).
4. The applicant shall comply with all provisions of the City’s Zoning Ordinance, Construction Standard Details, the latest adopted Building Code, Mechanical Code, Plumbing Code, Electrical Code, Fire Code, and all other applicable codes, ordinances, regulations, and development standards in effect at the time of issuance of relative permits. Identification of specific sections of any of the aforementioned City documents does not negate the applicant’s responsibility to conform to unmentioned sections of the City’s Zoning Ordinance, Subdivision & Engineering Design Manual, California Building Code, and all other applicable ordinances, resolutions, standards, and requirements of the City.
5. The Applicant shall pay all applicable development and processing fees adopted by the City in effect at the time of issuance of any permits.

Public Works Department/City Engineer

1. The Applicant acknowledges that the City of Taft may incur engineering expenses by its

City Engineer for the review of on-site and off-site improvement plans for Site Plan Review 2015-10, final maps for the Tentative Parcel Map and agrees to reimburse the City within thirty (30) days of receiving an invoice from the City of Taft associated with these engineering expenses.

2. Prior to the issuance of a building permit, the Applicant shall submit for review and approval by the City Engineer a Rough/Precise Grading and Drainage Plan. The Plan(s) shall include an accurate depiction of the legal boundaries of the property, and all known easements and other exceptions on the property as noted in the property's title report.
3. Prior to issuance of a Certificate of Occupancy, all curb ramps and driveway approaches shall be constructed in accordance with the most recently adopted Caltrans Standard Plans A87A and A88A, which are consistent with Americans with Disabilities Act (ADA) standards.
4. Prior to the issuance of a building permit, the Applicant shall submit a wet stamped and signed pad certification from the project civil engineer and soils engineer.
5. Final street improvements and driveway design along Kern Street/Highway 33 shall be subject to review and approval by Caltrans.
6. Prior to issuance of a Certificate of Occupancy of any building proposed for Site Plan Review 2015-10, drainage facility improvements shall be completed to capture flows from southwest of the property. The Improvement Cost Reimbursement Agreement entered with the City on December 2, 2014, is still in effect per the details of the letter.
7. Prior to map recordation, the Applicant shall submit three (3) copies of the Final Parcel Map, with applicable fees, to the City for the subdivision of Lot 3 of recorded Parcel Map No. 12126 into two (2) parcels.
8. If any abandoned or unrecorded oil wells are discovered during excavation or grading, the California Department of Conservation-Division of Oil, Gas, and Geothermal Resources (DOGGR) shall be notified and any vacation or plugging operations that may be required by the DOGGR shall be required.
9. The Applicant shall obtain an encroachment permit from the Public Works Department for the proposed driveway approach and any other construction work within the right-of-way of Gardner Field Road and Commerce Way.

Building Department

1. The Applicant shall submit two sets of plans along with applicable calculations and reports that comply with the current California Building Code, Green Code, Mechanical Code, Plumbing Code, Electrical Code, Fire Code, and all other applicable codes,

ordinances, regulations and development standards in effect at the time of issuance of relative permits.

2. All improvements shall comply with American with Disabilities Act standards and regulations (ADA).
3. Contractors and subcontractors shall obtain a business license from the City's Finance Department prior to beginning any work.
4. Building addresses shall be permanently displayed in a manner easily visible and legible from the street, consistent with Building and Fire Department requirements.

Kern Fire Department

1. Fire protection shall be provided per Kern County Fire Department standards for a commercial building. A Certificate of Approval shall be obtained by the Applicant from the Kern County Fire Department prior to the issuance of a Certificate of Occupancy.
2. The applicant shall provide proper fire suppression equipment and adequate emergency ingress/egress to all the proposed buildings, per Kern County Fire Department requirements.

Planning Department

1. The Applicant shall develop the property, with (1) a 2,450 square foot drive-thru automated car wash building, (2) a 4,400 square foot commercial building, and (3) a 6,600 square foot commercial building, consistent with the approved plans on file with the Planning Department.
2. The Applicant shall provide the minimum required parking spaces for the car wash and two (2) commercial buildings is one (1) space for every 250 square feet of gross floor area. Per these standards, the project shall provide a minimum total of sixty-two (62) parking spaces, of which three (3) are handicap spaces; of which one (1) shall be a Van Accessible handicap space.
3. Prior to recordation of a Final Parcel Map to subdivide recorded Parcel Map No. 12126, Lot 3, into two (2) lots, the Applicant shall ensure that the resulting parcels meet the minimum lot size and lot dimension development standards of the General Commercial (GC) Zone District.
4. Prior to building permit issuance, the exterior elevations for the car wash building and retail buildings shall be in substantial conformance with the approved "Kern Street Carwash" and "Kern Street Retail" elevations on file with the Planning Department.
5. The Applicant shall maintain the entire project site, including the undeveloped portions,

in graffiti-free, weed-free, safe, clean, and orderly manner at all times.

6. The Applicant shall submit a Sign Plan Review application, with three (3) copies of site plans, structural, and electrical plans to the Planning Department for review and approval prior to issuance of a business license or erecting any signage on site.
7. This approval for Site Plan Review 2015-10 and a Tentative Parcel Map shall expire twelve (12) months and twenty-four (24) months, respectively, after the date of approval, per the Taft Zoning Ordinance and Subdivision Map Act.
8. A revision or modification to this approved Site Plan Review and Tentative Parcel Map may be requested by the applicant. The applicant shall submit a Revised Site Plan Review and/or Amended Tentative Parcel Map application to the Planning Director indicating the reasons for the change and supporting information. The revision or modification shall be subject to review and approval by the Planning Commission.

PASSED AND ADOPTED on this 22nd day of July, 2015.

ATTEST

Yvette Mayfield, City Clerk

_____, Chairman

CERTIFICATION

I, Yvette Mayfield, hereby certify that the foregoing resolution was passed and adopted by the Planning Commission of the City of Taft at a regularly scheduled meeting held on the 22nd day of July, 2015, by the following vote:

AYES:

NOES:

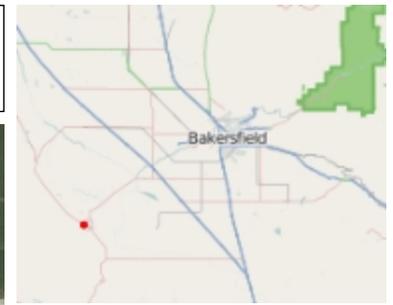
ABSENT:

ABSTENTIONS:

Yvette Mayfield, City Clerk



Site Plan Review 2015-10, Tentative Parcel Map



Legend

- Roads**
- Freeway
 - Highway
 - Major
 - Minor
 - Local
 - Ramp
 - Unpaved
- Other Features**
- Parcels
 - Lakes & Ponds
 - Water Course
 - Canals
 - County Parks
 - Bakersfield Parks
 - Golf Courses

1: 2,257



0.1 0 0.04 0.1 Miles

This map is a user generated static output from an Internet mapping site and is for general reference only. The County of Kern assumes no liability for damages, incurred by the user of this information, which occur directly or indirectly as a result of errors, omissions or discrepancies in the information.

Notes

APN 032-160-48, -49



December 2, 2014

Prasayus Commercial Construction
Attn: Rick Jhaj
1631 South Comanche Drive
Bakersfield, CA 93307

Re: Drainage Facility Improvement Cost Reimbursement Agreement – Taco Bell Site, 1121 Kern Street (APN 032-152-12, Parcel 2 and 3 of Parcel Map No. 12126)

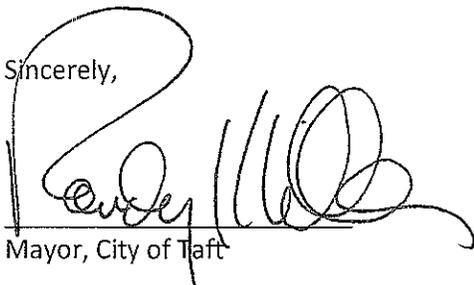
Dear Mr. Jhaj,

The City of Taft is excited at the return of Taco Bell and further commercial development of your property at 1121 Kern Street. It has come to our attention that a significant drainage improvement is needed across the full length of the southern edge of your property. I am writing to verify the City Council's support for your projects by offering the following development incentive:

The City of Taft agrees to reimburse you, the developer, of up to \$40,000 or up to 50% of the construction costs (whichever is less) towards design, material costs, and installation of the drainage facility across the southern property line of APN 032-152-12; or otherwise known as Parcels 2 and 3 of Parcel Map No. 12126. The drainage facility needs to be constructed similarly to the facility Pinnacle Engineering designed for Tentative Tract Map No. 6548 to the west of your site. The facility needs to be designed to accept stormwater flows from the intersection of Church Street and Ranier Avenue northward along the alley onto your property and connect to the drainage inlet that is under the parking lot of the commercial property to the east.

The City of Taft offers this development incentive so long as the facility is installed and completed within 12 months of the Taco Bell building's receipt of its Certificate of Occupancy. If you have any questions regarding this letter, you may contact our City Manager, Craig Jones, or Planning Director, Mark Staples.

Sincerely,



Mayor, City of Taft



City of Taft Planning Commission Staff Report

Agenda Item #8

DATE: June 17, 2015

TO: Chairman Orrin and Members of the Planning Commission

FROM: Mark Staples, Director
Planning and Community Development

SUBJECT: General Plan Amendment No. 2015-01 – Housing Element Update 2015-20123

RECOMMENDATION: This is an information item only on the progress of the Housing Element Update.

LOCATION: Citywide

PROJECT ANALYSIS:

On June 17, 2015, the Planning Director presented the pages of the updated Housing Element for 2015-2023. Staff edited the basic layout of the document for the 2015-2023 Housing Element to match the adopted General Plan design. Edits were also made regarding the methodology, data and information resources, the Kern COG Regional Housing Needs Assessment (RHNA) data, and Extremely Low Income Housing Problems.

Also presented were the first edits to the Adequate Sites Inventory maps and tables. The 2008-2013 Housing Element inventory resulted in 900 units, while the current review has found sufficient land for approximately 2,400 units. The increase was due to the increased density allowance from the General Plan and Zoning Ordinance updates and additional vacant land included in the inventory. The total number of units is assuming that 80% of the allowable density is developed.

The Planning Director will provide additional updated pages with data provided by Kern COG and the US Census regarding Taft's population and other demographic data.

The Planning Director will provide regular reports at each Planning Commission meeting in 2015 on the update progress to the City of Taft's Housing Element.

ATTACHMENTS:

1. City of Taft Housing Element Update 2015-2023



SECTION 1

The Planning Commissioner's Role

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SECTION 1

The Planning Commissioner's Role



WHAT IS A PLANNING COMMISSION?

The planning commission is a permanent committee made up of five or more individuals who have been appointed by the governing body (city council or board of supervisors) to review and act on matters related to planning and development.¹ Most planning commissioners are lay people without any previous land use experience. Commissioners serve at the pleasure of the council or board of supervisors, so commission membership may change in response to changes in those bodies. A local agency need not create a planning commission; in some jurisdictions, the governing body functions in that capacity.²

WHY PLAN?

Planning is a proactive process that establishes goals and policies for directing and managing future growth and development. Local agencies plan to address

fundamental issues such as the location of growth, housing needs, and environmental protection. Additionally, planning helps account for future demand for services, including sewers, roads, and fire protection. In addition, planning:

- **Saves Money.** Good planning can save on infrastructure and essential service costs.
- **Sets Expectations.** Planning establishes the ground rules for development. A comprehensive general plan, for example, sends a clear signal that accepted standards and procedures apply to community development. This will not eliminate conflicts entirely, but at least sets expectations that can help minimize conflict.
- **Improves Economic Development and Quality of Life.** Economic development and quality of life issues go hand in hand because businesses want to locate in communities where their employees want to live. Planning outlines alternatives and choices so that the community can promote employment and economic well-being.
- **Provides a Forum for Reaching Consensus.** Planning processes, such as the development of the general plan, provide a forum for seeking community consensus. Planning efforts should always involve broad and diverse segments of the community to assure that the resulting plan fully addresses community needs. This will provide the public with a sense of ownership over the plan.

¹ Cal. Gov't Code § 65100.

² Cal. Gov't Code § 65101.

- **Connects People to the Community.** Planning ensures that architectural and aesthetic elements are incorporated into projects to connect people to their community and establish a sense of place.
- **Protects Property Values.** Property values are enhanced when a community plans for parks, trails, playgrounds, transit, and other amenities. Planning also protects property and property values by separating incompatible land uses. Imagine if a factory could just set up shop in the middle of a neighborhood. Planning assures that this will not occur.
- **Reduces Environmental Damage and Conserves Resources.** Planning helps identify important natural and cultural resources and can channel development in a way that protects or augments these resources.

THE COMMISSION'S DUTIES

The planning commission plays a central role in the planning process in three important ways. First, it acts as an advisory board to the main governing body on all planning and development issues. Second, the commission assures that the general plan is implemented by reviewing development applications on a case-by-case basis. Just as you build a building one brick at a time, you implement a community vision one project at a time. Third, the commission functions as the decision-making body for many proposals. However, any planning commission action can be appealed to the governing body, which can uphold the commission's decision, overturn it, modify it, or send it back for further study.

Planning commission duties vary depending on the jurisdiction. You can learn about your commission's particular responsibilities by asking the planning department. Most commissions have the following responsibilities:³

- **General Plan.** Assist in writing the general plan and hold public hearings on its adoption. (The governing body retains authority to actually adopt the general plan.) Promote public interest in the general plan.

Consult with and advise public officials and agencies, utilities, organizations, and the public regarding implementation of the general plan. Also review, hold hearings on, and act upon proposed amendments to the plan.

- **Specific Plans.** Assist in writing any specific plans or community plans and hold public hearings on such plans. (The governing body retains authority to actually adopt specific plans.) Also review, hold hearings on, and act upon proposed amendments to such plans.
- **Zoning and Subdivision Maps.** Review, hold hearings on, and act upon zoning ordinances, maps, conditional use permits, and variances. Similarly consider subdivision applications.
- **Individual Project Approvals.** Review individual projects for consistency with the general plan, any applicable specific plans, the zoning ordinance, and other land use policies and regulations.
- **Report on Capital Improvements Plans.** Annually review the jurisdiction's capital improvements program and the public works projects of other local agencies for consistency with the general plan.
- **Coordinate Planning Efforts.** Coordinate local plans and programs with those of other public agencies.
- **Consider Land Acquisitions.** Report to the governing body on the consistency of proposed public land acquisition or disposal with the general plan.
- **Special Studies.** Undertake special planning studies as needed.

With so many responsibilities, it is important for every planning commission to think about how it will divide its time between day-by-day approvals and long-range planning efforts, both of which are important. It is easy to get caught up in the day-to-day efforts at the expense of long-range planning.

³ See for example Cal. Gov't Code §§ 65103, 65353, 65400, 65401, 65402, 65854 and 66452.1.

OTHER LOCAL PLANNING BODIES

Some local agencies divide land use decision-making by creating positions and commissions to focus on specific aspects of the land use planning process.

- **Board of Zoning Adjustment.** A local body, created by ordinance and appointed by the governing body, whose responsibility is to consider requests for variances.
- **Building Official.** The person responsible for the administration and enforcement of building, housing, plumbing, electrical, and related codes.
- **Historic Preservation Commission.** A commission appointed by the governing body charged with carrying out the historic preservation chapter of the zoning ordinance.
- **Zoning Administrator.** An appointed official who implements zoning ordinance and is also often empowered to make decisions concerning design permits, administrative use permits, and other permits as provided for in the zoning ordinance.
- **Zoning Board.** An appointed body that hears and decides matters relating to the application of the zoning ordinance and considers appeals of zoning administrator's decisions.

PUBLIC SERVICE ETHICS

As a planning commissioner, you wield considerable power over how your community grows and develops. With this power comes the expectation that you will hold yourself to the highest ethical standards. Part of being ethical means exercising your power in the public's interests, as opposed to personal self-interest or other narrow, private interests. The chart on page 5 highlights some of the ethical values associated with public service and what they mean in terms of your duties as a planning commissioner.

There are a number of sources of guidance on your ethical obligations as a planning commissioner. One is the law. California has a complex array of laws relating to ethics that are summarized in this section. The law, however, merely sets a minimum standard for ethical conduct. Just because an action is *legal* doesn't mean that it is *ethical*. For example, it may be legal for you to vote on your best friend's project application, but if everyone in the community knows how close the two of you are, will the community truly feel that you were able to put the community's interests ahead of your personal loyalties? Another source of guidance may be your agency's own code of ethics, if it has one. Many cities



For More Information

For more resources designed to assist local officials in working through ethical dilemmas, visit the website for the Institute for Local Self Government at www.ilsg.org/trust.

and counties have adopted codes of ethics to serve as a guidepost in local decision-making.⁴

At some point in your service as a planning commissioner, you will likely face two common types of ethical dilemmas. The first involves situations in which doing the right thing will come at a significant personal cost to you or your public agency. In these situations, the answer is relatively simple. The bottom line is that being ethical means doing the right thing for the community regardless of personal costs.

The second type of ethical dilemma involves those situations in which there are two conflicting sets of "right" values. In these instances, drawing the ethical bottom line is more difficult. If you find yourself faced

⁴ For more information about codes of ethics, see *Developing a Local Agency Ethics Code: A Process-Oriented Guide*, published by the Institute for Local Self Government and available at www.ilsg.org.

with a “right versus right” decision, the following questions may help you come to an answer:

- Which ethical values are in conflict (for example, trustworthiness, compassion, loyalty, responsibility, fairness, or respect)?
- What are the facts? What are the benefits to be achieved or the harm to be avoided by a particular decision? Is there a decision that does more good than harm?
- What are your options? Is there a course of action that would be consistent with both sets of values?
- Is one course of action more consistent with a value that is particularly important to you (for example, promise-keeping or trustworthiness)?
- What decision best reflects your responsibility as an officeholder to serve the interests of the community as a whole?
- What decision will best promote public confidence in the planning commission and your leadership?

For example, as a planning commissioner, you will frequently be asked to make exceptions to your jurisdiction's planning laws. A developer may, for instance, ask for a general plan amendment to enable a project to be approved. The developer is likely to point to numerous benefits that will flow to the community as the result of the amendment.

In coming to a decision in such a situation, the first step is to consider what ethical values are at stake. One might be fairness to those property owners who developed their properties in accordance with the policies expressed in the general plan. Another might be compassion for the developer seeking the amendment: if it is not economically feasible to develop the property as envisioned by the general plan, perhaps an amendment is in order.

The next step is to weigh the competing costs and benefits. Although the developer has identified the benefits to the community associated with approving the amendment, what are the benefits of adhering to the general plan? Will an amendment in this situation open the door for other amendment requests? How might the

planning commission fairly evaluate those requests while still maintaining the overall integrity of the general plan? Are there options that might enable the community to reap some of the benefits described by the developer while still being consistent with the general plan as written?

Finally, consider which approach will best promote the public's confidence in the planning process. Will the public's confidence be undermined if the commission doesn't enforce the plan? Or will denying the amendment look so rigid and unfair to the applicant that it will undermine the public's faith in the planning commission as a decision-making body? What decision will best support the commission's stewardship of the community's growth and development?

The answers to the questions listed above will vary with each situation and likely will not always be clear-cut or obvious. However, asking difficult questions and thoroughly evaluating the answers can go a long way in helping you make consistently ethical decisions that further the public's interests.

ETHICS LAWS

California law promotes ethics in two ways: by requiring public disclosure and by prohibiting certain actions. The financial statements that you (and many public officials) must file with the Fair Political Practices Commission (FPPC) are an example of disclosure. In essence, the law allows the public to scrutinize the relationships between your personal finances and public decision-making. Disclosure laws allow the public (typically with the assistance of the media) to assess whether there may be too close of a relationship between your economic interests and the decisions you make as a public official.

In other instances, the law goes a step further and *prohibits* certain actions. For example, an official must disqualify him or herself from participating in a decision that will affect his or her financial interests. *This does not necessarily mean the disqualified official has done anything illegal or corrupt.* It simply means that the public's interests are better served by removing any question as to the official's decision-making motivations.

Public Service Values for Commissioners

Fairness

- I review applications and make other decisions based on the merits of the issues.
- I honor the law's and the public's expectation that the general plan and other planning policies will govern development decisions in our jurisdiction.
- I support the public's right to know and promote meaningful public involvement.
- I am impartial and do not favor developers or others who are in a position to help me.
- I promote equality and treat all people, projects, and perspectives equitably.

Compassion

- I recognize government's responsibilities to society's less fortunate.
- I consider exceptions to planning policies when there are unintended consequences or undue burdens.
- I realize that some people are intimidated by the public process and try to make their interactions as stress-free as possible.
- I convey the agency's care for and commitment to its community members.
- I am attuned to and care about the needs of the public, officials, and staff.

Respect for Others

- I treat fellow officials, staff, and the public with courtesy, even when we disagree.
- I focus on the merits in discussions, not personalities, character, or motivations.
- I gain value from diverse opinions and build consensus.
- I follow through on commitments, keep others informed, and make timely responses.
- I am approachable and open-minded and I convey this to others.
- I listen carefully and ask questions that add value to discussions.
- I am engaged and responsive.
- I involve staff in all meetings that affect agency business.

Responsibility

- I come to meetings prepared.
- I do not disclose confidential information without proper legal authorization.
- I represent the official positions of the agency to the best of my ability when authorized to do so.
- I explicitly state that my personal opinions do not represent the agency's position and do not allow the inference that they do.
- I refrain from any action that might appear to compromise my independent judgment.
- I take responsibility for my own actions, even when it is uncomfortable to do so.
- I do not use information that I acquire in my public capacity for personal advantage.
- I do not represent third parties' interests before my agency or neighboring agencies.

Integrity

- I am truthful with my fellow commissioners, the public, and others.
- I do not promise that which I have reason to believe is unrealistic.
- I am prepared to make unpopular decisions to further the public's interest.
- I credit others' contributions in moving our community's interests forward.
- I do not knowingly use false or inaccurate information to support my position.
- I excuse myself from decisions when my or my family's financial interests may be affected by my agency's actions.
- I disclose suspected instances of corruption to the appropriate authorities.

Public Trust

- I remember that my obligation as a public official is to serve the whole community.
- I make sound planning decisions that implement the policies expressed in the general plan.
- I consider the interests of the entire community in reaching my decisions.
- I give full considerations to all aspects of a project, including protection of the environment and the need for affordable housing.
- I promote the efficient use of the agency's resources.
- I balance the fiscal impacts of a project with the agency's social and planning goals.

Vision

- I work to assure that the vision expressed in the general plan is one that works to improve the quality of life in my community.
- I am proactive and innovative when setting goals and considering proposals.
- I maintain consistent standards but am sensitive to the need for compromise, thinking outside the box, and improving existing paradigms.
- I promote intelligent innovation to forward the agency's policies and services.
- I consider the broader regional and statewide implications of the agency's decisions and issues.

California's ethics laws fall into three general categories: (1) those involving possible financial gain by you as an officeholder, (2) those involving the use of your office for personal advantages and perks, and (3) those involving situations in which your ability to conduct a fair and impartial process might be questioned. Each of these relates back to the overarching goal of assuring the public that governmental decisions are made based on what best serves the public's interests.

Financial Gain

The notion behind financial gain laws is that the public has a right to know about a public official's financial situation and that officeholders should not even *appear* to be influenced by the effect of their decisions on their personal finances. Financial gain laws include:

- **Financial Interests—Disclosure and Disqualification Issues.** Public officials must periodically disclose their financial interests—such as interests in real property,

investments, business positions, and sources of income and gifts—to the public.⁵ This disclosure is made on a form called “Statement of Economic Interests,” also known as “Form 700.” A public official cannot make or attempt to influence a governmental decision if it is reasonably foreseeable that the decision could have a “material financial effect” on his or her financial interests.⁶ The FPPC has developed a series of questions (known as the “eight-step process”) to determine whether an official must be disqualified from participating in a decision. If you are worried that an upcoming decision will have an effect—positive or negative—on one or more of your financial interests, talk with your agency's attorney (not planning staff) as soon as possible.

- **Interests in Contracts Prohibited.** A public official may not have a financial interest in any contract made by the board or body of which the official is a member.⁷ The law is very strict on this point. Such

THE STATE POLITICAL REFORM ACT: KEY THINGS TO KNOW

- California's disclosure and disqualification requirements are administered by the Fair Political Practices Commission (FPPC), which gives both informal and formal advice on the application of these requirements. Check out the FPPC's website (www.fppc.ca.gov) for contact information, as well as for other useful information relating to the FPPC's administration of the Political Reform Act.
- For purposes of disqualification, key areas of financial interest of concern to the FPPC include business entities in which an official has an investment of \$2,000 or more; real property in which an official has an interest of \$2,000 or more; sources of income of \$500 or more within the preceding year; business entities in which the official is a director, officer, partner, trustee, employee, or manager; and anyone from whom the official has received gifts of \$340 or more in the preceding year.
- When in doubt, the FPPC will usually err on the side of disclosure and disqualification.
- The city attorney's or county counsel's advice will not immunize an official from prosecution for violating disclosure and disqualification requirements. However, it is nonetheless wise to consult agency counsel as soon as you suspect that you may have an issue under the Political Reform Act.
- Violations of the Political Reform Act are subject to civil and criminal penalties, depending on the severity of the offense. For example, knowing and willful violation of the act is a misdemeanor and subjects the violator to a fine of the greater of \$10,000 or three times the amount not reported.⁸
- For information on how to disqualify yourself, see Section 2, page 14.

⁵ See Cal. Gov't Code §§ 87200 and following.

⁶ See Cal. Gov't Code §§ 87100 and following.

⁷ Cal. Gov't Code § 1090.

⁸ Cal. Gov't Code § 91000(b).

contracts are void.⁹ Under most circumstances, the prohibition cannot be avoided by disqualifying oneself from participating in the decision on the contract. Again, consult with your agency's attorney immediately if there is a contract before the commission in which you may have an interest.

- **Bribery.** Requesting, receiving, or agreeing to receive anything of value in exchange for an official action is a crime. In addition to criminal penalties, an individual convicted of bribery forfeits his or her office and is disqualified from holding public office in the future.¹⁰

Personal Advantages and Perks

The law strictly limits the degree to which an officeholder can receive benefits relating (or appearing to relate) to his or her status as an officeholder:

- **Gifts.** With certain exceptions, a public official must disclose most gifts over \$50 on his or her Statement of Economic Interests and may not receive gifts from any one source that totals over \$340 in a single year.¹¹ Gifts include meals, certain kinds of travel payments, and rebates or discounts to public officials not offered to others in the usual course of business.¹² The law is particularly strict about free transportation passes (not including frequent flier awards offered to everyone); acceptance of such passes results in immediate loss of office.¹³
- **Speaking Fees or Honoraria.** Public officials may not receive payments for giving a speech, writing an article, or attending a conference or meeting. Limited exceptions apply. Free conference admission, lodging, and meals provided directly in connection with speeches within California, for example, are not considered prohibited honoraria and need not be reported.¹⁴
- **Use of Public Resources.** It is a felony to misuse public funds, which can include such things as submitting inaccurate or inflated expense reports from traveling on agency business. Public resources (including staff time and office supplies) may not be used for either personal or political purposes.¹⁵



For More Information

Institute for Local Self Government, *A Local Official's Guide to Ethics Laws (2002)*, available at www.ilsg.org.

California Attorney General's Office, *Conflicts of Interests (1998)*, available at www.caag.state.ca.us/publications/conflict/conflict.pdf.

Fair Political Practices Commission booklets, available at www.fppc.ca.gov or through the toll-free advice line (866-ASK-FPPC).

- **Common Law Bias from Personal Interests.** A strong personal interest in a decision can be the basis for a finding of what is known as "common law bias." Common law bias is sufficient to disqualify a public official from participating in a decision, particularly if the official is sitting in a quasi-judicial capacity (see page 20). For example, one court found a council member biased on a proposed addition to a home in his neighborhood because the addition would block the council member's view of the ocean.¹⁶

Fairness and Impartiality

Officeholders should make decisions in a fair and impartial manner. Key laws that planning commissioners need to be aware of include:

- **Campaign Contributions.** Commissioners who are running for office must disqualify themselves from entitlement proceedings—such as land use permits—if they received campaign contributions of more than \$250 during the previous twelve months from the applicant. Moreover, candidates may not receive or solicit contributions of more than \$250 from any applicant while the application is pending and for three months afterward.¹⁷

⁹ Cal. Gov't Code § 1092.

¹⁰ Cal. Penal Code §§ 68, 98.

¹¹ Cal. Gov't Code §§ 87200, 87207; 2 Cal. Code of Regs. § 18940.2 (\$340 amount valid through 2004).

¹² Cal. Gov't Code § 82028(a).

¹³ Cal. Const. art. XII, § 7.

¹⁴ Cal. Gov't Code §§ 89501, 89502; 2 Cal. Code of Regs. § 18950.3.

¹⁵ Cal. Penal Code § 424. See, e.g., *People v. Battin*, 77 Cal. App. 3d 635 (1978).

¹⁶ See *Clark v. City of Hermosa Beach*, 48 Cal. App. 4th 1152 (1996).

¹⁷ Cal. Gov't Code § 84308.

RECIPE FOR AN EFFECTIVE PLANNING COMMISSION²¹

- **Focus on the Big Picture.** Focus on the big picture before you; avoid being distracted by personalities, groups, or issues that do not have anything to do with the merits of the present agenda item.
- **Meeting Procedures.** Established rules and procedures keep meetings on track. The chairperson and staff should have defined responsibilities. In addition, rules for testimony should be clear and widely available at all meetings.
- **Follow the Law.** Keep legal requirements in mind. When in doubt, ask legal counsel for advice. Before approving an application, you should be able to answer the following questions in the affirmative: Is the proposal consistent with the general plan? Does it meet all applicable zoning and subdivision requirements? Are the environmental impacts reduced or eliminated by the conditions of approval, or are there overriding considerations? Is the commission's decision supported by findings of fact based on substantial evidence in the record?
- **Stay Informed.** Prior to the hearing, commissioners should have read the agenda packet and supplemental reports. It is also a good idea to review the portions of the general plan and the zoning ordinance that are relevant to each agenda item.
- **Open Communication.** Each commissioner shares responsibility for the free flow of ideas and discussion among everyone present at a meeting, including applicants, staff, members of the public, and the commissioners themselves. Be objective, listen, and ask questions.
- **An Efficient Pace.** The chair should recognize when testimony must be closed for deliberations. Commissioners should hold their motions until the discussion has concluded. Both the chair and the other commissioners should know whether to continue a hearing or to make a decision.
- **Effective Leadership.** An effective chairperson assists the flow of ideas and helps keep the proceedings on track.

- **Effect of Decisions on Family Members' Financial Interests.** A public official must disqualify him or herself from participating in a decision that would reasonably have a foreseeable material financial effect on a member of his or her immediate family (spouse and dependent children).¹⁸
- **Party or Factual Bias.** A strong personal animosity towards a project applicant or the receipt of information about a project may constitute a disqualifying source of bias when a planning commission is sitting in a quasi-judicial capacity.¹⁹ This is a variation of the "ex parte communications" doctrine, which suggests that, in quasi-judicial matters, all communications to you about the merits (or demerits) of the proposed use should occur in the course of a public hearing (see page x).

- **Dual Officeholding.** State law prohibits public officials from holding multiple offices at the same time that subject them to conflicting loyalties.²⁰ Check with your agency counsel if you are worried that this prohibition may apply to an office you are seeking.

In addition to these state ethics requirements, cities and counties may have local restrictions and requirements.

WORKING WITH FELLOW COMMISSIONERS

Good working relationships within the planning commission, as well as with planning and other staff, the city council or board of supervisors, other boards and commissions, applicants, consultants, and the public, are critical in order for planning functions to be effective and efficient. Positive working relationships are based on

¹⁸ Cal. Gov't Code §§ 82029, 87103.

¹⁹ See *Breakzone Billiards v. City of Torrance*, 81 Cal. App. 4th 1205, 1234 n.23 (2000).

²⁰ See Cal. Gov't Code § 1126.

²¹ Adapted from Governor's Office of Planning and Research, *The Planning Commissioner's Book*, (revised May 1998); http://ceres.ca.gov/planning/plan_comm/.

mutual understanding of the role of each group, including:

- Clear expectations about how each group will relate to the other, as defined by adopted procedures
- A common set of goals, as reflected in the general plan and other adopted planning documents
- A willingness to solve problems by listening to others, considering alternatives, and arriving at a consensus
- An ability to communicate directly and clearly with others

WORKING WITH STAFF

A good working relationship with staff will significantly improve your effectiveness as a planning commissioner. A planning department staff member will always be present at commission meetings. Other attendees may include representatives from your jurisdiction's attorney's office and public works department.

Planning staff advises the commission on local agency plans, ordinances, and policies. In addition, they provide background information and research, prepare plans and reports, make recommendations, and answer technical questions on development proposals under the

commission's consideration. Other staff responsibilities include:

- Orienting new commissioners
- Noticing meetings
- Responding to requests for information in a timely and professional manner
- Delivering agenda packets in time for adequate review
- Highlighting key issues, data, and criteria in staff reports and presentations
- Anticipating the type of information that will be needed for a decision
- Being accessible and keeping all commissioners equally informed
- Reviewing applications for completeness
- Acting in a fair, ethical, and consistent manner

Members of the planning staff can be a tremendous resource for you. Most will have received at least some training in geography, landscape design, urban and rural planning, economics, law, and statistics. In addition to their other duties, staff are responsible for staying current on new trends, technologies, and regulations in the planning and development field. They can use this

TIPS FOR DEVELOPING AND MAINTAINING GOOD STAFF RELATIONS

A good staff-commission relationship is built on mutual trust and respect. Here are some ways to achieve that:

- Come to meetings having reviewed the materials prepared by staff.
- Ask questions of staff in advance and alert them to concerns you intend to raise during the meeting.
- If you disagree with a staff recommendation, state specific reasons for your decision. This will help staff to draft findings in support of your decision. Simply stating "I do not like the project" is not enough.
- Clearly communicate to staff what the commission needs in order to make well-informed decisions. If material is not being presented in an understandable way, work with staff to make changes.
- Treat staff with respect.
- Do not assume that staff is wrong and a critic is right.
- Compliment staff when and where appropriate.

information to assist the planning commission in developing creative solutions to local problems.

Consultants

Local agencies face serious restrictions on staff expansion, while the demand for public planning continues to increase. Consultants are often used to address temporary staffing needs, such as:

- Complete studies requiring special skills
- Provide additional support on an as-needed basis
- Prepare studies and analyses required by environmental laws
- Assist on large projects, such as a general plan update

The commission should consider consultants as extensions of regular staff.

WORKING WITH THE GOVERNING BODY

One not so obvious ongoing relationship to take into account is the relationship between the planning commission and the governing body (city council or board of supervisors). In most cases, individual commissioners serve at the pleasure of one or more members of the governing body and therefore should consider the views of the governing body in making their decisions.

The planning commission-governing body relationship can become strained (at least from the commission's perspective) if the governing body repeatedly overturns planning commission decisions. In such cases, you may feel that the governing body did not look at the land use issues as closely as the commission. One thing to keep in mind, however, is that the governing body must also contend with political pressures that are not always felt by the appointed commission.

Here are some ideas on how to promote a good ongoing relationship between the planning commission and the governing body:



Who Does What in the Project Review Process?

PLANNING STAFF

- Identifies relevant local regulations for project applications
- Works with applicants to make a project work
- Works with other departments and agencies, such as the engineering department or the regional air board, to incorporate comments and technical recommendations into a project
- Ensures that procedures are being followed
- Prepares a professional analysis and recommendation
- Monitors project implementation
- Holds consensus-building meetings on controversial projects

AGENCY COUNSEL

- Answers legal questions
- Does not give policy direction or advice
- Advises on relevant legal considerations, both in terms of process (for example, notice requirements) and substance

PLANNING COMMISSION

- Balances staff analysis, including agency goals and policies, with community input
- Renders a decision based on findings of fact when acting in a quasi-judicial capacity
- Makes recommendations to the governing body on policy matters when acting in a legislative capacity
- Evaluates land use aspects of projects and leaves more technical issues for staff review and implementation (commissioners should trust staff to implement their general directions)

GOVERNING BODY

- Balances staff analysis, planning commission decisions, and agency goals

- Make adequate findings to insure that the reasons for your actions are clear
- Ask for clarification of the governing body's policies or actions if they are unclear
- Include in planning commission minutes any questions or points of view that are not obvious in your decisions and findings
- Send a planning commission representative to meetings of the governing body to discuss difficult decisions
- Request an annual joint work session to discuss priorities, communication and other pressing issues
- Do not rely solely on staff to convey your message, either to the public or to the appropriate elected officials
- Do an annual self-evaluation and follow through with any needed changes in how the commission does business

Keep in mind that elected officials must answer to the voters. You may find it helpful to be familiar with the policy perspectives of the members of the governing body, particularly as they relate to land use policies and programs. (For example, are they “slow growth” or “pro-growth”?) Casting individual commission decisions in ways that address issues of concern to individual members of the governing body (if not conforming to them) reduces the likelihood that a commission decision will be overturned on appeal.

WORKING WITH THE MEDIA

The media can be a commissioner's best friend—or worst enemy. Developing a good relationship with the local media is an important—and often underrated—element of working in local government. Most members of the public will learn about local land use decisions through local newspapers, radio, and television. Because of this, it is important to engage reporters to make sure that the local agency's side of the story gets told.

One of the keys in working with the media is to retain your credibility. Here are some tips for retaining your credibility:

- Share information when you can and be as transparent as possible.
- Return phone calls promptly (respect reporter deadlines). Leaving questions unanswered invites errors and unintentional bias.
- Never say “no comment;” this always sounds evasive.
- One of the most respected comments is “I don't know. I'll get back to you.” Be sure to get back with the information.
- Remember that there is no such thing as “off the record.” If you don't want a comment to end up in the press, don't make it.

It can be beneficial to establish ongoing relationships or an open-door policy with media representatives, but always be careful to keep your comments concise and on point. Often the media is just looking for a quote from the commission, not necessarily all the relevant facts. Staff may be able to provide reporters with more specific facts or details.

Getting Your Message Out

Another good tip for dealing with the media is to identify and repeat a single message. If you think about it, most people are only quoted once or twice in an article. What is it that you want that quote to be? (See *Media Messages for Local Government* on the next page) If you stick to your message and keep repeating



For More Information

Delivering the Message (2000). California Association of Public Information Officials. Available at www.capio.org

it, it is more likely that the reporter will use that quote. The more you ramble, the greater the risk is that you will get off message and that the reporter might pull something out of context that you might not like to see in print.

In addition, focus on substance, not procedures. Most people find procedural and legal details boring. Jargon should be avoided at all costs. Instead, use everyday language. Why say “we gave it a negative declaration”

when you can say “we’ve decided it won’t significantly affect the environment”?

An excellent resource in working with the media is your jurisdiction’s public information officer. This person can alert the media to favorable stories. If you never call reporters in advance, then all they will cover are meetings, not all of which go smoothly. Contrary to popular perception, good news goes in the paper too. It is more likely that your message will stick when the story matches the message.

MEDIA MESSAGES FOR LOCAL GOVERNMENT

Journalists often build stories around people to explain an issue in human terms. Often, land use stories are about an agency’s action in response to public concerns. Emphasizing the benefits of this responsiveness as it impacts individuals puts the story into a framework with which readers can relate. Here are some talking points that address common land use decisions from the local agency perspective:

- **Good Planning Maximizes Property Values.** Planning maximizes property values by insuring that development occurs in a way that is compatible with the surrounding community and the environment. Often, when property owners complain that a particular action devalues their property, they are forgetting that the underlying value of their property is already higher due to nearby public investments in roads, sewers, infrastructure, and good planning in general.
- **What Is the Impact to the Average Person?** Describe the positive or negative implications of decisions in terms of what they mean for the general public. How does planning promote a better community?
- **Balancing Act.** Local officials must strike a fair balance between individual preferences and the interest of the whole community. What is at stake in most planning decisions is the ability of public agencies to solve problems and respond to the public’s concerns.
- **Quality of Life.** Effective planning promotes important quality of life issues, including a sense of place and connectedness. Developing a sense of community helps draw people together and makes communities better places to live and raise families.
- **Economic Prosperity.** Quality of life and adequate infrastructure issues are often key factors when a business is deciding where to locate.
- **Fairness.** Public agencies seek solutions that achieve fairness and justice, not only for individual landowners but also for the community as a whole.