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AGENDA
KERMAN PLANNING COMMISSION
REGULAR MEETING
Kerman City Hall
Monday, May 2, 2016
6:30 PM

AGENDA PACKET AVAILABLE FOR
REVIEW 72 HOURS PRIOR TO
THE PLANNING COMMISSION
MEETING AT THE PLANNING DEPT.
AND ON THE CITY WEBSITE
ITEMS RECEIVED AT THE
MEETING WILL BE AVAILABLE
FOR REVIEW AT THE CITY
PLANNING OFFICE

Chairman Robert Epperson, Vice-Chairman Kevin Nehring
Commissioners Robert Bandy, Charlie Jones, Leopoldo Espino, Mario Nunez, Katie Wettlaufer

ALL MEETING ATTENDEES ARE ADVISED THAT ALL PAGERS, CELLULAR TELEPHONES AND ANY OTHER COMMUNICATION
DEVICES SHOULD BE POWERED OFF UPON ENTERING THE COUNCIL CHAMBERS,
AS THESE DEVICES INTERFERE WITH OUR AUDIO EQUIPMENT.

OPENING CEREMONIES

Call to Order – Chairman, Robert D. Epperson

Roll Call – Secretary, Olivia Pimentel

Pledge of Allegiance

AGENDA APPROVAL/ADDITIONS/DELETIONS

1. PRESENTATIONS – None Offered

REQUEST TO ADDRESS THE COMMISSION

This portion of the meeting is reserved for members of the public to address the Commission on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the Commission. Speakers shall be limited to (3) three minutes. It is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Commission on items on the Agenda should notify the Chairman when that Agenda item is called, and the Chairman will recognize your discussion at that time. It should be noted that the Commission is prohibited by law from taking any action on matters discussed that are not on the Agenda. Speakers are asked to please use the microphone, and provide their name and address.

2. APPROVAL OF MINUTES

A. April 11, 2016

3. PUBLIC HEARING

- A. Subject: Public Hearing to Initiate Zone Ordinance Amendment 16-03, to the Kerman Municipal Code Title 17, Chapters 17.40 Single Family and Chapter 17.42 Multi-Family Residential Zone Districts to Add Cottage Food Operations to Permitted Uses in the Single Family and Multi-Family Residential Zone Districts in compliance with California AB 1616.

Recommendation: Staff recommends the Planning Commission receive staff's report, open the public hearing, take public comments, close public hearing and recommend the City Council Initiate Zone Ordinance Amendment 16-03, to the Kerman Municipal Code Title 17, Chapters 17.40 Single Family and Chapter 17.42 Multi-Family Residential Zone Districts to Add Cottage Food Operations to Permitted Uses in the Single Family and Multi-Family Residential Zone Districts in compliance with California AB 1616

- B. Subject: Public Hearing for Gateway Villas – 61 Unit, Income Qualified, Apartment Complex
General Plan Amendment No. 16-02
Zone Change Amendment No. 16-01
Mitigated Negative Declaration 16-02
Conditional Use Permit No. 16-02

Recommendation: Staff recommends the Planning Commission receive staff's report, open the public hearing, take public comments, close the public hearing and recommend the City Council initiate and adopt the actions listed below, for Gateway Villas – 61 Unit, Income Qualified, Apartment Complex, on property located on the southeast corner of State Route 180 / Whitesbridge Avenue and Siskiyou Avenue.
General Plan Amendment No. 16-02
Zone Change Amendment No. 16-01
Mitigated Negative Declaration 16-02
Conditional Use Permit No. 16-02

4. PETITIONS/RESOLUTIONS - None

5. ADMINISTRATIVE REPORTS - None

COMMUNICATIONS

ADJOURNMENT

In compliance with the American with Disabilities Act (ADA), if you need special assistance to participate at this meeting, please contact the City Clerk at (559) 846-9380. Notification of 48 hours prior to the meeting will enable the City Clerk to make reasonable arrangement to ensure accessibility to this meeting. Pursuant to the ADA, the meeting room is accessible to the physically handicapped.

AGENDA POSTING CERTIFICATION

I, OLIVIA G. PIMENTEL, Planning Secretary for the City of Kerman, do hereby declare under penalty of perjury that I caused the above agenda to be posted at City of Kerman Planning & Development office at 850 So. Madera Avenue, and at Kerman Community/Teen Center, 15100 Kearney Plaza, and emailed to interested parties on Thursday April 28, 2016 .

/s/ Olivia G. Pimentel
Secretary to the Planning Commission



MINUTES

KERMAN PLANNING COMMISSION

Regular Meeting Kerman City Hall 850 S. Madera Avenue Kerman

Monday, April 11, 2016, 6:30 PM

Chairman Robert Epperson, Vice-Chairman Kevin Nehring

Commissioners Robert Bandy, Charlie Jones, Leopoldo Espino, Mario Nunez, Katie Wettlaufer

OPENING CEREMONIES

Call to Order – Chairman, Robert D. Epperson called meeting to order at 6:35pm

Roll Call – Secretary, Olivia Pimentel

Commissioners Present: Bandy, Nehring, Epperson, Nunez, Wettlaufer, Espino, Jones

Commissioners Absent: None

Pledge of Allegiance: Performed

AGENDA APPROVAL/ADDITIONS/DELETIONS - Unanimously Approved as presented

1. **PRESENTATIONS** - None Offered

REQUEST TO ADDRESS THE COMMISSION - None Offered

2. **APPROVAL OF MINUTES**

A. March 14, 2016 minutes, C/Jones made a motion to approve as presented, second C/Nehring, unanimously approved as presented.

3. **PUBLIC HEARING** - None Offered

4. **PETITIONS/RESOLUTIONS**

A. Petition of Amendment filed by City Planner, An Amendment to the Text of the Zoning Ordinance, amending Title 17 of the Kerman Municipal Code: Section 17.40.020, R-1 Single Family Residential Districts, Permitted Uses; and Section 17.42.020 Multi-Family Residential District, Permitted Uses, to Add Food Cottage Operations as permitted use in the R-1 Single family Residential Zone Districts and the Multi-Family Residential Zone Districts. A Public Hearing before the Planning Commission be scheduled for May 2, 2016.

Commission was given a brief overview of the proposed Ordinance by the City Planner and by motion moved to set public hearing for May 2, 2016 to recommend that the City Council Initiate Zone Ordinance Amendment to the Text of the Zoning Ordinance, amending Title 17 of the Kerman Municipal Code: Section 17.40.020, R-1 Single Family Residential Districts, Permitted Uses; and Section 17.42.020 Multi-Family Residential District, Permitted Uses, to Add Food Cottage Operations as permitted use in the R-1 Single family Residential Zone Districts and the Multi-Family Residential Zone Districts.

- B. Petition of Amendment filed by City Planner, to the Zone Map rezoning property on the southeast corner of State Route 180/Whitesbridge and Siskiyou Avenue and set Public Hearing for May 2, 2016 for the Gateway Villa 61 Unit Apartments. Proposed use will require Mitigated Negative Declaration, General Plan Amendment and Conditional Use Permit for consideration.

Commission was provided a brief overview and summary of the proposed Rezone and other entitlements and by motion, moved to set public hearing for an May 2, 2016 to consider the following entitlements for the southeast corner of State Route 180/Whitesbridge and Siskiyou Avenue (Note Applicant is same developer of Hacienda Heights Apartments across the street from proposed project):

1. Rezone (No. 16-01) property from the Neighborhood Commercial zone district to the Multi-family (R3) zone district.
2. General Plan Amendment (No. 16-02) to reclassify property site from the Neighborhood Commercial density to the Multi-family (High Density) residential land use designation
3. Adopt a Mitigated Negative Declaration and;
4. Approve a Conditional Use Permit (No 16-02) for the 61 unit apartment complex. *A maximum of 40 units is allowed (unless a conditional use permit is approved)*

5. ADMINISTRATIVE REPORTS

- A. Commission Cancel Meeting of May 9, 2016

Commission by motion approved to move regular meeting to May 2, 2016 and cancel the regular meeting of May 9, 2016..

COMMUNICATIONS

- A. Informational: Oriental Massage Business filed an appeal relating to Conditional Use Permit - scheduled for City Council April 20, 2016. Informational Only.

ADJOURNMENT



/s/ Olivia G. Pimentel
Secretary to the Planning Commission



City of Kerman

"Community Comes First"

CHAIRPERSON VICE CHAIR
Robert Epperson Kevin Nehring

COMMISSIONERS:
Robert Bandy Leopoldo Espino Charile Jones
Mario Nunez Katie Wettlaufer

PLANNING DEPARTMENT
STAFF REPORT
PLANNING COMMISSION MEETING
MEETING DATE: MAY 2, 2016

To: Kerman Planning Commission
From: Olivia Pimentel, Planning Technician, Dave Brletic, Planning Consultant
Subject: Planning Commission Recommending Initiate Zone Ordinance Amendment 16-03, to the Kerman Municipal Code Title 17, Chapters 17.40 Single Family and Chapter 17.42 Multi-Family Residential Zone Districts to Add Cottage Food Operations to Permitted Uses in the Single Family and Multi-Family Residential Zone Districts in compliance with California AB 1616.

RECOMMENDATION:

Staff recommendation is for the Planning Commission to receive staff's report, open the public hearing, receive any public comments, close the public hearing and approve the attached Planning Commission resolution recommending that the City Council initiate Zone Ordinance Amendment 16-03 to the Kerman Municipal Code Title 17, Chapter 17.40 Single Family and Chapter 17.42 Multi-Family Residential Zone Districts to Add Cottage Food Operations to Permitted Uses in the Single Family and Multi-Family Residential Zone Districts in compliance with California AB 1616.

EXECUTIVE SUMMARY:

In recent years, there has been a significant rise in the number of home-based food businesses across the country, as both professional and amateur chefs have begun churning out a wide variety of homemade baked breads, jams, jellies, and food items. These micro-enterprises have found widespread support in state legislatures, as 33 states have passed laws allowing and regulating home-based food businesses, commonly known as, "Cottage Food Operations". California officially joined this list on January 1, 2013, when the California Homemade Food Act (AB 1616) became effective.

AB 1616 exempts cottage food operations from many of the regulations that apply to traditional food production. It also requires cities and counties to allow cottage food operations in private residences, but permits local ordinances that impose "reasonable" standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking, and noise control. Cottage food operations must register with county health departments, but, depending on the nature of the operation, are subject to only very limited inspections.

AB 1616 defines cottage food products as "nonpotentially hazardous food" prepared for sale in the private kitchen of a cottage food operator. Under this definition, meats, dairy products, or perishable items will not qualify as cottage foods. Cottage foods are those that do not require refrigeration to keep them safe or prevent bacterial growth.

Health and Safety Code section 114365.5(b) establishes the current list of approved cottage foods, which includes the following:

- Baked goods without cream, custard, or meat fillings, such as breads, biscuits, churros, cookies, pastries, and tortillas
- Candy, such as brittle and toffee
- Chocolate covered nonperishable foods, such as nuts and dried fruit
- Dried fruit
- Dried pasta
- Dry baking mixes
- Fruit pies, fruit empanadas, and fruit tamales
- Granola, cereals, and trail mixes
- Herb blends and mole paste
- Honey and sweet sorghum syrup
- Jams, jellies, preserves, and fruit butter that comply with the standard described in Part 150 of Title 21 of the Code of Federal Regulations
- Nut mixes and nut butters
- Popcorn
- Vinegar and mustard
- Roasted coffee and dried tea
- Waffle cones and pizelles

The State Public Health Officer may add to or delete from this list of cottage foods by posting notice of the proposed change on the California Department of Health's website. The public will have an opportunity to comment on any change before it becomes effective.

AB 1616 also establishes certain limits and requirements for cottage food operations:

- A cottage food operation may have one full-time equivalent employee, not including the operator's family or household members. (Health & Safety Code, §113758(a).)
- Cottage food operations may not have gross sales greater than \$35,000 in 2013, \$45,000 in 2014, and \$50,000 in 2015 and beyond. (Ibid.)
- Cottage food preparation may not occur in the home kitchen concurrent with other domestic activities, such as family meal preparation, dishwashing, kitchen cleaning, or guest entertainment. (Health & Safety Code §114365(a)(1)(A)(i).)
- There cannot be any infants, small children, or pets in the kitchen during cottage food preparation, packaging, or handling. (Health & Safety Code §114365(a)(1)(A)(ii).)
- The operator must keep all kitchen equipment and utensils clean and in good repair. (Health & Safety Code §114365(a)(1)(A)(iii).)
- Food contact surfaces, equipment, and utensils must be washed and sanitized before each use. (Health & Safety Code §114365(a)(1)(A)(iv).)
- Food preparation and food and equipment storage areas must be maintained free of rodents and insects. (Health & Safety Code §114365(a)(1)(A)(v).)
- Smoking is prohibited in the kitchen during food preparation and packaging. (Health & Safety Code §114365(a)(1)(A)(vi).)
- Individuals with contagious illnesses may not be in cottage food kitchens. (Health & Safety Code §114365.2(a).)
- All individuals involved in cottage food preparation must wash their hands before food preparation and packaging. (Health & Safety Code §114365.2(b).)
- All water used in the cottage food process must be potable water. (Health & Safety Code §114365.2(c).)

- Anyone who prepares or packages cottage food products must complete a food processor course provided by the Department of Health within three months of becoming registered. (Health & Safety Code §114365.2(d).)
- A cottage food operation must label all its products in compliance with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §343 et seq.). (Health & Safety Code §114365.2(e).)

County health departments are responsible for ensuring compliance with the foregoing food safety standards. Before starting a cottage food business, an operator must obtain approval from the county health department.

WHAT MAY CITIES DO?

Government Code Code §51035 provides in detail what a city may do. The following is a summary of Government Code §51035.

With regard to local zoning regulations, a city “shall not prohibit a cottage food operation ... in any residential dwellings.” (Govt. Code §51035(a)) Instead, cities and counties must do one of the following:

- (1) Classify a cottage food operation as a permitted use of residential property for zoning purposes; OR
- (2) Establish a “nondiscretionary permit” for residential cottage food operations that must be granted administratively without a hearing if the applicant “complies with local ordinances prescribing reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking, and noise control.” The applicable noise standards must be consistent with local noise ordinances implementing the noise element of the general plan; OR
- (3) Establish a process for a zoning administrator to review permit applications for cottage food operations. The “permit shall be granted if the cottage food operation complies with local ordinance, if any, prescribing reasonable standards, restrictions and requirements concerning the following factors: spacing and concentration, traffic control, parking, and noise control relating to those homes.” As with option (2), the applicable noise standards must be consistent with local noise ordinances implementing the noise element of the general plan (Govt. Code §51035(a) (1)—(3).)

In addition, Govt. Code §51035 provides:

- (1) that the commencement of a cottage food operation in a residence does not constitute a change of occupancy for purposes of either the State Housing Law or local building and fire codes that cottage food operations must be considered residences under applicable codes. Gov. Code §§51035(c), (d).)
- (2) that cottage food operations shall be considered residences for purpose of the State Uniform Building Standards Code and local building and fire codes.

A copy of Government Code §51035 is attached for your convenience.

Finally, cities can require operators to obtain local business licenses.

The proposed Ordinance would emplant Option (1) and add Cottage Food Operations to the permitted uses in all residential zone distrists and rely on County permit only. The City will require a business license and proof of approval by the health department.

PUBLIC HEARING:

Staff is requesting the Planning Commission open public hearing, receive any public comment, close public hearing and recommend City Council Amend Title 17 Chapter 17.40 Single Family and Chapter 17.42 Multi-Family Residential Zone Districts to Add Cottage Food Operations to Permitted Uses in the Single Family and Multi-Family Residential Zone Districts to comply with AB 1616 State mandated ordinance.

FISCAL IMPACT:

None anticipated, all cottage food operations will be required to obtain a City of Kerman business license and provide proof of Fresno County Health Department certification.

SCHEDULE & NEXT STEPS:

Following the Planning Commission public hearing and recommendation on May 2, 2016, staff will forward the Planning Commission's recommendation to the City Council.

- Attachments:
- A. Planning Commission Resolution No. 16-06.
 - B. Ordinance Amending Title 17, Chapter 17.40 Single Family and Chapter 17.42 Multi Family Residential Zone Districts to Add Food Cottage Operations to Permitted Uses in All Residential Zone Districts to comply with AB 1616 State mandated ordinance *of the Kerman Municipal Code.*

Attachment 'A'

RESOLUTION NO. 16-06

BEFORE THE PLANNING COMMISSION OF THE
CITY OF KERMAN, STATE OF CALIFORNIA

A RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL INITIATE ZONE ORDINANCE AMENDMENT (NO. 16-03) TO TITLE 17, CHAPTER 17.40 SINGLE FAMILY AND CHAPTER 17.42 MULTI-FAMILY RESIDENTIAL ZONE DISTRICTS TO ADD COTTAGE FOOD OPERATIONS TO PERMITTED USES IN THE SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL ZONE DISTRICTS IN COMPLIANCE WITH CALIFORNIA AB 1616.

WHEREAS, in compliance with Government Code § 51035 of the California Government code, the City of Kerman Planning Commission held a duly noticed public hearing on May 2, 2016 to consider recommending that the Kerman City Council Amend Title 17 Chapter 17.40 and 17.42 of the Kerman Municipal Code to add Cottage Food Operations to the permitted uses in Single-Family and Multi-Family residential zone districts; and,

WHEREAS, on April 11, 2016, a Petition of Amendment by City Planner was filed to Amend Title 17, Chapter 17.40 and 17.42, relating to adding Cottage Food Operations to the permitted uses in these residential zone districts in accordance with California Homemade Food Act (AB1616) adopted January 1, 2013 by state legislature; and,

WHEREAS, The Planning Commission set a public hearing for May 2, 2016 to consider recommending that to City Council to Amend Title 17, Chapter 17.40 Single Family and Chapter 17.42 Multi-family Residential zone districts to add Cottage Food Operations to the permitted uses in the Single-Family and Multi-Family residential zone districts; and,

WHEREAS, on May 2, 2016, the Kerman Planning Commission reviewed all the evidence, staff report analysis, associated revisions and determined that the revisions met the requirements with State Law and are consistent with adopted California Government Code of Regulations 51035; and,

WHEREAS, This amendment of the Zoning Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.), pursuant to State CEQA Regulation 15308. This Ordinance is covered by CEQA's Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption. California AB 161 requires regulation by local Health Department.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED based upon the evidence in the Staff Report, Public Testimony, and Project File, the Planning Commission recommends the City Council recognizes the appropriateness of Zone Ordinance Amendment 16-03, to amend Title 17, Chapters 17.40 and 17.42 to recommend the City Council add Cottage Food Operations to the permitted uses in all single family and multi-family residential zone districts based on the following findings:

1. The proposed amendment ensures and maintains internal consistency with General Plan land uses and objectives, policies, programs, and actions of all elements of the General Plan and would not create any inconsistencies.

2. The proposed amendment will not endanger, jeopardize or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working within the City of Kerman/County of Fresno.

The foregoing Resolution was adopted at a regular meeting of the Kerman Planning Commission held on this 2th day of May, 2016, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

Robert D. Epperson, Chairperson

Date

Olivia Pimentel, Secretary

Date

ATTACHMENT 'B'

ORDINANCE NO.16-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN AMENDING CHAPTERS 17.40 AND 17.42 OF TITLE 17 OF THE KERMAN MUNICIPAL CODE TO ADD COTTAGE FOOD OPERATIONS TO PERMITTED RESIDENTIAL USES IN THE SINGLE FAMILY AND MULTI-FAMILY ZONE DISTRICTS

THE CITY COUNCIL OF THE CITY OF KERMAN DOES ORDAIN AS FOLLOWS:

SECTION 1. Upon this ordinance becoming effective, Title 17 of the Kerman Municipal Code shall be amended to revise Chapter 17.40 and Chapter 17.42 read as follows:

Chapter 17.40.020, permitted uses;

Permitted uses in this district are as follows:

G. Cottage Food Operations (as regulated by State Law).

Chapter 17.40.020, permitted uses;

Permitted uses in this district are as follows;

J. Cottage Food Operations (as regulated by state law)

SECTION 2. Upon passage, this ordinance or a summary of the same shall be published within fifteen (15) days of passage, pursuant to the laws of the State of California, in the Kerman news, a newspaper of general circulation published and circulated in said City of Kerman. If a summary of the ordinance is published, the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted at City Hall at least five days prior to the meeting at which the ordinance is adopted and again after the meeting at which it is adopted. The ordinance shall become effective thirty days after its adoption.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Kerman on _____, and was passed and adopted at a regular meeting of the City Council of the City of Kerman on _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing ordinance is hereby approved:

Stephen B. Hill, Mayor

ATTEST:

Marci Reyes, City Clerk



CHAIRMAN VICE-CHAIRMAN
Robert Epperson Kevin Nehring

COMMISSIONERS
Robert Bandy Leopoldo Espino Charlie Jones
Mario Nunez Katie Wettlaufer

DEPARTMENT: PLANNING & DEVELOPMENT
STAFF REPORT
PLANNING COMMISSION MEETING
MEETING DATE: MAY 02, 2016

To: City of Kerman Planning Commission

From: Olivia Pimentel, Planning Technician, David Brletic, Planning Consultant

Subject: Gateway Villas – 61 Unit, Income Qualified, Apartment Complex
General Plan Amendment No. 16-02
Zone Change Amendment No. 16-01
Mitigated Negative Declaration 16-02
Conditional Use Permit No. 16-02

Recommendation

Staff recommends the Planning Commission receive staff's report, open the public hearing, take public comments, close the public hearing, and recommend the City Council initiate and adopt the actions listed below, for Gateway Villas – 61 Unit, Income Qualified, Apartment Complex, on property located on the southeast corner of State Route 180/ Whitesbridge Avenue and Siskiyou Avenue.

General Plan Amendment No. 16-02
Zone Change Amendment No. 16-01
Mitigated Negative Declaration 16-02
Conditional Use Permit No. 16-02

Executive Summary

Gateway Villas is a proposed sixty-one (61) unit, income qualified, apartment complex. The applicant is Willow Partners, LLC. The proposed project is an 4.38+ acre vacant parcel located at the southeast corner of State Route 180/Whitesbridge Avenue and Siskiyou Avenue.

The proposed sixty-one (61) unit income qualified apartment complex consists of one (1) manager's/office unit, thirty (30) two-bedroom /two bath units, and thirty (3) three-bedroom/two bath units. The sixty (60) rental units are two-story. The proposed project also includes a clubhouse, children's playground, pool, lanai, barbeque area, and laundry room. Development of the proposed project requires a General Plan Amendment, Zone Map Amendment, Conditional Use Permit, and Environmental Review.

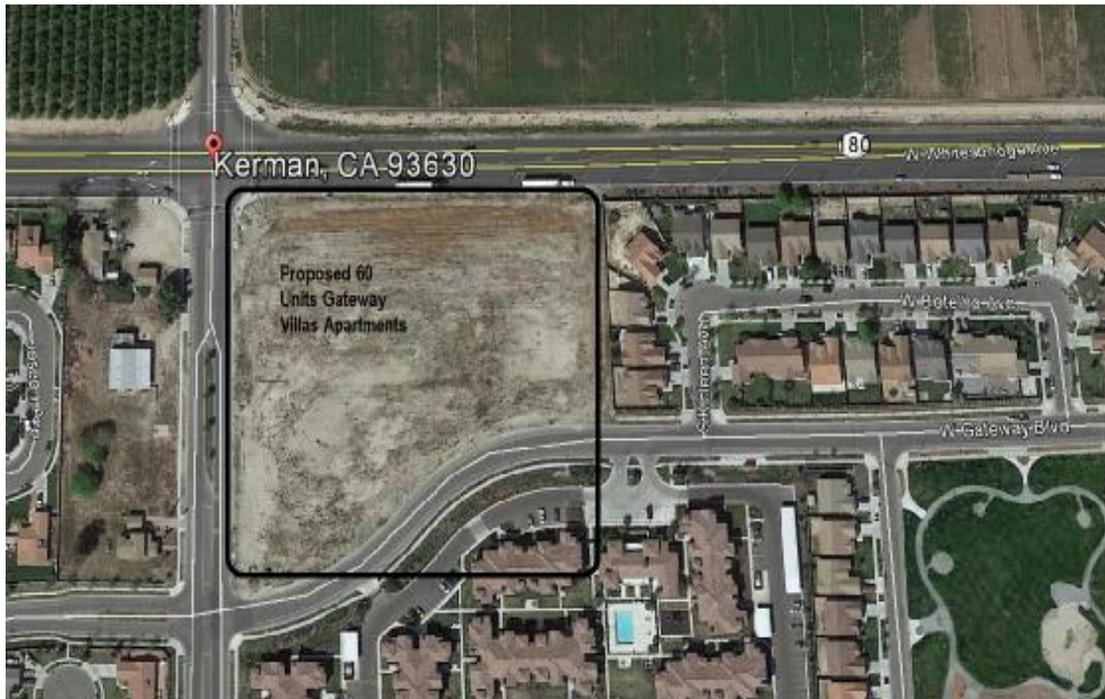
Amendments to the Zoning Ordinance or Zoning Map require approval of a petition by the City of Kerman Planning Commission. On April 11, 2016, the Planning Commission approved a petition of amendment filed by the City Planner to recommend the City Council initiate and adopt rezoning of the proposed project site.

In order for the proposed project to be economically feasible, the applicant will apply for state and federal tax credits to include in financing of the project. Acquisition of state and federal tax credits is necessary to facilitate restriction of the proposed units to income qualified tenants.

General Information

Site Location: The project site is located on the southeast side of State Route 180/Whitesbridge Avenue and Siskiyou Avenue (Assessor Parcel Number 023-700-04s), as shown in Figure 1 below.

**Figure 1
"Site Location"**



Existing Use: Vacant
 General Plan: Neighborhood Commercial (NC).
 Zoning: Neighborhood Commercial Zone District, (NC).
 Surrounding Uses & Zoning:

Location	General Plan Designation	Zone District	Existing Land Use
North	Fresno County/Agriculture	Ag	Agriculture
South	High Density Residential	SD-R-4.5	Multiple-Family Residential
East	Medium Density Residential	R-1-7	Single-Family Residential
West	Medium Density Residential	R-1-7	Single-Family Residential

General Plan Amendment

The subject site is currently designated Neighborhood Commercial (NC). The proposed General Plan Amendment requests a change from the current General Plan designation of Neighborhood Commercial (NC) to High Density Residential (HDR). The proposed General Plan Amendment is to accommodate the Gateway Villas, sixty-one (61) unit, income qualified, apartment project.

The existing Neighborhood Commercial (NC) site is vacant. The Neighborhood Commercial (NC) General Plan designation is intended to provide for commercial centers adjacent to or within residential neighborhoods. These commercial centers were intended to provide shopping and services for residents of the neighborhood which are typically needed on a weekly basis. Commercial retail and service tend to locate as close to existing commercial development where they anticipate experiencing increased traffic due to other commercial uses in close proximity. There has been no known interest in the site for commercial use. While the site has received no interest for commercial use, there is a demand for property designated High Density Residential (HDR). This is evidenced by the 2015-2023 Housing Element that determined the City of Kerman is deficient (approximately eight acres) in property designated High Density Residential (HDR).

The 2027 General Plan includes policy recommendations related to the various physical development aspects of the community. These are supported by a set of goals and objectives. The Planning Commission shall refer to the General Plan when making a decision regarding this particular request. Below is an excerpt from the plan that is germane to this conditional use permit request:

Kerman General Plan Land Use Policies for Multi-Family Development:

Policy 1: Multi-family development shall be well-designed, well-maintained, and properly sited.

Actions:

- a. New multi-family development with ten units or more shall be located where two arterial or collector streets intersect (except when the project is designated as in-fill).*
- b. The number of multi-family units on any given site shall be limited to 40 units (except with a conditional use permit).*

Zone Change Amendment

The proposed Zone Change is contingent upon approval of the proposed General Plan Amendment.

As with the Neighborhood Commercial General Plan designation, the Neighborhood Commercial (NC) zone district is intended to provide commercial goods and services to residents in close proximity to the district. The site has received no interest for commercial use and the applicant is requesting to change the zone designation to R-3, Multiple-Family Residential to accommodate a proposed sixty-one (61) unit income qualified apartment project. The 2015-2023 Housing Element has determined the City of Kerman is deficient (approximately eight acres) in property zoned for multiple-family residential use.

The proposed R-3, Multiple-Family Residential zone designation would be consistent with the proposed High Density Residential (HDR) General Plan designation.

Conditional Use Permit

The proposed Conditional Use Permit is contingent upon approval of the proposed General Plan Amendment and Zone Change.

The subject site is a vacant infill lot that is bounded by two fully developed roadways and existing single-family residential developments (see photographs in Attachment A). The proposed project includes 30 two-story apartment buildings and 1 single-story buildings (clubhouse and manager's unit) along with a fenced pool and lanai, playground and barbecue area. The proposed buildings are clustered in the center and at the south and east end of the property with parking and driveways around the perimeter. There are two vehicular access points proposed on Gateway Boulevard. Pedestrian access and paths are to be found throughout the complex, around each building and along the driveways. The preliminary landscape plan shows extensive planting throughout the site.

The perimeter of the complex will be served with an existing seven-foot masonry wall along the east and proposed seven-foot masonry wall along north property lines buffering State Route 180/Whitesbridge. Along the south and west property lines a six-foot wrought iron fence is to be constructed with automatic gates to provide added security and limit access to tenants and authorized guests. Signage is proposed in the median at the main entrance and will require a separate permit process.

Unity Density and Lot Coverage

The maximum unit density allowed in the R3 Multi-Family zoning district is 40 units per acre or one unit per two thousand three hundred square feet of area. The subject site contains a lot area of 4.34 acres (189,051 square feet), which would allow a density of up to a maximum of 82 dwelling units. The applicant is proposing (61) sixty one units (including the manager's unit) on the subject or 14.05 units per acre which is consistent with the unit density for the zone district.

The lot coverage in the R-3 Multiple-Family zone district shall not exceed fifty percent of the area or 94,525 square feet for the subject site based on a total lot area of 189,051 square feet (4.34 acres). The total ground floor building coverage is 54,593 or 29 percent overall lot coverage (apartment buildings, clubhouse, maintenance room and carports) which is consistent with maximum lot coverage for the district.

Site Plan Layout

The proposed site plan was reviewed by Planning Department staff and by the site plan review committee. The site plan review evaluated the site layout, including but not limited to: internal circulation, ingress and egress to the site, parking, public infrastructure and services, and fire related concerns. These issues are addressed in this report and specific recommendations are included in the conditions of approval for the project.

Generally, the site plan layout shows the two-story apartment buildings clustered in the center of the lot with a single-story community building fronting Gateway Boulevard and a two-story manager's unit attached by a covered walkway (Attachment C). The clubhouse includes a community room, computer room, kitchen and restrooms. The manager's unit is a two bedroom unit with an attached office having

a separate entrance. Parking spaces are situated mostly on the west side and to the rear of the property. There is one primary and one secondary driveway to the site from Gateway Boulevard. Open space is provided throughout the site and a playground is proposed north of the community building and pool area. In addition, a landscape mound is shown along the frontage facing Gateway Boulevard and Siskiyou Avenue to soften the view from the street.

A decorative wrought iron fence with pilaster is also proposed fronting on Gateway Boulevard and Siskiyou Avenue. The two entrances will have automatic gates for tenant use and authorized guests will have access to the complex. The applicant will be required to provide a decorative cap on the existing block fence to the east of the property as well as provide stucco texture and/or paint to match the color scheme of the project.

Architecture

The elevations reflect the Architecture of the existing Hacienda Heights south of the proposed project site. The Gateway Villas Apartments site plans show a Mediterranean/Spanish style architecture with low pitched tile roofs, arched doors and windows, stucco siding, private balconies with wrought iron guardrails, stone veneer on the clubhouse/manager's unit, and decorative iron trim (refer to colored renderings in Bldg. Type 1 Attachment). The architectural elements provide for an attractive and well-designed project that is compatible with the surrounding neighborhood. The proposed color scheme provides soft, earth tone colors consistent with the architecture of the building. Overall, the exterior elevations provide sufficient articulation on all sides of the building, providing high-quality aesthetics.

Floor Plans

The project is proposing 30 two-bedroom, two bath 899 sq.ft. units ("A"), 20 three-bedroom, two bath 1,092 sf.ft. units ("B"), and 10 three-bedroom, two bath 1,178 sf.ft. units ("C") for total of 60 rental units. All units include a kitchen, living and dining area, and a covered patio. The manager's unit and clubhouse are connected by a covered walkway (Attachment H). The manager's unit is approximately 1,400 square feet and includes three bedrooms, two baths, living room, kitchen/nook combination, and office with separate entrance. The clubhouse is approximately 3,500 square feet and includes a community room, computer center, kitchen, laundry room, and male and female bathrooms.

Setbacks and Heights

The building setbacks from the south property line will vary from 20 feet facing Gateway Boulevard for buildings # 1 and #4. The setbacks from the east property line vary from 30 feet to 50 feet facing Siskiyou Avenue. There is a proposed 14' landscape area adjacent to the existing block wall on the east property line and landscape areas on the south property line. The landscaping in these areas will be dense so as to screen views from the single-family homes and to mitigate any noise from the proposed project. In addition, the windows on the units are designed to restrict the line of site away from the rear yards of the existing single-family residences to the west and east of the site. In the R-3 Multi-Family zone district two story buildings are allowed up to 35 feet. The highest point of the proposed building is 40'0" which exceeds the maximum height restrictions for the zone district. An approval by the Commission will be required for the additional 5 feet.

Parking

The proposed project is subject to the parking requirements contained in Section 17.74.020 of the Kerman Municipal Code. For apartment projects the ordinance required a parking ratio of 2 parking spaces for each dwelling unit with one of the parking spaces covered. The project will require 122 standard parking spaces with 62 covered and 61 open stalls plus one manager's unit (61 units x 2 spaces). In addition to the standard parking ratios, the zoning ordinance requires that at least five-tenths (0.5) of the parking per unit shall be provided as guest parking. The total number of parking spaces required for the project is 122 (six are handicap accessible spaces).

The site plan shows a total of 122 parking spaces with 62 covered, 61 open stalls and 6 handicap accessible spaces. The parking provided is short one parking stall. The applicant will add one additional parking space as required to comply with the parking requirements. Thus, the proposed project would be in compliance with the parking standards for apartment projects.

Access

The subject site is a corner lot with primary access along Gateway Boulevard. Egress and ingress to the site will be from one primary driveway and one secondary driveway from Gateway Boulevard. A 4'x20' landscape median is proposed at the main driveway. The main driveway will also feature an automatic swing gate on both sides of the drive isles into the complex. Extensive stamped concrete is shown at the main driveway. The secondary driveway will be reserved for emergency access only and for right in and right out only onto Siskiyou Avenue. It should be noted that this was the only allowable access by Caltrans. Direct access from State Route 180/Whitesbridge Avenue is not being proposed and would not be permitted. The proposed driveway meets the city's design standards for police and fire access.

Traffic

The proposed project will have access primarily from Siskiyou Avenue and Gateway Boulevard. The proposed project does not have direct access to Whitesbridge Avenue. Siskiyou Avenue is designated as an arterial street. Arterials are generally two lanes (divided) spaced every ½ mile and provide for traffic movement around or through the city's four quadrants. Whitesbridge Avenue (SR 180) is designated as an expressway providing connectivity with arterials, highways, and freeways as well as connectivity with other cities. Expressways are generally four lanes (divided). Whitesbridge Avenue connects Kerman with Fresno and Highway 99 to the east and with Mendota to the west. Gateway Boulevard is designated as a minor collector road providing for internal traffic movement within a neighborhood and directs neighborhood traffic to collectors and arterials. Minor collector streets typically have only two travel lanes with parking lanes on both sides of the street.

The Hacienda Heights Apartment project that was approved in 2010 used a traffic study that was prepared as part of the 2027 General Plan update to project traffic volumes and to evaluate the capacity of a given roadway segment to handle increases in traffic generated by development over the planning period. Based on the traffic study, the segment of Siskiyou Avenue north of Kearney Boulevard (to Whitesbridge Avenue) has an existing Level of Service (LOS) "A" with the capacity to carry an average daily traffic volume of 9,000 vehicles. Based on the increases in traffic volumes and population over the planning period generated by the development of land uses in the general plan, Siskiyou Avenue is projected to have an average daily traffic volume of 6,387 with a LOS "B". A LOS "B" signifies stable

traffic flow with high maneuverability. Whitesbridge Avenue (SR 180) west and east of Siskiyou Avenue was also shown to have a LOS "A" through the year 2027.

The proposed Gateway Villas apartment project has the potential to generate 455 vehicular trips per day based on 6.59 trips per dwelling unit (Institute of Traffic Engineers, Trip Generation Manual, 8th Edition), which is not anticipated to significantly impact surrounding streets. Existing roadways are fully developed to standard widths capable of handling the increased volume of traffic. Thus, the existing roadway capacity is adequate to serve the projected vehicle trips generated by the project.

Public Improvements

The site is bounded by Siskiyou Avenue to the west and Gateway Boulevard to the south. Both roadways are currently improved with two-lane traffic in each direction. All public utilities (sewer and water) are available or can be extended to serve the site.

Public Safety

The Police Department has reviewed the site plan of the apartment complex and determined that the site layout is acceptable for law enforcement patrol. The Police Chief recommends that the apartment complex participate in the department's Crime Free Multi-Family Housing Program. This program was implemented with Hacienda Heights and has been very successful. This program provides law enforcement with greater flexibility in streamlining the procedures for dealing with and evicting problem tenants.

Fire Protection

The North Central Fire Protection District reviewed the site plan and required the site plan be modified to show potential installation of one (1) new fire hydrant if spacing of existing fire hydrants is not adequate serve for the site. The Fire Department's requirements are included in the conditions of approval for the project.

Trash Enclosures

The applicant is proposing three (3) trash enclosures to be located for convenient access for the residents and for the city's franchise waste hauler. Some minor modifications were discussed at the site plan regarding the location of the enclosure that the architect will modify. The materials, color and texture of the trash enclosures will be required to be consistent with the overall architecture of the main building. Landscaping around the trash enclosure will be required to provide visual screening of the enclosure.

Signage

The applicant is showing one monument sign for the complex to be located in the median island at the main driveway. The applicant will be required to obtain a sign permit for this sign. The material, texture and color of the sign will be required to match the main building(s).

Conditional Use Permit Findings

The Planning Commission may approve a conditional use permit as requested, or in a modified form, after the Commission makes certain findings, as follows:

1. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare.
2. That the proposed use is consistent with the Kerman General Plan.
3. That the environmental document prepared as per the California Environmental Quality Act (CEQA) has been considered prior to a decision.
4. That the site for the proposed use is adequate in size, shape and location to accommodate the uses it relates to the district for which the use is proposed.

The proposed Conditional Use Permit will be consistent with the proposed R-3 Multiple-Family Residential zone designation and the proposed High Density Residential (HDR) General Plan designation.

Environmental Review

An Initial Study (IS) / Negative Declaration (ND) was prepared pursuant to Section 15063(2) of the California Environmental Quality Act Guidelines. The IS/ND analyzed environmental impacts that would be potentially affected by the Gateway Villas Project and determined that no impacts would occur or impacts would be less than significant with respect to the following issues: Aesthetics, Agricultural and Forestry Resources, Air Quality, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Shadows, Utilities, and Mandatory Findings of Significance.

Summary and Recommendation

The proposed sixty-one (61) unit income qualified apartment project will be consistent with the proposed General Plan designation and proposed Zone District and will be consistent with the city's development standards. Staff recommends that the Planning Commission adopt the following:

Resolution No. 16-07, recommending approval of General Plan Amendment No. 16-16-02, recommending adoption of Zone Change Amendment No. 16-01, and recommending adoption of Negative Declaration.

Resolution No. 16-08, recommending approval of Conditional Use Permit No. 16-02.

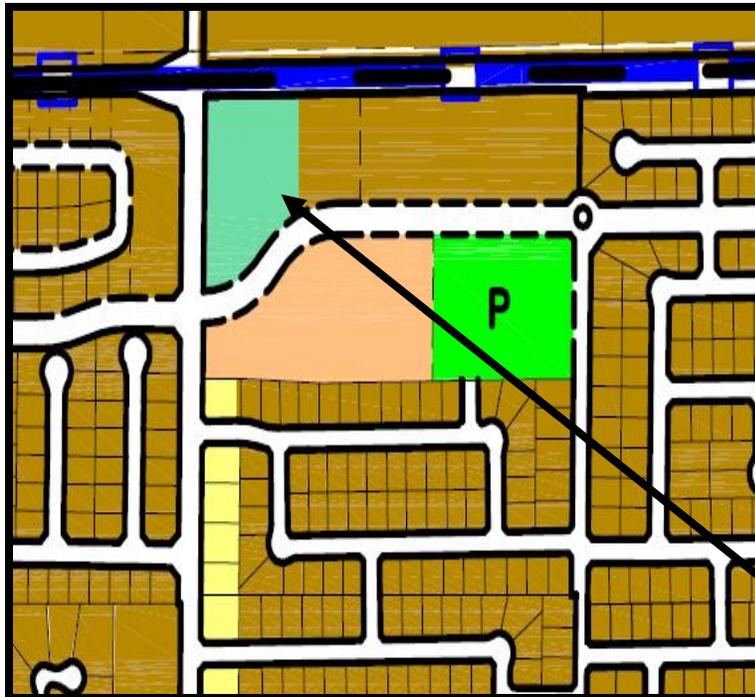
Attachments:

- A. Photographs of site
- B. Land Use Map
- C. Site Plan of Proposed Gateway Villas 61 unit apartment complex
- D. Elevations of Proposed Gateway Villas apartments
- E. Resolution No. 16- 07, GPA, ZCA, and ND.
- F. Resolution No. 16-08, CUP.

Attachment 'A'
Photographs of Site



Attachment 'B'
Land Use Map



LAND USE PLAN
2007 KERMAN GENERAL
PLAN UPDATE

LEGEND

VERY LOW DENSITY RESIDENTIAL	OFFICE
LOW DENSITY RESIDENTIAL	MIXED USE
MEDIUM DENSITY RESIDENTIAL	INDUSTRIAL
HIGH DENSITY RESIDENTIAL	PUBLIC
GENERAL COMM.	QUASI-PUBLIC
SERVICE COMM.	S SCHOOLS
REGIONAL COMM.	P PARKS
NEIGHBORHOOD COMM.	PB PONDING BASINS

Attachment 'C'
Site Plan Map
Proposed Gateway Villas Apartments



Attachment 'D'
Elevations
Proposed Gateway Villas Apartments

Building Type 1 – Exterior Elevations

WEST ELEVATION

SOUTH ELEVATION

EAST ELEVATION

R.C. Davidson, Inc.
ARCHITECTS
EST. 1987

7833 BERRY LANE, FREDERICK, MD 21701
301.441.3000
WWW.RCDV.COM

PROPOSED
"GATEWAY VILLAS"
A FAMILY APARTMENT
COMMUNITY
IN GAITHERSBURG,
ANNEX 10
FOR:
WILLOW PARTNERS, LLC

DATE: 08/11/11
SCALE: 1/8" = 1'-0"

P-3.1.1

Attachment 'E'

RESOLUTION NO. 16-07

BEFORE THE PLANNING COMMISSION
CITY OF KERMAN, STATE OF CALIFORNIA

A RESOLUTION RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 16-02, CHANGING THE GENERAL PLAN DESIGNATION FROM NEIGHBORHOOD COMMERCIAL (NC) TO HIGH DENSITY RESIDENTIAL (HDR) & CHANGE OF ZONE NO. 16-01, CHANGING THE ZONING DESIGNATION FROM NEIGHBORHOOD COMMERCIAL (NC) TO R-3 MULTI-FAMILY RESIDENTIAL, AND ADOPTION OF NEGATIVE DECLARATION ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF WHITESBRIDGE AVENUE AND SISKIYOU AVENUE IN KERMAN CALIFORNIA.

WHEREAS, at a regular meeting of the Planning Commission of the City of Kerman (the "Planning Commission") duly called and held on May 2, 2016, at 6:30 p.m., it was moved by Commission member _____ second by Commission member _____ and carried that the following resolution be adopted:

WHEREAS, the Planning Commission has received an application for a General Plan amendment to change the General Plan designation from Neighborhood Commercial (NC) to High Density Residential (HDR) for property located on the southeast corner of State Route 180/Whitesbridge Avenue and Siskiyou Avenue; and

WHEREAS, the Planning Commission has received a petition to change the zoning designation from the Neighborhood Commercial (NC) to R-3 Multi-Family (R3) for property located on the southeast corner of State Route 180/Whitesbridge Avenue and Siskiyou Avenue; and

WHEREAS, the proposed General Plan Amendment and Change of Zone is to allow for the development of a Gateway Villas, a 61 unit income qualified apartment complex; and

WHEREAS, Planning Department staff presented factual information regarding the proposed General Plan Amendment and Change of Zone; and

WHEREAS, the Planning Commission pursuant to chapter 17.26, Zoning Ordinance Amendments, section 17.26.030 conducted a duly noticed public hearing on May 2, 2016, to consider the zone ordinance amendment; and

WHEREAS, the Planning Department has prepared an Initial Study (IS) / Negative Declaration (ND), pursuant to Section 15063(2) of the California Environmental Quality Act Guidelines. The IS/ND analyzed environmental impacts that would be potentially affected by the Gateway Villas Project and determined that no impacts would occur or impacts would be less than significant.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission, after considering all the evidence presented at the public hearing as follows:

1. The foregoing recitals are incorporated by reference as if fully set forth.
2. The following findings are hereby made:
 - a. The proposed General Plan and Zoning Change Amendments are consistent and compatible with other goals, policies and implementation programs set forth in the General Plan.
 - b. The proposed General Plan and Zoning Change Amendments will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the community.
 - c. An Initial Study (IS) / Negative Declaration (ND) has been prepared pursuant to Section 15063(2) of the California Environmental Quality Act Guidelines.
3. Based on the foregoing, the Planning Commission recommends that the City Council approve the proposed General Plan Amendment and adopt the proposed Zoning Change Amendment to change the General Plan designation from Neighborhood Commercial (NC) to High Density Residential (HDR) and to change the Zoning Designation from Neighborhood Commercial (NC) Zone District to the Multi-Family Residential (R3) Zone District, and adopt the Mitigated Negative Declaration as adequate environmental document for the project.

The foregoing resolution was adopted at a regular meeting of the Kerman Planning Commission held on this 2nd day of May by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

Chairman, Robert D. Epperson

Date

Secretary, Olivia Pimentel

Date

Attachment 'F'

RESOLUTION NO. 16-08

BEFORE THE PLANNING COMMISSION
CITY OF KERMAN, STATE OF CALIFORNIA

A RESOLUTION RECOMMENDING APPROVAL OF CONDITONAL USE PERMIT (16-02) TO ALLOW CONSTRUCTION OF GATEWAY VILLAS, A 61 UNIT, INCOME QUALIFIED APARTMENT COMPLEX ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF WHITESBRIDGE AVENUE AND SISKIYOU AVENUE IN KERMAN CALIFORNIA.

WHEREAS, at a regular meeting of the Planning Commission of the City of Kerman (the "Planning Commission") duly called and held on May 2, 2016, at 6:30 p.m., it was moved by Commission member _____ second by Commission member _____ and carried that the following resolution be adopted:

WHEREAS, the Planning Commission has received an application for a Conditional Use Permit to allow construction of Gateway Villas, a 61 unit income qualified apartment complex on property located on the southeast corner of State Route 180/Whitesbridge Avenue and Siskiyou Avenue; and

WHEREAS, Planning Department staff presented factual information regarding the proposed Conditional Use Permit; and

WHEREAS, the Planning Commission pursuant to chapter 17.12, Conditional Use Permits, section 17.12.040 conducted a duly noticed public hearing on May 2, 2016, to consider the Conditional Use Permit; and

WHEREAS, the Planning Department has prepared an Initial Study (IS) / Negative Declaration (ND), pursuant to Section 15063(2) of the California Environmental Quality Act Guidelines. The IS/ND analyzed environmental impacts that would be potentially affected by the Gateway Villas Project and determined that no impacts would occur or impacts would be less than significant.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission, after considering all the evidence presented, determined the following findings were relevant in evaluating this Conditional Use Permit:

1. The proposed use will not be detrimental to the public health, safety, welfare, morals of the persons residing or working in the neighborhood of the proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the city.
2. The proposed use is consistent with the Kerman General Plan.

3. An Initial Study (IS)/Negative Declaration (ND), pursuant to Section 15063(2) of the California Environmental Quality Act Guidelines has been prepared prior to the Planning Commission decision.
4. That the site for the proposed use is adequate in size, shape and location to accommodate the use as it relates to the district for which the use is proposed.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Kerman recommends approval for Conditional Use Permit No. 16-02 subject to the conditions contained in Exhibit "A".

The foregoing resolution was adopted at a regular meeting of the Kerman Planning Commission held on this 2nd day of May, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

Chairman, Robert D. Epperson

Date

Secretary, Olivia Pimentel

Date

Exhibit 'A'

Conditions of Approval

General Requirements

1. The site plan, building elevation and floor plan drawings prepared by R.L. Davidson, Inc. dated January 12, 2016 are conditionally approved for the sixty one (61) unit family housing project as shown in Exhibit 'A', consisting of sheets Site Plan/P-1.0, Site Plan/Landscape Plan P-1.1, Unit Floor Plans P-2.0.
2. This Conditional Use Permit approval shall become null and void if all conditions have not been complied with and the occupancy, use and/or development of the land have not taken place within one (1) year of the date of approval. Extensions of time, not to exceed one (1) year may be granted upon written request with the appropriate fee. PLEASE NOTE: This will be the only notice given for the specified expiration date. The applicant is responsible for initiating an extension request.
3. Any alteration or expansion of these facilities or increase in the developed area of the site from that shown on the approved site plan may require submission of an additional land use application for review and approval.
4. All of the conditions of this Conditional Use Permit are continuously in effect throughout the operative life of the project for the use approved. Failure of the property owner, tenant, applicant, developer or any operator to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the Conditional Use Permit. The County shall provide adequate notice, time and opportunity to the property owner or other interested party to correct the non-complying situation.
5. The property owner shall maintain all landscaping, fencing and structures regularly so that all facets of the development are kept in continual good repair, including but not limited to the removal of graffiti and the continued provision of healthy thriving landscaping. The property shall be maintained so that it is visually attractive and not dangerous to the health and welfare of the surrounding properties. Drought-resistant, fire retardant vegetation shall be used for any replacement landscaping and erosion control to reduce water consumption and promote slope stability (where applicable).
6. The site plan and building elevation drawings shall be revised as appropriate to reflect all conditions of approval and plans shall be resubmitted to the Planning Department for final review and approval by the Director of Planning and Development prior to the issuance of a grading permit. Full compliance with conditions of approval shall be achieved prior to issuance of any Certificates of Occupancy or as modified by the Director of Planning and Development.
7. Prior to the commencement of any work within the City of Kerman, the general contractor and all sub-contractors shall obtain a business license from the Planning & Development Services Department. For a business license application or for more information, contact Finance Department at (559) 846-9385.

8. Prior to issuance of certificate of occupancy by the Building Division, the applicant shall obtain a business license from the Planning & Development Services Department. For a business license application or for more information, contact Monica Fonseca at (559) 846-6121.
9. No sign shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety, or interfere with the safe operation of a motor vehicle on public streets. This includes, but is not limited to, the driver's view of approaching, merging or intersecting traffic.
10. Pursuant to Government Code Section 66474.9, the applicants (including any agent thereof) shall defend, indemnify, and hold harmless, the City of Kerman and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attach, set aside, void, or annul the City's approval concerning this application, which action is brought within the time period provided for in Section 55499.37. The City will promptly notify the applicants of any such claim action or proceeding and cooperate fully in the defense.

Site Plan

11. The entry driveway shall include accent stamped pavement as shown on the site plan, sheet P-1.0 dated January 12, 2016.
12. All street lights shall be a nostalgic style, consistent with other street lights in Downtown Kerman
13. Existing block wall shall be stucco textured and/or painted to be consistent with, and complimentary to, building materials and finishes for the main buildings.
14. Provide pilasters (even placed) between sections of wrought iron fence along the southern property line fronting Gateway Boulevard and on the western property line fronting Siskiyou Avenue for visual enhancement. The material and colors for the pilaster should be consistent with, and complimentary to, building materials and finishes for the main buildings.
15. Provide sufficient pedestrian-scale lighting to achieve a minimum 0.5 foot candles at the walking surface along the walkway on the eastern side of the building.
16. Lighting sources should have cut off lenses and should be located to avoid light spillage and glare on adjacent properties and in private properties.
17. Provide bicycle rack(s) for the complex. Bicycle rack(s) shall be located in highly visible and convenient areas (e.g., common areas or near residential units).
18. Parking and pedestrian light fixtures shall be decorative and compatible with the architectural design of the building.
19. Streets, entry drives, drive aisles, and parking areas shall have a minimum illumination of 1.0 foot candles at the pavement surface.
20. Apartment numbers shall be strategically placed to direct visitors to their desired destination and to aide emergency response personnel.

Architecture

21. The building elevation drawings for the proposed building shall be substantially consistent with the elevations submitted for the proposed project (sheet Clubhouse Elevations, P-3.1.1 and P-3.1.3 Building Type 1 Exterior Elevations, prepared by R.L. Davidson, Inc.). The architectural elements for the buildings shall be consistent and integrated into the overall design of the building. Any modifications to the building elevations pursuant to these conditions of approval shall be submitted to the Planning Division for review and approval by the Director of Planning & Development prior to issuance of building permit.
22. The covered carports shall provide material and colors consistent with, and compatible to, the building materials and finishes.
23. Heating and air conditioning units or other mechanical equipment should be located on the ground away from private outdoor space such as porches and patios, and screened from public view through landscaping and/or screen walls.
24. Roof-mounted heating and air conditioning units or other mechanical equipment shall be set back from the roof edge, placed behind parapet or in a well so that they are not visible by motorists or pedestrians from California Avenue. All roof-mounted mechanical equipment on the building shall be visually screened and acoustically shielded. Screening for roof-mounted equipment shall be integrated into the building and roof design and use compatible materials, colors and forms. Wood lattice or fence like coverings is prohibited for screening.
25. All meters, valves, pipes and any other mechanical /plumbing/electrical appurtenances on the building exterior shall be painted and/or textured to match the building color.
26. Any above ground utilities including street lights, fire hydrants, postal boxes, etc. shall be installed behind sidewalks. If located adjacent to buildings, transformers and protective bollards shall be painted to match the building and all transformers shall be screened from public view by dense landscaping.
27. The project shall incorporate graffiti resistant materials. The property owner shall at all times maintain an adequate amount of paint, matching the project and shall abate any graffiti at the project within 48 hours of appearance of such graffiti.

Construction

28. The developer and/or contractor shall contact the Planning and Development Services Department to schedule a pre-construction meeting with the appropriate city departments, fire department prior to commencement of work. Contact Monica Fonseca, Building Permit Technician, at (559) 846-6121 to schedule meeting.
29. Submit a Storm Water Pollution Prevention Plan (SWPPP) to the Building Official as required.
30. Construction debris shall be contained within an on-site trash bin and the project site shall be watered at all times for dust control during grading and construction.

31. Prior to issuance of a building permit, the applicant shall confirm with the Building Division if the project is subject to the Construction and Demolition Recycling Program. Construction and demolition projects exceeding \$100,000 in valuation are subject to the C&D Program and shall submit the appropriate Waste Reduction Recycling Plan, application fee, and security deposit. Contact Olivia Pimentel, Building Department, at (559) 846-6121 for more information.
32. Grading/construction work including start-up of equipment/machinery shall not begin prior to 7:00 a.m. Monday through Friday. Prior authorization must be obtained from the City Engineer for any work (including underground work) occurring on weekends and holidays. For more information contact Jerry Jones, City Engineer, at (559) 244-3123.
33. The Developer shall be responsible for obtaining and complying with encroachment permits from the Building Division for any work performed within the street or alley right-of-ways. A performance bond in the amounts prescribed by the Building Official shall be submittal with encroachment permit application. Please contact Chris Kufis, Building Official, at (559) 842-2301 for more information.
34. The Developer shall use the City's exclusive franchise roll-off waste hauler for removal of construction debris. Contact Mid Valley Disposal, 15300 W. Jensen Avenue, Kerman, CA for bin information and pricing at (559) 846-2467.
35. All property not occupied by structures, paving or landscaping on the subject site shall be properly maintained for both health and aesthetic reasons. Grass, weeds and debris shall be abated as required by the Code Enforcement Division and Fire Department.
36. The construction contractor(s) shall implement dust suppression techniques to prevent fugitive dust from creating a nuisance off-site by:
 - a. Watering active sites at least two times daily (locations where grading is to occur shall be thoroughly watered prior to earth moving).
 - b. Requiring all trucks hauling dirt, sand, soil, or other loose materials to be covered.
 - c. Reducing traffic speeds on all unpaved roads to 15 mph or less.
 - d. Suspending all excavating and grading operations when wind speeds exceed 25 mph.
 - e. Washing trucks and any equipment prior to exiting unpaved roads onto paved roads.
 - f. Maintaining the site in as clean a condition as possible avoiding the tracking of dirt, mud and debris onto adjoining property and onto public streets.
37. Construction equipment shall be staged away from any surrounding residences.
38. Upon completion of rough grading and prior to footing excavations, a compaction report shall be submitted to the Building and Safety Division for review and approval.

39. The Developer shall install all on-site and off-site improvements in accordance with City of Kerman Standards and Specifications, and shall provide and pay for any compaction tests required by the City in the course of construction.

Parking

40. The number of parking spaces shall comply with Section 17.74.020 of the Kerman Municipal Code. One additional parking space is required to comply with the parking requirements for the project.
41. One handicap accessible parking space shall be provided for each fifty parking stalls. Handicapped parking spaces shall be located as near as practical to the primary entrance or shall be located to provide for safety and optimum proximity to the entrances of the building. Handicap parking shall be designed in accordance with standard requirements.
42. Parking and on-site circulation requirements shall be maintained.
- a. All markings to include parking spaces, directional designations, No Parking designations and Fire Lane designations shall be clearly defined (as required by the Fire Department) and said markings shall be maintained in good condition at all times.
- b. Parking and site circulation surfaces shall be maintained in good condition at all times.
- c. All parking stalls shall be clearly striped and permanently maintained

Trash Enclosure

43. Trash enclosures shall be constructed of durable materials and the color, texture and architectural detailing shall be consistent with the overall site and building design. Gates on the enclosures shall be constructed of metal or some other comparable material and shall be painted to match the enclosure. Use of chain link/wood for gates is prohibited.
44. A concrete pad inside enclosures should be included to prevent damage to ground surfaces from filled containers. The pad should extend 10 feet in front of gates.
45. A separate pedestrian entrance to the trash enclosure is strongly encouraged for convenience of the tenants and to limit the frequency of access gates being opened.
46. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that visual or other impacts and environmental public health nuisances are minimized and complies with Kerman Municipal Code Title 8.

Building Permit and Payment of Fees

47. The developer/property owner shall secure a building permit from the Kerman Building Division prior to construction and include the he following information at time of submittal of construction drawings (if applicable):

- a. Completed and signed Building Permit Application and payment of fees.
 - b. Three (5) sets of construction drawings on 24" x 36" sheets
 - c. Two (2) sets of engineering calculations
 - d. Two (2) sets of energy calculations
 - e. Two (2) sets of truss calculations
 - f. Two (2) copies of soils report
48. Construction plans submitted for building permits shall be 24" by 36" with city standard title block for all required improvements. Building plans be based on the 2013 CBC, CED, CMC, CPC & Energy Code. Ensure that all notes and references on the construction drawings are in accordance with this code.
 49. The construction plans shall also include any street, site utility, grading and drainage or other public improvement plans, as applicable. All construction plans shall be approved by the city and all other affected agencies prior to the issuance of the building permits.
 50. The site will be designated seismic zone "D", unless proved to a lesser zone by a licensed soils engineer. Will load will be 85 miles per hour (mph) and exposure C.
 51. Prior to issuance of building permits for apartment complex, the developer will submit proof of payment to the Kerman Unified School District's development impact fees required for new residential construction.
 52. Prior to issuance of building permits, the developer will be required to pay to the City of Kerman Development Impact Fee in effect at the time of building permit issuance, or as may be determined by separate development agreement. The impact fees are estimated at the time of building permit application. Contact City Engineer at (559) 244-3123 for updated fees or if you have any question regarding the development impact fees.
 53. Prior to issuance of a certificate of occupancy for the apartment complex, the developer will submit proof of payment to the Fresno County Transportation Authority's Regional Transportation Mitigation Fee (RTMF) for new residential construction. The RTMF must be paid to the RTMF Joint Powers Agency, located at 2035 Tulare Street, Suite 201, Fresno, CA. Please call (559) 233- 4148 for more information. The rate to be paid is the rate in effect at the time of payment.
 54. Applicant shall be responsible to pay any Fresno County Public Facilities Impact Fees in effect at the time building permit is issued, if applicable. This fee has been temporarily suspended; however it is the responsibility of the applicant to confirm whether there is a fee due or not and to inquire if there is a fee per multi-family unit. For more information, contact Teresa Parks, Accountant, or Stephen Farmer, Accounting & Financial Division Chief, Auditor-Controller/Treasurer Tax Collector at (559) 488-2892.
 55. If applicable, the developer/property owners shall pay all Department of Fish and Game fees and associated County filing fees if a Notice of Determination is filed (NOD). Applicant to contact the Department of Fish and Game 1416 9th Street, Sacramento.

Landscaping

56. The applicant shall provide three (3) copies of complete landscape and irrigation plans for the planting/re-planting and permanent irrigation system for the project. The plan shall show the type, size, and location of all plant material and utilize indigenous landscaping to minimize water consumption. The Landscape and Irrigation Plan shall be prepared by a licensed landscape architect and shall be prepared in compliance with the approved site plan and the City of Kerman's Water Efficiency Landscape Ordinance.
57. Landscaping shall incorporate shade and ornamental trees, shrubs and vines, groundcover and lawn. Drought tolerant landscaping and a drip irrigation watering system are encouraged in areas as appropriate.
 - a. Dense landscaping (vines, shrubs) shall be provided to screen outdoor trash enclosures, transformers, generators, and other elements visible from public streets. Shrubs should be a minimum of one gallon in size; however, a mix of one gallon and five gallon shrubs is strongly encouraged.
 - b. A minimum 15-gallon shade tree shall be installed every 25 feet along the street frontages at Gateway Boulevard and Siskiyou Avenue.
 - c. All landscaping and irrigation system shall be installed prior to issuance of a certificate of occupancy and shall be permanently maintained in a healthy and weed free condition.
 - d. The irrigation system shall be designed to prevent overspray onto walkways, parking areas, buildings, and fences.
 - e. The irrigation system shall include, where practical, drip, bubbler or other non-aerial water application methods or system. The system shall include automatic valves/timers for controlled application.
 - f. The landscape irrigation system shall have a separate meter from the units.
58. A variety of shrubs and ground cover that provide color and vibrancy shall be planted in the median at the entry in lieu of turf.
59. A minimum 2:1 mound shall be provided in the landscape setback area along Siskiyou Avenue and Gateway Blvd.
60. Voltage boxes, mailboxes, trash enclosures, maintenance structures, backflow devices, automatic controls, air conditioning/heating units, etc. shall be screened with landscaping and/or decorative fencing/trim.
61. All parking lots of ten spaces or more shall have at least five percent of the parking lot devoted to landscaped planters. One fifteen-gallon tree shall be planted for every five parking stalls and distributed so as to provide a fifty percent shade cover within fifteen years.

62. Backflow preventers for landscaping irrigation and domestic water shall not be located at visually prominent locations (such as the end of drive aisles or at site entries) and shall be well-screed with shrubs or low screen walls.
63. Inorganic ground cover (gravel, bark, or crushed rock) should only be used as an accent material and is otherwise encouraged, but it should not be used an alternative to ground cover.
64. All landscaped areas shall have automatic irrigation systems installed to ensure plan material survives. Drip irrigation is encouraged where appropriate.
65. Screen existing electrical transformers located at the southeast corner of the parcel through use of varied and dense landscaping (per utility company standards and approval).

City Engineer

66. Submit Civil Improvement Plans (Grading and Drainage Plan, Overall Site Plan, Offsite Improvement Plans, and Water Pollution Control Plan) on 24" x 36" sheets for review and approval by the City Engineer. These plans shall be prepared by a registered civil engineer. All plans shall be approved by the City and all others involved agencies prior to the release of any development permits.
67. Repair or replace any broken or damaged off-site curbs, gutter or sidewalk to the satisfaction of the City Public Works Inspector.
68. Within twenty (20) calendar days after all improvements have been constructed and accepted by the City, the developer shall submit to the City of Kerman Engineering Division on PDF file or CD and one black and white copy of the approved set of construction plans revised to reflect all field revisions and marked "AS-BUILT".
69. Applicant shall pay all applicable development impact fees at the rate in effect at the time of payment prior to the issuance of Building Permit.
70. The developer shall comply with, and be responsible for obtaining encroachment permits from the City of Kerman for all work performed within the City's right-of-way.
71. The developer shall install all off-site improvements in accordance with the City of Kerman Standards and Specifications for those portions within the City's right-of-way.
72. The developer shall be responsible for all actions of his contractors and subcontractors during the course of any work occurring on the site. The developer shall designate, in writing before starting work, any authorized representative who shall have complete authority to represent and to act for the developer. Said authorized representative shall be present at the site of the work at all times while work is actually in progress on the development. During periods when work is suspended, arrangements acceptable to the City Engineer shall be made for any emergency work which may be required. When the developer or his authorized representative is not present on any particular part of the work where it may be desired to give directions, orders may be given by the City Engineer which shall be received and obeyed by the person or persons in charge of the particular work in reference to which the orders are given. Whenever orders are

given to the developer's representative or superintendent or foreman to do work required for the convenience and safety of the general public because of inclement weather or any other such cause, such work shall be done at the developer's expense.

73. The developer shall comply with the requirements of the Pacific, Gas and Electric Company (P.G. & E), Kerman Telephone Co. (Sebastian) and Media one. It shall be the responsibility of the developer to notify P.G. & E and Sebastian to remove or relocate utility poles where necessary. All new utilities shall be underground.
74. All existing on-site agricultural irrigation systems shall be identified. Their disposition shall be in accordance with the requirements of the City Engineer. The developer shall provide details of all existing irrigation systems to the City Engineer for specifications of abandonment or relocation. The developer shall consult with the Fresno Irrigation District for any additional requirements for lines to be abandoned. The developer shall provide waivers from all users.
75. .During the site construction, any public streets fronting the project shall be kept clear of any construction or landscaping debris and shall not be used as a storage area for equipment, materials, or other items.
76. Consent to an increase in the annual assessment for the Kerman Landscape and Lighting District No. 1.
77. Developer shall obtain approval from Fresno Irrigation District for all encroachments into the existing FID easements on the west side of the site.

Grading & Drainage

78. The site is master-planned to drain to the south and west. If an on-site storm drain system is required, it shall be connected to the storm drain system at the intersection of Siskiyou Avenue and Gateway Boulevard.
79. Grade differentials at adjacent properties shall be adequately shown on the grading plan and shall be treated in a manner in conformance with City of Kerman Standard Drawings. Any required retaining walls 2 feet or higher shall be masonry construction and any required retaining walls less than 2 feet may be wood or masonry construction. All retaining walls shall be designed by a registered civil engineer.
80. Submit a copy of Storm Water Pollution Prevention Plan with Notice of Intent, or Construction Rainfall Erosivity Waiver, if applicable, prior to issuance of Grading Permit. The City is not a designated MS4 area. The developer shall comply with all requirements of the NPDES General Permit.
81. Submit a copy of SJVAPCD Dust Control Plan or Construction Notification Form, if applicable, prior to issuance of Grading Permit.

Streets

82. Install driveways and sidewalks along Siskiyou Avenue and Gateway Boulevard in accordance with the City of Kerman Standards. Replace any damaged curb and gutter along site frontages.
83. Access from Siskiyou Avenue shall be right in, right out only. No modifications to the existing median island will be allowed.
84. Install one streetlight on Siskiyou Avenue per City of Kerman Standards. Streetlight shall be placed midway between return at Whitesbridge Road and existing northernmost streetlight on Siskiyou Avenue.

Water

85. Existing 8" water services stubbed to site on Gateway Boulevard shall be utilized for service to the site. No additional services and street cuts will be allowed without prior approval by the City Engineer.
86. Onsite water system shall be per one of the following options.
 - a. Loop 8" water main through site and place within 10 foot wide water main easement dedicated to the City of Kerman. All onsite fire hydrants and water meters shall be placed within the easement. The water main, fire hydrants, and water meters will be owned and maintained by the City of Kerman; or
 - b. Install master water meter and backflow device on each water service on Gateway Boulevard. No City water meters will be allowed onsite and onsite water mains and fire hydrants shall be owned and maintained by Owner.
87. All water services shall include a RP backflow device. Landscape water services shall be separate from domestic water services.
88. No water service connection shall be made to the City of Kerman water system until a bacteriological report has been accepted by the City.
89. Fire hydrant locations shall be approved by the Fire Department. Install fire department connections for sprinkler systems as required by the Fire Department. Fire sprinkler services shall have detector check valves.

Sewer

90. Existing 8" sewer services stubbed to site on Gateway Boulevard shall be utilized for service to the site. No additional services and street cuts will be allowed without prior approval by the City Engineer.

Fire Department

The Fire Department completed a review and have the following requirements and conditions for this project as a condition of approval:

91. Show all existing public fire hydrants on site plan. If spacing isn't adequate, an on-site hydrant may be required. Fire hydrants shall be spaced no more than 450 ft. apart, with the travel distance to a hydrant over a paved surface shall not exceed 225 ft. Fire hydrant locations shall be approved by the Fire Department.
92. The entire width of a required access way shall remain unobstructed to a vertical height of 13 feet, six inches. Coordinate landscape plan to meet this requirement with assumed plant growth.
93. A minimum 20' clear opening in vehicle gates is required for emergency vehicle access.
94. Provide approved police/fire bypass lock ("Best" padlock model 21B700 series or electric cylinder switch model 1W&B2) on drive access gate/s. All electrified gates shall be equipped with both the Best electric cylinder lock 1W7B2 and "Click to Enter" system. Gates/fence shall not obstruct minimum width required for fire lanes.
95. Provide approved visual recognition/features sign at the "Click to Enter" gate locations.
96. Electric gates shall be provided with battery back-up.
97. Curbs designated as "Fire Lane" shall be painted red and have "Fire Lane" stenciled in minimum 3" white letters every 50' or portion thereof. See highlighted site plan for locations.
98. Provide note on site plan: Provide sign(s) (17" x 22" minimum) at all public entrance drives to the property which state "Warning – Vehicles stopped, parked or left standing in fire lanes will be immediately removed at owner's expense – 22658(a) California Vehicle Code – Kerman Police Department 846-8800 (1" letters)
99. All pedestrian gates, where required for compliance of the 200' rule, shall remain unlocked or be provided with Police/Fire bypass locks. ("Best" padlock model 21B700 series). A Knox padlock may not be used.
100. Note on plan: Turn in private drives for fire apparatus access shall have minimum 44 foot centerline turn radius.
101. Street address shall be installed on the building with numbers that are a minimum twelve (12) inches in height and with a one (1) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external).

The project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the buildings(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire

Department and the Building and Safety Section of the City of Kerman when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building. Any questions regarding requirements are to be addressed to: Fresno Fire Department, Community Risk Reduction Unit, Laurie Sawhill, Senior Fire Inspector at (559) 621-4147, email Lauri.Sawhill@fresno.gov . 911 H Street, Fresno, CA 93721

Caltrans

Caltrans completed a review of the proposed site plan for the Gateway Villas Apartments and offered the following conditions of approval.

102. The proposed driveway connecting Siskiyou Avenue gives the appearance of a right in, right out driveway. This should be confirmed and confirmation submitted to Caltrans. No direct access from SR 180 is being proposed and none would be allowed.
103. The right-of-way along SR 180 should be 55 feet measured from the centerline of the highway to the Project's frontage.
104. A maintenance agreement for sidewalk and landscaping is required for this project.
105. It is predicted that a small percentage of the trips generated from the Gateway Villas Apartments would utilize the SR 180 intersection at Siskiyou. However, their impact to the State's facilities would be minimal.

Any questions regarding Caltrans conditions of approval are to be addressed to Jennifer Bryan-Sanchez, Associate Transportation Planner Caltrans-DO6 1352 W. Olive Avenue Fresno, CA 93728 (559)488-7307 or email jennifer.bryan-sanchez@dot.ca.gov

END OF CONDITIONS

Applicant hereby acknowledges receipt of and agrees with the Conditions of Approval.

 Representative/Agent:
 Willow Community Partners, LLC

 Date